COMMERCIALISM AND THE QUALITY OF CHILDREN'S TV PROGRAMS:
AN ANALYSIS OF RESPONSES TO THE PROPOSALS OF ACTION FOR
CHILDREN'S TELEVISION--FEBRUARY 1970 TO JANUARY 1973

DISSERTATION

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By

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* * * * *

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INTRODUCTION

And shall we just carelessly allow children to hear any casual tales which may be devised by casual persons and to receive in their minds ideas for the most part the very opposite of those which we should wish them to have when they are grown up?¹

Socrates

Unless we teach our children wisely, our society is only 20 years from savagery. Perhaps we are the same distance — one generation — from a more civilized world. Television can help propel us in either direction.²

Psychology Today, 1972

Over the past three years there has been a new wave of controversy concerning children's television programming in the United States. The uproar has involved the broadcasting industry, the Congress, the Federal Communications Commission, the Federal Trade Commission, child-


hood professionals, and large numbers of the general public. As will be seen below, much of the controversy can be traced to a Boston-based citizen's group called Action for Children's Television (ACT). Founded by four women in 1968, the group assumed prominence on the national scene in 1970 and has been in that spotlight ever since. In the words of TV Guide's Richard K. Doan, ACT has "kicked up quite a storm."³

The Problem

The "storm" to which Doan refers stemmed from a proposal which ACT presented to the FCC in February, 1970. Concerned with the quality of children's TV programming and convinced that that quality was being adversely affected by the commercial pressures inherent in the American system of broadcasting, the women asked that the Commission ban all advertisements on children's programs.

That "very modest proposal," as ACT's co-founder Evelyn Sarson has termed it,⁴ touched off a debate which has been going on ever since. The FCC proceeding devoted to consideration of the proposal and of the children's TV problem in general has generated well over 100,000 comments


⁴Evelyn Sarson, private interview held in the offices of Action for Children's Television, Newtonville, Massachusetts, January 11, 1973.
from the three commercial networks, other broadcasters, advertisers, educators, ACT members, and the general public, a flood of mail which represents the largest response to any such FCC proceeding to date.\(^5\)

Nor has the response been limited to FCC filings. Broadcasting, the industry's primary trade publication, has devoted some 100 articles and 9 editorials to ACT related matters in the past three years, including a lengthy special report.\(^6\) Coverage in the general press has also been extensive with many articles appearing in such publications as the New York Times, Washington Post, Time, Saturday Review, TV Guide, Fortune, etc. (see bibliography).

Clearly, then, ACT has identified an important and controversial problem and stands as one of the major broadcast citizen's groups today (Time magazine has called the group the "most effective force in children's TV," which is but one of the many accolades the women have received).\(^7\) Just as clearly, ACT's vigorous campaign for quality chil-

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\(^5\) "FCC's puzzler: Should it move on children's TV?" Broadcasting, November 20, 1972, p. 52.

\(^6\) Broadcasting, November 20, 1972, pp. 31-54.

\(^7\) "The Year's Hottest," Time, January 1, 1973, p. 63. See also "What People Are Saying About ACT," an ACT reprint which notes numerous laudatory comments from such sources as the New York Times, the Christian Science Monitor, Senator Edward W. Brooke (R-Mass.), FCC Chairman Dean Burch, and Commissioner Nicholas Johnson.
children's programming and the responses which that campaign has engendered are worthy topics of scholarly inquiry.

Prior Research

Substantial research on the issue of children's programming content and its effects has been conducted since the mid-1950's. Some preliminary research has also been done on television advertising directed to children and its effects. These bodies of literature will be reviewed in Chapter 1.

However, as for the literature specifically concerning ACT's campaign and the responses to it, there is very little, other than press accounts. The most extensive treatment to date appears in Norman Norris' recent book, *Television's Child*. The work is a "popular" account of the broad spectrum of problems concerning children's TV, based on some of the existing literature, interview data, and some public opinion polling. Although Norris does devote a full chapter to ACT and its campaign, the coverage is, at best, sketchy, due to the general focus of the book.

