



November 14, 2006

Chairman Kevin J. Martin  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Commissioner Michael J. Copps  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Commissioner Deborah Tate  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Commissioner Robert McDowell  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Commissioner Jonathan S. Adelstein  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Dear Mr. Chairman and Commissioners:

The purpose of this letter is to file a formal complaint requesting an investigation into new incidents of television stations airing "video news releases" (VNRs) without disclosure. The widespread and undisclosed use of VNRs represents a serious, ongoing crisis in our broadcast news media.

Center for Media and Democracy will follow this letter with a copy of their latest study, "Still Not the News: Stations Overwhelmingly Fail to Disclose VNRs," which documents 46 TV stations airing corporate VNRs -- sponsored segments produced to mimic independent news reports.<sup>1</sup> The report and all of the video evidence is also available in its entirety at [www.stopfakenews.org](http://www.stopfakenews.org)

On April 5, 2006, we delivered the first part of this research, "Fake TV News: Widespread and Undisclosed," which documents use of an additional 36 VNRs by 77 television stations.<sup>2</sup>

On April 6, 2006, Free Press and CMD filed a complaint calling on the agency to "clarify and enforce its sponsorship identification rules,"<sup>3</sup> and strongly penalize stations that air fake news."<sup>4</sup>

In the nearly seven months since we filed the first complaint, tens of thousands of Americans have written letters to the agency urging a thorough investigation of the widespread abuse.<sup>5</sup>

We were pleased that the Commission had sent letters of inquiry on August 11, 2006 to the broadcasters identified in the first CMD report, calling on them to provide evidence regarding their

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<sup>1</sup> Diane Farsetta and Daniel Price. "Still Not the News: Stations Overwhelmingly Fail to Disclose VNRs," 14 November 2006, Center for Media and Democracy, <http://www.prwatch.org/fakenews2/execsummary>.

<sup>2</sup> Diane Farsetta and Daniel Price. "Fake TV News: Widespread and Undisclosed," 6 April 2006, Center for Media and Democracy, <http://www.prwatch.org/fakenews/execsummary>.

<sup>3</sup> See, e.g., Applicability of Sponsorship Identification Rules, Public Notice, 40 FCC 141 (1963); Sponsorship Identification Rules, Applicability, 40 FR 41936 (1975); 47 U.S.C. §§ 317, 508 and 47 C.F.R. §§ 73.1212, 76.1615.

<sup>4</sup> Free Press and CMD Complaint to the FCC. April 6, 2006, [http://www.freepress.net/docs/fcc\\_complaint\\_4-06-06.pdf](http://www.freepress.net/docs/fcc_complaint_4-06-06.pdf)

<sup>5</sup> No Fake News Campaign, <http://www.freepress.net/fakenews/>.

undisclosed use of VNRs.<sup>6</sup>

We urge the FCC to pursue this investigation to the fullest extent. Furthermore, we urge the agency to launch a new investigation of those stations identified in the latest report and to strengthen disclosure requirements for fake TV news.

Our research indicates that the broadcast of undisclosed fake news continues unabated, despite the Commission's actions and broadcasters own attempts to police themselves.

The latest CMD report documents:

- VNR use by 46 TV stations in 22 states, including major markets (New York, Boston, Los Angeles, San Francisco, Philadelphia, Miami, Minneapolis) broadcasting 33 different VNRs.
- Only two stations provided clear disclosure of the VNR material they broadcast – KYW-3 (Philadelphia, PA) and WCPO-9 (Cincinnati, OH). Both were also cited in CMD's first report.
- Seven other stations named in CMD's first report subsequently aired VNRs, without any disclosure: WBRZ-2 (Baton Rouge, LA), WDAF-4 (Kansas City, MO), WCTI-12 (New Bern, NC), WPIX-11 (New York, NY), WSYX-6 (Columbus, OH), WYTV-33 (Youngstown, OH), and KLBK-13 (Lubbock, TX). One previously-cited station, NY1 (New York, NY), offered fleeting, ambiguous disclosure of its more recent VNR usage.
- Two other stations – KGTV-10 (San Diego, CA) and WDTN-2 (Dayton, OH) – offered fleeting, ambiguous disclosure of recent VNR broadcasts.
- Collectively, the local TV stations named in the new report broadcast to nearly 40% of the U.S. population.
- 37 VNR broadcasts featured in the second CMD investigation occurred after the FCC launched its own investigation on August 11.

Between the two reports, CMD has recorded 140 VNR broadcasts. Clear sponsorship disclosure information occurred in only two out of the 140 VNRs documented (or 1.4%).

The "fake news" captured over the two reports was aired in 36 states, including broadcasters in the nation's 10 largest markets. The stations implicated in the report reach well over half of the U.S. viewing population.

Still, the cumulative findings of these reports represent only a small sample – less than 1 percent – of the thousands of VNRs the PR industry produces each year for broadcast on television news programs.

Free Press and CMD believe that undisclosed VNRs have compromised local news programming in every market. The integrity of broadcast journalism remains at risk until TV stations stop airing fake news.

It is apparent that the Commission needs to expand its investigation into these abuses and clarify to broadcasters their responsibilities under FCC rules and the terms of their licenses.

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<sup>6</sup> Free Press and CMD Complaint to the FCC. April 6, 2006

As cited in the Commission's April 2005 Public Notice, whenever stations air VNRs, licensees "must clearly disclose to members of their audiences the nature, source and sponsorship of the material that they are viewing."<sup>7</sup>

A broadcaster's failure to fully disclose that a news story contains material that was provided to them by a commercial or governmental source is a violation of existing regulations. Listeners and viewers are entitled to know who seeks to persuade them with programming offered over the public airwaves.

As per our recommendations in the prior complaint, federal regulators should intervene to tighten the rules and prevent future abuses. As part of this effort, Free Press and CMD recommend that:

- All broadcast of provided and/or sponsored video footage be required to carry a continuous, frame-by-frame visual notification of its source.
- All broadcast of provided and/or sponsored audio material be required to include a verbal notification at its beginning and/or end, disclosing its source.
- Broadcasters be required to place in their public file a monthly report on their use of all provided and/or sponsored material.

It is time regulators got to the bottom of this practice, identified violators, clarified disclosure requirements and improved the effectiveness of the rules and the thoroughness of their enforcement.

We urge the Commission to make this issue a priority and swiftly investigated these and all other VNR abuses to help restore the public trust in the integrity of local news.

Sincerely,

Timothy Karr  
Campaign Director  
Free Press

Diane Farsetta  
Senior Researcher  
Center for Media and Democracy

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<sup>7</sup> FCC Public Notice, 13 April 2005.