

These guidelines govern the recognition of corporate and other sponsors of public radio broadcast programming and the streaming of music on public radio digital platforms. The Guiding Principles and Criteria are drawn from public radio's extensive experience with the regulation of sponsor recognition messages by the Federal Communications Commission (FCC).

## Guiding Principles

The following principles underlie these standards for broadcast and digital streaming sponsor recognition messages.

1. The content of sponsor recognition messages in broadcast programming and on public radio digital platforms in connection with digital music streaming must respect and preserve the noncommercial nature of public radio. Sponsor recognition messages are not commercials, and they should be presented in a manner that maintains the uncluttered experience public radio listeners expect.
2. Sponsor recognition messages should be consistent with the standards and core values of public radio programming generally. Among other things, the content and context of sponsor recognition messages should not suggest any influence by the sponsor over public radio programming or editorial decisions.
3. With respect to broadcast sponsor recognition, public radio stations are ultimately responsible for what they broadcast and are accountable to the FCC. Program producers and distributors have both the responsibility to avoid causing regulatory jeopardy to public radio stations as a result of sponsor recognition messages accompanying such programming and the reasonable expectation that stations will air sponsor recognition messages that meet the standards set forth in these guidelines.
4. Public radio producers, distributors, and stations offering sponsor recognition messages in connection with the streaming of music on public radio digital platforms are responsible for ensuring compliance with applicable legal and ethical obligations to musicians and songwriters.
5. Public radio sponsors making financial contributions to support programming on public radio stations or digital music streaming on public radio digital platforms must be treated fairly and transparently. They should be made aware of applicable rules and policies governing sponsor recognition message content and presentation.

## Guiding Criteria

The following criteria concerning the placement and length of sponsor recognition messages, the identification purpose, and message content limits apply directly or by analogy to sponsor recognition messages accompanying the streaming of music on digital platforms.

## **Placement and Length**

The Communications Act and the FCC's rules and policies prohibit public radio stations from airing sponsor recognition messages that interrupt regular programming. Sponsor recognition messages may be placed at the beginning and end of programs, between identifiable segments of longer programs, or in natural program breaks, such that the flow of programming is not unduly disrupted.

The Communications Act and the FCC's rules and policies do not place limits on the length of sponsor recognition messages, but the FCC has cautioned that the longer an announcement, the more likely it is to be promotional, and thus violate applicable legal standards.

## **Sponsorship Identification**

The Communications Act and the FCC's rules and policies require that any specific programming material broadcast by a radio station in exchange for consideration paid or promised to be paid by any person must be identified on-air as having been paid for or sponsored by that person. These requirements extend to producers and distributors of programming intended to be broadcast by radio stations. Therefore, the identity of any person or entity that has paid for any program material, including sponsor recognition messages, should be accurately disclosed as the sponsor of such programming.

The Communications Act and the FCC's rules and policies permit (but do not require) on-air acknowledgement of support for a station's or network's programming and operations where such support is not in exchange for the broadcast of particular program material. Although sponsor recognition messages in these circumstances are permitted, not legally required, they should also accurately disclose the identity of the person or entity providing such support.

Any sponsor recognition messages in the nature of public service announcements will be identified as having been "paid for by," "sponsored by" or, as appropriate, "furnished by" the person paying for or furnishing the message.

The person or entity that is identified as a sponsor in sponsor recognition messages will be the person or entity that has provided the financial or in-kind support. A sponsor may be a subsidiary or division of a larger enterprise, and it may be identified as the sponsor, so long as such subsidiary or division is responsible for the support. Sponsor recognition messages should not be phrased to state that the sponsor is a product, service or project of such person or entity.

## Limits on Message Content

The Communications Act and FCC rules and policies prohibit sponsor recognition messages that promote the services, facilities or products of any person or entity that is engaged in offering such services, facilities or products for profit. Instead, sponsor recognition messages are designed to identify the sponsor and thank the sponsor for its support. To clarify what is acceptable content for sponsor recognition messages, content along the lines of the following cited in FCC enforcement actions will be avoided if, in context, it promotes services, facilities or products offered for profit:

- **References to quality.** Examples:
  - state of the art diagnostic equipment (Evansville-Vanderburgh School Corp., MMB 1999);
  - luxurious (Independence Public Media, 24 FCC Rcd 857, EB 2009);
  - timeless beauty (Independence Public Media, 24 FCC Rcd 857, EB 2009);
  - cold refreshing beer (Cayuga County Community College, 24 FCC Rcd 8573, EB 2009);
  - quick connection and clear sound (Station WNYE, 7 FCC Rcd 6864, MMB 1992);
  - convenient drive-through window (Tri-State Inspirational Broadcasting, 16 FCC Rcd 16800, EB 2001).
- **References to reputation.** Examples:
  - highly regarded product (Minority Television Project, 17 FCC Rcd 2002, EB 2002)
  - recognized brand-name tires (Evansville-Vanderburgh School Corp., MMB 1999)
  - famous labels (University of Kansas, MMB 1989)
  - most anticipated movie of the year (Independence Public Media, 24 FCC Rcd 857, EB 2009)
  - voted Canada's #1 bluegrass band (Educational Community Radio, 28 FCC Rcd 5283 MB 2013)
  - leading provider of credit (WGBH Educational Foundation, MMB 1988)
  - speakers and audio components by Acoustic Research, the industry leader (University of Kansas, MMB 1989)
- **Comparative or superlative references.** Examples:
  - latest auto service innovations (Evansville-Vanderburgh School Corp., MMB 1999)
  - oldest transmission service (Penfold Communications, Inc., 13 FCC Rcd 1947 MMB 1997)
  - expert staff (University of Kansas, MMB 1989)
- **References to exclusivity or uniqueness,** including use of the word “only” where that word conveys an exclusive source for a product or a product's unique qualities. Examples:
  - exclusive (Independence Public Media, 24 FCC Rcd 857, EB 2009)
  - only indoor playground (Power Radio Corp., 24 FCC Rcd 2572 EB 2009)
  - the only store where you can find ... (Agape Broadcasting Foundation, 13 FCC Rcd 13154, MMB 1998)

- offers advantages that are unique to any other firm (Cayuga County Community College, 24 FCC Rcd 8573, EB 2009)
- only quality SUV with OnStar (Minority Television Project, 17 FCC Rcd 2002, EB 2002)
- **References to quantity**, where quantity implies quality or is otherwise promotional. Examples:
  - overstocked inventory with over 100 new and late model cars and pickup trucks (Kosciusko Educational Broadcasting Foundation, 5 FCC Rcd 7106 (MMB 1990)
  - large selection of watches ... [and] large selection of other gifts (University of Kansas, MMB 1989)
  - very large selection of scholarly books ... [and] a wide selection of used books (University of Kansas, MMB 1989)
- **References to price (including “free”) and price elements such as interest rates.** Examples:
  - at a special price (Independence Public Media, 24 FCC Rcd 857, EB 2009)
  - flexible financing (Cayuga County Community College, 24 FCC Rcd 8573, EB 2009)
  - free tire mounting (Evansville-Vanderburgh School Corp., MMB 1999)
  - better interest rates (Jones College, 24 FCC Rcd 231, EB 2009)
  - free quote (Tri-State Inspirational Broadcasting, 16 FCC Rcd 16800, EB 2001)
- **References to value, discounts or savings.** Examples:
  - Shoppers club cards are good for a discount (Cayuga County Community College, 24 FCC Rcd 8573, EB 2009)
  - an opportunity to save on brokerage commissions (WGBH Educational Foundation, MMB 1988)
  - they’re going out of business and you know what that means (Penfold Communications, Inc. 8 FCC Rcd 78, MMB 1992)
- **Inducements to buy.** Examples:
  - every Thursday night is Ladies’ Night (Penfold Communications, Inc. 8 FCC Rcd 78, MMB 1992)
  - Budweiser and Bud Lite are discounted on Double Day Dollar Events (Cayuga County Community College, 24 FCC Rcd 8573, EB 2009)
  - senior bonus program is valid four days a week (Jones College, 24 FCC Rcd 231, EB 2009)
  - discounts on tux rentals for groups over 25 (University of Kansas, MMB 1989)
  - for a limited time United Telephone is including 800 number service with their basic package (Penfold Communications, Inc. 8 FCC Rcd 78, MMB 1992)
- **Calls to action.** Examples:
  - let our experience take the stress out of your next home purchase (Power Radio Corp., 24 FCC Rcd 2572 EB 2009)
  - come visit our showroom (Minority Television Project, 17 FCC Rcd 2002, EB 2002)

- visit one of our four branches in the Finger Lakes (Cayuga County Community College, 24 FCC Rcd 8573, EB 2009)
- call Southern Pest Control to find out how they can help you (Tri-State Inspirational Broadcasting, 16 FCC Rcd 16800, EB 2001)
- impress your date with formal wear from Mark's Bridal (University of Kansas, MMB 1989)
- **Endorsements.** Examples:
  - Here's ... Senior Vice President of Temecula Valley Bank, on why she purchases her New Yorkers from Temecula Chrysler (Penfold Communications, Inc. 8 FCC Rcd 78, MMB 1992)
  - new managers are ... first female globetrotter ... and KU's head women's basketball coach (University of Kansas, MMB 1989)
  - I get all my coupons from the Kansan and I save money on groceries (University of Kansas, MMB 1989)
- **References to awards, achievements or certifications.** Examples:
  - award-winning dealership (Penfold Communications, Inc. 8 FCC Rcd 78, MMB 1992)
  - board certified surgeon (Evansville-Vanderburgh School Corp., MMB 1999)
  - ASE-certified master technicians (Power Radio Corp., 24 FCC Rcd 2572 EB 2009)
  - five-star safety rating (Minority Television Project, 17 FCC Rcd 2002, EB 2002)
  - winner of Honda's top tech troubleshooting contest (Penfold Communications, Inc. 8 FCC Rcd 78, MMB 1992)
- **References to sponsor or product success.** Examples:
  - doing things right since 1905 (Jones College, 24 FCC Rcd 231, EB 2009)
  - Honda is #1 in import owner loyalty (Penfold Communications, Inc. 8 FCC Rcd 78, MMB 1992)
- **References suggesting that a product or service is a solution to a listener's need.** Examples:
  - can help find solutions for insurance needs (Evansville-Vanderburgh School Corp., MMB 1999)
  - meets all of your banking needs (Cayuga County Community College, 24 FCC Rcd 8573, EB 2009)
  - when your car needs servicing, we will help you out with a smile (University of Kansas, MMB 1989)
  - professional solutions to your business problems (Radio Station WBHL, 7 FCC Rcd 5123, MMB 1992)
- **References to satisfied customer.** Examples:
  - everyone loves Queen Anne living room suites (Tri-State Inspirational Broadcasting, 16 FCC Rcd 16800, EB 2001)
  - number one in customer satisfaction (Penfold Communications, Inc. 8 FCC Rcd 78, MMB 1992)