Thus, despite the importance of ACT and the controversial problem which it has identified, there appears to be very little research aimed at analyzing ACT's activities, strategies, the issues which it has raised, and the responses to those activities and issues from other major
groups. This dissertation should begin to fill that gap.

Research Questions

The following research questions were posed at the outset of the data-gathering process:

Background: 1. How did ACT first define the problem and its key issues?
2. What were the reasons for developing the proposal?
3. What strategies were developed for achieving adoption?

Activities: 4. What activities have been engaged in as a part of that strategy?
5. What changes, if any, have occurred over the past three years in the definition of the problem and/or in the strategy for solving it?

Responses: 6. What responses have been generated from what groups by ACT's proposal and actions?
7. How do these responses compare as to definition of the problem and proposed action?

Methodology and Organization

This study's primary focus will be on the three year period from February, 1970 to January, 1973. The beginning date was chosen because it marked the month during which ACT first met with the FCC about the problem and also marked the beginning of the FCC proceeding on children's TV. That FCC proceeding has constituted the major forum for debate of the issues outlined in this study and has been the forum on which ACT has concentrated much of its activity. The Commission has not taken any action on ACT's
proposed rules as of this writing, but has completed hearing arguments on the matter. The last round of those debates was held in January, 1973, thus providing a convenient cutoff date.

In order to fully understand the activities in which ACT engaged, the responses which they evoked, and the issues which were raised during this period of primary focus, the reader must be aware of certain background information. This is the purpose of Chapter 1, which begins by reviewing the literature on children's TV program content/effects and on children's TV advertising/effects. Background material is also provided on ACT during the period from its founding in 1968 until January, 1970, focusing on data relevant to the first three research questions listed above.

The data for Chapter 1 were compiled from a selective review of primary and secondary sources, including Barnouw's three volume history of American broadcasting, general sources on children's TV, the cited research reports, articles from various newspapers and periodicals, old ACT brochures, newsletters, and press releases, and an interview with ACT's co-founder Evelyn Sarson.

With the contextual foundation thus established, Chapter 2 moves on to look at the strategies, activities, and issues employed in ACT's campaign for regulatory
action. The first or "petition" phase of the FCC proceeding is summarized and analyzed as are the issues raised in this forum by ACT and the broadcasting industry. The issues raised by ACT before the FTC and Congress are also covered. Chapter 2 concludes with a summary and analysis of ACT's public education campaign.

Data for this chapter were gathered largely during field trips to the FCC and FTC and to ACT's offices in Newtonville, Massachusetts. Sources include interviews with FCC staff members as well as with members of ACT's executive committee; personal correspondence with FCC Chairman Dean Burch; discussions and presentations held at several professional conferences attended by the author; governmental hearing transcripts; various documents, newsletters, research reports, petitions, and press articles in ACT's library and office files; and FCC filings on ACT's proposal examined by the author in Washington, D.C.

Chapters 3 and 4 attempt to summarize and analyze comments made during the major or "Inquiry" phase of the FCC proceeding. Chapter 3 examines the initial comments filed during the Inquiry, isolating and examining the various views of the issues concerning the problem, its significance, and proposed solutions. Chapter 4 examines the debate over these different issues as it took place before the Commission in reply comments, panel discussions, and
oral arguments. The issues debated are grouped into three areas: programming practices, advertising practices, and economic considerations. A final section is presented on the proposed solutions which emerged from the debate.

Since the FCC Inquiry generated over 100,000 written responses and since only a small sample of those could be used, the selection procedure assumed some importance. Obviously, all of ACT's filings were included as were the filings of the three commercial networks and the National Association of Broadcasters (NAB), due to their major roles in the area of children's programming and advertising practices. Other respondents were divided into four broad categories: other broadcasters, sponsors, citizen's groups, and the general public. Criteria involved in the selection of written responses within these categories were (1) substantive nature of comments (many filings consisted of pages of raw data requested by the Commission, with few, if any, comments), (2) representative nature of comments (i.e. a filing containing arguments and issues typical of those advanced and raised by most others in its category), and (3) atypical nature of comments (i.e. a company or group whose comments were markedly different from most others in its category). The selection judgments according to these criteria were made by the author after having perused a large number of the filings and
after having consulted with the FCC staff member most
familiar with their content.

The summary of the oral proceedings (i.e. the panel
discussions and oral arguments) included in Chapter 4 was
compiled from the six volume official transcript of those
meetings. Material was included which supplemented and
clarified points made in written filings and which hope-
fully will give the reader an accurate feeling for both
the content and tenor of the arguments presented.

Drawing on trade press articles, documents published
by the NAB, and on presentations and discussions involving
top network and local TV station personnel at various pro-
fessional conferences, Chapter 5 outlines and analyzes the
controversy's impact on the broadcasting industry in terms
of programming, self-regulation of advertising, and trade
press comment.

Finally, Chapter 6 is devoted to a review of the con-
cclusions generated from the analysis of the data with a
view toward answering the research questions posed above
as well as judging (1) the issues raised in the debate,
(2) the utility of proposed solutions to the problem, and
(3) the impact ACT has had. An analysis of future impli-
cations in the areas of programming, commercialism, and
regulation will also be presented along with suggested
topics for future research.
Conclusion

On the ACT side of the debate, data was quite easy to obtain. ACT welcomes researchers openly, is happy to grant interviews, has set up a most useful resource library which contains a wealth of valuable information, and even allowed the author access to its files on certain matters.

On the broadcasting industry side, however, such primary data is not as accessible. Attempts to arrange interviews with top level network programming executives, for example, resulted in only the vaguest suggestions that these people would be available. Fortunately, though, for the purposes of this study, the controversy over children's programming and advertising has led to numerous seminars on the subject at which both networks and stations have been well represented. Since access is so difficult in New York and is relatively easy at these symposiums, and since the information to be gained in either place is likely very similar, the decision was made to concentrate on the seminar material as well as filings, statements, and discussions before the FCC, and extensive reading of trade press articles and editorials on the subject to obtain the broadcaster's viewpoint.

The data derived from these sources presents a reasonably clear picture of the events surrounding the controversy, i.e. what happened or was said, when it happened,
who was involved, etc. Responsibility for any errors of fact rests, of course, with the author alone.

Analysis and interpretations of these facts are presented with the realization that this study is dealing with quite recent matters. As noted below in Chapter 1, authorities some years ago were blaming comic books for causing juvenile delinquency. That concept now seems highly questionable, if not absurd. Similarly absurd today is the notion that future researchers will dismiss as trivial present concerns over the effects of television program content and advertising on children. Nonetheless, the passage of time may indeed alter the picture which this study presents.
CHAPTER 1: BACKGROUND: THE ISSUES AND THE ORGANIZATION

Is there no room on television to teach, to inform, to uplift, to stretch, to enlarge the capacities of our children?¹

FCC Chairman Newton Minow, 1961

Saturday mornings, once regarded as a time for do-good programs to please women's groups, were becoming profitable for a different reason in the early sixties.² Toy manufacturers were adopting year-round rather than seasonal advertising schedules and were the main Saturday morning sponsors, backing a parade of animated films, largely violent.

Broadcast historian Erik Barnouw

We're a group of parents, educators and people concerned with young children. We know that children watch a great deal of television. We want to make sure that television offers them programs of the highest quality. We feel that the essence of the commercial system prevents good children's TV programs from being made. We want to change that system and


encourage good programming. And we are starting now. 3

ACT Newsletter #1, 1969

The forces which precipitated the rise of ACT were a long time in the making. Some had their beginnings in the earliest days of television; others extend back into the radio era; and still others are of more recent vintage. While television programming and advertising trends have been established and modified, research on their effects on children has become more sophisticated and has added to the existing body of knowledge on child development.

In essence, ACT has tied concerns about children's program content together with concerns about advertising directed at children, using problems in the latter sphere to indirectly attack problems in the former area. Since issues from both areas were raised by ACT in its campaign, it is important that the reader have some understanding of how these problems came about as well as how they are interrelated. In addition, it is important for the reader to have a basic grasp of the research findings in each of these areas to date since judgments as to the severity of the problem and how it might best be solved hinge largely on the interpretation given these findings. Finally, the

reader should have some background on ACT itself, on how and why the group came into being and developed as it did, in order to more fully understand the reasons for and rationale behind some of its later arguments and actions.