- European Sun Tanning knows how to help me take care of myself (University of Kansas, MMB 1989)
- Cheryl Alexander tells why successful businesses use Overland Bank (Penfold Communications, Inc. 8 FCC Rcd 78, MMB 1992)
- I'm one of those satisfied customers from Temecula Chrysler (Penfold Communications, Inc. 8 FCC Rcd 78, MMB 1992)
- for years they've said "welcome home" to thousands of satisfied customers (Penfold Communications, Inc. 8 FCC Rcd 78, MMB 1992)
- **References to guarantees or warranties.** Examples:
  - services guaranteed nationwide (Evansville-Vanderburgh School Corp., MMB 1999)
  - home of the 24-hour sports medicine guarantee (Cayuga County Community College, 24 FCC Rcd 8573, EB 2009)
- **Menu listings**, such as excessively detailed menus of product/service offerings exceeding the type of information that enables listeners to identify the sponsor. Examples:
  - offering custom metal roofing, siding, hardware, trim, insulation, trusses and perma felt paper (Educational Community Radio, 28 FCC Rcd 5283 MB 2013)
  - bulk and bag mulch, peat moss, potting soil, bulk top soil and decorative borders ... pickup and delivery (Educational Community Radio, 28 FCC Rcd 5283 MB 2013)

Notwithstanding the foregoing, the FCC has stated that it may at times be difficult to distinguish between announcements that promote and those that identify. The FCC only requires the exercise of reasonable, good faith judgment regarding whether a sponsor recognition message is promotional. Therefore, in the following circumstances, content otherwise subject to these limitations may be deemed acceptable for inclusion in sponsor recognition messages in the reasonable good faith judgment of the public radio producer, distributor, or station responsible for the message.

- Content that might otherwise be deemed promotional may be acceptable if expressed in the form of an established slogan that avoids product - or service - specific promotion. Slogans should be used as slogans, or tag lines, and the words of the slogan should not simply be incorporated into the text of the sponsor recognition message.
- Content phrased as a call to action may be acceptable if the solicited action is to seek additional information about a sponsor or its services, facilities or products by visiting a website or calling a telephone number.
- Content that might otherwise be deemed promotional may be acceptable if phrased as a sponsor's goal or aspiration or if it describes the purpose of the product (rather than its qualities).

The Communications Act and the FCC's rules and policies also classify as "advertisements," and thus prohibit, messages aired in exchange for consideration that express the views of any person with respect to any matter of public importance or interest ("issue ads") or that support or oppose any candidate for political office ("candidate ads"). Therefore, the following content should be avoided in sponsor recognition messages:

- References to an election or candidate for political office
- References to a ballot initiative
- References to an existing or prospective law, regulation or judicial decision in a context suggesting support or opposition to such law, regulation or decision
- Advocacy of a position on any subject matter; however, subject to the reasonable good faith judgment of NPR or any other public media content provider, and in the journalistic interest of full-disclosure in the context of NPR or public media reporting or commentary, a sponsor's position on a matter may be stated in a brief, neutral manner to permit listeners to be informed of the general nature of the sponsor's position

The Communications Act and the FCC's rules and policies permit paid promotional announcements on behalf of entities that offer their facilities, services and products on a not-for-profit basis. However, in light of the policy of many public radio stations not to carry such announcements, the potential for listener confusion, and the tax implications of airing promotional announcements even on behalf of nonprofit entities, nonprofit entities should not be acknowledged through promotional sponsor recognition messages.

The Communications Act and the FCC's rules and policies permit third party mentions, which are references in a sponsor recognition message to persons or entities that are not the sponsor. An obvious example would be the source or the brand name of a product or service of a third party offered by the sponsor. A recognition message may also acknowledge a third party with which the sponsor is meaningfully engaged, often in appreciation of the third party or its activities. Such messages are permissible so long as the sponsor has a bona fide relationship with the third party such that the reference is descriptive of the sponsor and there is no promotion of products or services offered for profit or confusion as to the identity of the sponsor.