This chapter, then, is intended to give the reader an overview of (1) past trends in children's programming and in public concern over its effects, (2) what is known about those effects, (3) how the present commercial environment surrounding children's programs came into being, (4) what is known about the effects of commercials on children, and (5) how all of this prompted the founding of ACT and influenced its early development.

Program Content

Concern over the quality of mass media content for children has long been voiced. Dime store novels, comic books, movies, and radio have all been condemned at one time or another for their real or imagined adverse effects on American youth. In 1958, for example, a California state legislature subcommittee concluded that juvenile delinquency stemmed from children's reading of comic books, just as earlier authorities had blamed cheap novels and magazines for juvenile crime.4

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More recently, however, beginning in the mid-fifties and reaching a first peak with FCC Chairman Newton Minow's 1961 speech to the National Association of Broadcasters, the criticism of mass media content and its effects on children has focused on television. Advertisers had long since learned of the medium's power to influence buying decisions. Critics and researchers soon began to wonder if its effects were as powerful in other areas.

Children's television programs are very nearly as old as the medium itself. For example, "Small Fry Club," a children's variety program produced by the now defunct Dumont network, made its debut in 1947. Networks soon began experimentation to develop successful formats and programming trends soon emerged. In his detailed analyses of those trends from the early days through 1963, Maurice Shelby provides several interesting statistical profiles.

His analysis of programs by type is perhaps the most interesting in that it shows the beginnings of a realignment phenomenon which has accelerated during the past decade. In the 1962-63 season, the most popular network children's program type was variety (10 hours per week), followed by talk (5 hours), cartoons (3 hours), adventure

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(3 hours), and westerns (1 hour). These figures contrast somewhat with the following means for the fifteen seasons surveyed by Shelby: variety (12.4 hours per week), adventure (3.8 hours), westerns (2.4 hours), talk (2.3 hours), and cartoons (2.1 hours). However, both of these sets of figures contrast sharply with the figures for the 1973-74 season: cartoons (14.5 hours per week), variety (8.5 hours), talk (1 hour), and adventure (.5 hours). Thus, the 1949-63 means show that cartoons were the least favored program type. By 1963 they had advanced to a middle ranking, while in the 1973-74 season they dominate the entire schedule to the virtual exclusion of all other types, except variety.

A second of Dr. Shelby's analyses points out another trend, concerning day and time scheduling of network children's programs. In 1950, children's programs were predominantly aired on weekday evenings, with an additional substantial block on weekday afternoons. By 1963, however, there were no evening programs for children except for two hours weekly on Sunday night. Instead, children's shows

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7. The figures for the 1973-74 season were computed by the author, adhering as closely as possible to Shelby's methodology, using program schedules and descriptions in Broadcasting, April 2, 1973, p. 72 and April 16, 1973, p. 39.
were scheduled in the daytime hours, more or less evenly spread over weekday mornings and afternoons and Saturday mornings and afternoons. The pattern in 1973-74 will also stress the daytime hours, but most programs will be concentrated on Saturday morning (12 hours per week), with the remainder on weekday mornings (5 hours), Saturday afternoon (4.5 hours), Sunday morning (2 hours), and Sunday night (1 hour).

As for the forces which produced these trends, Shelby is not altogether certain, although he does suggest that program critics and governmental pressure were probably only two of many such factors. Others have suggested that broadcast economics was the prime factor; their arguments will be examined later in this chapter.

If the critics had little impact, it was not due to their silence. They were becoming increasingly vocal in the fifties and early sixties. Shelby reports that their three main objections were "too much violence, too many mediocre programs, [and] no do it yourself stimulus." The violence criticism came to predominate, with the clamor increasing in the wake of the political assassinations of

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8 Shelby, "Children's Programming Trends," Table III, p. 252.
9 Shelby, "Impact of Discovery," p. 51.
the sixties. Barnouw comments that "the Saturday morning 'children's series' . . . were saturated with violence on earth and in space"¹¹ and goes on to cite the evidence from the program schedule of NBC's flagship station in 1966:

A typical Saturday morning . . . began quietly with Crusader Rabbit . . ., built in noise level with Colonel Bleep . . ., whose interplanetary space command was engaged in unrelieved hostility; Dodo, the Kid From Outer Space . . ., of similar content; Super 6 . . ., whose superheroes smashed evil-deers throughout the universe; Atom Ant . . ., the fighting "up-and-at-'em" ant; Secret Squirrel . . ., a spy series; Space Kidettes . . ., whose struggles against the "meanest pirate in the universe" required "plutonium disintegrators" and "space agitator ray guns"; /and/ Cool McCool . . ., whose business was danger . . . ¹²

However, the picture was not then, nor has it ever been, totally devoid of critically acclaimed programs. Shelby cites numerous examples, including "Kukla, Fran and Ollie" (NBC, 1948-57), "Mr. I. Magination" (CBS, 1949-52), "Mr. Wizard" (NBC, 1951-63 and 1971-72), "Ding Dong School" (NBC, 1952-56), "Excursion" (NBC, 1952-55), "Let's Take a Trip" (CBS, 1955-58), "Disneyland" (ABC, 1954-61; NBC, 1961 - present), and, of course, "Captain Kangaroo" (CBS, ¹¹Barnouw, Image Empire, p. 267.
¹²Ibid.
1955 - present).\textsuperscript{13} Nonetheless, the critics viewed the overall picture as a bleak one and continued to protest.

Their concern was periodically mirrored in Washington. As early as 1954, Senator Estes Kefauver conducted subcommittee hearings on the possible relationship between the rising juvenile crime rate and television violence. The subcommittee recommended that networks eliminate violence from their schedules in view of the substantial body of opinion leaders who opposed it. The senators also called for stricter FCC controls and for more research.\textsuperscript{14} NBC promptly set up a children's program review committee headed by "Ding Dong School's" Dr. Frances Horwich. After studying NBC's children's programs, the group censured the network for, among other things, permitting action on the screen that would be forbidden at home, over-excitement, crudeness, and overemphasizing the importance of money.\textsuperscript{15}

Senator Thomas Dodd continued where Kefauver had left

\textsuperscript{13}Shelby, "Impact of Discovery," pp. 8-51.

\textsuperscript{14}Ibid., pp. 16-17. See also Barnouw, Image Empire, p. 53.

\textsuperscript{15}Shelby, "Children's Programming Trends," p. 256. Dr. Horwich retired from her most recent job as educational consultant to a local children's program on NBC's station in Chicago on August 1, 1973. On leaving, she expressed her opinion that children's TV today is not doing enough for its audience, especially not for preschoolers. She feels that television does not provide them with a sense of responsibility or with a broad concept of the world and their role in it. Dr. Frances Horwich, speaking on "Today," NBC-TV, August 1, 1973.
off as he brought the violence issue to the fore once again with hearings in 1961. This time the subcommittee uncovered what was alternately called the "Treyz trend," the "Aubrey dictum," or the "Kintner edict" (after the networks' programming chiefs), philosophies which put the accent on violent action and sex in many prime time series. The effect on juveniles was questioned again.16

Coincidentally with the Dodd hearings, the FCC stirred itself from somnolence and began a three year spurt of activity under the guidance of newly-appointed chairman Newton Minow. In May, 1961, Minow addressed the NAB, termed television "a vast wasteland," and called for better programming, particularly for children (see p. 12). Firmly supported by President Kennedy, Minow kept broadcasters on edge until he resigned shortly before Kennedy's assassination in 1963.17

This two-pronged application of governmental pressure, couple with the embarrassment of the quiz show and payola scandals, is widely credited with affecting a corresponding increase of high quality children's programs. The early sixties saw the debut of such series as ABC's


17 Barnouw, Image Empire, pp. 196-201.
"American Newstand," "Expedition," and "Discovery;" NBC's "Update," "1, 2, 3 Go!," and "Exploring:" and CBS's "Reading Room" and "Young People's Concerts." But as Barnouw notes, governmental pressure subsided after Minow's resignation. Many of the children's series he was credited with inspiring soon disappeared and were replaced by the violent cartoons described above. Governmental pressure was not to make itself felt again until after the 1968 political assassinations and the rise of ACT.

Research: The Effect of Program Content on the Child

As noted above, when Kefauver held his hearings in 1954, little was known about the effects of television program content on children. The recommendations were based on opinion, not fact. The needed research was slowly developed, focusing primarily on the violence issue.

The first major study was conducted in Britain and was released in 1958. Hemmelweit et al. found that a sizable minority of their sample of children was "frightened" by violence on TV, that the degree of fright depended on the weapon used, that children were more sensitive to verbal rather than physical aggression, and that real violence was less likely to frighten the sample than was fictional violence. They also noted that "predictable" violence

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18Hilde T. Hemmelweit, A. N. Oppenheim, and Pamela Vince, Television and the Child (London: Oxford University
such as that contained in westerns disturbed only a very few children. 19

In the fifteen years since that first major study, research has proliferated. Schramm, Lyle, and Parker released their large collection of studies conducted in the United States and Canada in 1961 under the title Television in the Lives of Our Children. These and other new research findings found their way into the record at the 1961 Dodd hearings on juvenile delinquency.

Reviewing his work in the area, Schramm told the Dodd subcommittee that his studies had pointed out that television was a very powerful medium and that, in some cases, TV violence did appear to trigger violent behavior in children. He also warned, however, that much more research needed to be done and that even then researchers probably wouldn't have all the answers since delinquency is affected by many complex factors of which television is but one. Nevertheless, he did note that youngsters with aggressive personalities tend to choose more highly violent TV programs and that, among such children, television is more likely to build up what aggression is already there than it is to "purge" hostile feelings. Given these findings, Schramm asked if broadcasters could not "find a way to


19 Ibid., p. 196.
attract children to programs without so much of this vio-

cence."^20 This question was an important one, for it was
to become the prime reason for ACT's founding as well as
the basis for its campaign (see below).

Dr. Albert Bandura of Stanford University supported
Schramm's view that TV violence was likely to increase
rather than decrease hostile actions. His conclusion was
based on experimental data which showed that children,
after viewing a violent film, played more aggressively
than children who were not exposed to the film. Bandura
also told the Dodd subcommittee that the children exposed
to the film copied the kinds of violent action they had
viewed, that they, in effect, used the adults appearing in
the film as models of behavior. He went on to question the
inhibiting effect of ultimately punishing the aggressor in
a TV drama, citing his belief that the immediate rewards
of the villain's acts might make more of an impression on
children than would the delayed penalization.^21

Other studies conducted in the sixties and seventies
seemed to support these earlier findings, although a few
also appeared which backed the "purging" hypothesis which

^20 Juvenile Delinquency, Hearings, pp. 1769-1773.
^21 Ibid., pp. 1947-57.
Schramm and Bandura discounted in their testimony.\footnote{22} Writing a survey of this literature in 1972, Bogart notes that while these studies

\[\ldots\text{do not all mesh perfectly together, the weight of the evidence}\ldots\text{consistently supports the common sense supposition that media violence is an irritant rather than a soothing influence on those exposed to it.}\footnote{23}

However, others in the scientific community were not as certain. The issue came to a head in the controversy surrounding the Surgeon General's million dollar research effort in this area in the early seventies.\footnote{24}

Shortly after the 1968 political assassinations, Senator John Pastore picked up the violence issue once more. Dismayed at the lack of clear research findings after some years of effort, he suggested that the Surgeon General take up the question. With a million dollars appropriated for the task, a 38 man team proceeded to conduct some 23

\footnote{22See, for example, Seymour M. Feshbach and Robert D. Singer, \textit{Television and Aggression} (San Francisco: Jossey-Bass, 1971).}


studies, whose findings were then analyzed by a panel of 12 social scientists. Their report was issued in 1972 and it immediately stirred up a tremendous controversy. The main finding was that a modest relationship between TV violence and aggressive behavior does exist for some children, but the evidence is not wholly consistent or conclusive. Some charged "network whitewash," that the TV networks had been allowed, indeed, invited, to "blackball" scientists from the panel (including Bandura and Bogart) and that the morass of "howevers" obfuscated the fact that the case against TV violence was proven. Others claimed that the "howevers" were necessary, that the case was not proven, and, indeed, because of the complexities involved, might never be conclusively resolved. A third group, including the Surgeon General himself, admitted to some uncertainty, but claimed that the causal relationship was sufficiently documented to warrant remedial action.

Farstore held more hearings in March, 1972, to look into the uproar and all three viewpoints were expressed at length. But there was no attempt made to resolve the differences. The Senator merely aligned himself with the compromise group and proceeded to endorse a system of violence ratings to warn viewers of "overly" violent programs.

There the matter rests as of this writing. There is
a large amount of data and a large and heated debate over what it all means.

Commercialism

The debate over commercialism has not been as heated, perhaps, as that concerning violence (at least not until ACT's rise), but it has been going on much longer. It began with the start of radio in the early 1920's when it was initially decided that direct advertising to listeners was too unseemly a practice to be included in the American broadcasting system. Secretary of Commerce Herbert Hoover seemed to speak for an industry-wide consensus in 1922 when he declared, "It is inconceivable that we should allow so great a possibility for service to be drowned in advertising chatter." That consensus was short-lived. Broadcasters experienced a sharp rise in costs as the "novelty effect" of the medium wore off and performers began to demand payment for their services. Networking began in the mid-twenties and involved the huge costs of leasing telephone lines. Advertising proliferated and Hoover was

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powerless to stop the trend. 27

Commercial radio was given legal sanction in Section 19 of the Radio Act of 1927, which permitted broadcast advertising so long as the sponsor was identified. 28 This commercialization of radio was attacked sporadically throughout the thirties and forties, prompting the father of radio, Lee DeForest, to ask broadcasters in 1946, "What have you done with my child?" 29

The post-war economic boom of the middle and late forties served as a great launching pad for television and commercialism on the new medium grew at an astounding pace. 30 Researcher William Melody, in a recent study commissioned by ACT, has dubbed those early TV years "the promotional era," for, in his view,

in order to put television in an equal competitive position with other media, families had to be motivated to purchase television receivers. Programming therefore was directed toward promotion of the medium to insure greatest public appeal an an incentive for potential viewers to purchase television sets. 31

30 Bogart, Age of Television, pp. 184-85.
31 William N. Melody, "Children's Television: Economics and Public Policy" (unpublished research study commis-
While this hypothesis is perhaps arguable, it is a fact that a large number of early network children's TV programs (e.g. 42 per cent in 1949) were carried by the networks on a sustaining basis. This figure dropped steadily in succeeding years until full sponsorship was achieved in 1957.\textsuperscript{32}

With this increasing commercialism directed to children came cries from the critics. In 1953, \textit{New York Times} television critic Jack Gould admonished NBC to keep much tighter controls on the commercialism of "Ding Dong School" in view of the largely preschooler audience. And in 1955, the NBC children's program review board headed by Dr. Horwich castigated the network for misuse of commercials, for presenting toys as educational toys when in fact they were not.\textsuperscript{33} Such comments were typical and they were heard periodically throughout the fifties and sixties, but they were largely lonely outcries with no organized campaign to back them.

Of more interest is the effect the advertiser and his commercial dollars have had on programming. By the early fifties advertisers and their agencies were in firm control of the networks' program schedules. This practice was a

\textsuperscript{32}Shelby, "Children's Programming Trends," p. 253.

\textsuperscript{33}Shelby, "Impact of \textit{Discovery}," pp. 17-18 and 21.
holdover from the radio days, and once adequate television circulation had been established, the sponsors lost no time in transferring their system of controls to the new medium. Advertisers thus had complete authority over subject matter and intellectual content and could thus design programs which suited their needs. As Les Brown points out, "the network was no more than a conveyance." This situation remained in effect throughout the fifties until the quiz scandals and rising production costs forced the networks to reassume control.

While it was in effect, however, the setup created some wildly varying trends. After the success of "Disneyland" on ABC, sponsors flocked to children's programming in 1956, producing some 37 hours per week, up an incredible 15 hours per week from the previous year. The following year the advertisers decided that the mass audience was more desirable than the specialized audience, and children's programming dropped to 21 hours per week. "Family" programming was developed in large quantities.

By 1959, the networks reasoned that the late afternoon hours had lost their profit potential, and they were largely given back to the local stations. The stations,

however, were used to airing children's programs during these hours and so they continued the practice, filling their late afternoon schedules with the large backlog of cartoons which was becoming available through the movie companies that originally produced them. The costs to the stations were very low and sponsors soon discovered that if they needed to reach children, these programs offered an inexpensive way to do it.36

After reassuming control of their program schedules in 1960, the networks first used children's programming as one of their "showcase" areas to pacify Dodd and Minow, as outlined above. However, 1960 also marked the year that the networks discovered Hanna-Barbera. Since 1958, that production company had been selling a cartoon series to Kellogg's cereals, who had in turn syndicated it to local stations. The Hanna-Barbera limited animation technique was both economical and fast, two characteristics which broadcasters admired. "The Flintstones," a Hanna-Barbera series aimed at the family audience, made its debut on ABC in 1960 and created much interest.37

Not long afterward, another trend began to develop. Toy manufacturers had long been associated with children's and family programs, both during the pre-Christmas season

37 Ibid., pp. 61-64.
and through franchise arrangements with series such as "Dragnet," "Wyatt Earp," "Davy Crockett," among others. During the early sixties, however, year-round campaigns were adopted (see p. 12), and the Saturday morning profit center was created. As the chill winds from Washington subsided, networks rushed to Hanna-Barbera and their imitators to fill the new demand.

If they did anything, the toy spots only added to the violence in the programs, with ads for toy guns, bazookas, soldier dolls, etc. Barnouw observes that a visitor from another planet watching United States television for a week during the Vietnam escalation period might have concluded that viewers were being brainwashed by a cunning conspiracy determined to harness the nation--with special attention to its young--for war.

What was the reason for all the violence? It attracted the audiences the sponsors wanted, and with the stakes so high and going higher, the networks were afraid to gamble on other program types. The producers had other alternatives for their consideration, but the networks showed no interest. As Joseph Barbera explained to Les Brown in 1967:

"We're doing monster stuff mainly ... comic-book fiction, super heroes, and

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38 Barnouw, _Image Empire_, p. 83.

fantasy. Not out of choice, you understand. It's the only thing we can sell to the networks..."

He... pulled out a large color illustration of a beagle and a Siamese cat. "This was a sweet idea for a cartoon show, middle-class family life seen through the eyes of their pets... Can't sell it, though. They say it's too gentle. They want out-of-this-world hard action."

"You mean violence?"

"We try not to use the word."\(^4^0\)

Thus, largely due to the economic factors inherent in a commercial system, violent cartoons filled the schedules. This prompted four women in Boston to action, as we shall see.

Research: Effects of Commercials on Children

Compared with the content effects literature, much less research has been conducted in the commercial effects area. Sponsors discovered in the fifties that children could influence purchase decisions, however. For example, in a study conducted for WGN-TV in Chicago, Murn reported that spots for a chocolate additive to milk were highly effective when shown almost exclusively on "Ding Dong School." Of the households surveyed (randomly selected from some 10,000 that had written to the program in the fall of 1957), 94.6 per cent had purchased the product.\(^4^1\)

\(^4^0\) Brown, Television, p. 248.

Except for similar advertising effectiveness studies, however, the only significant research effort on the effect of commercials on children was made as a part of the Surgeon General's study, under the aegis of Harvard's Scott Ward. Covering youths aged five to eighteen, Ward's six separate studies reached the following conclusions:

1. Young children (5-7) are less inclined to decrease attention when commercials appear than are older children (11-12).

2. When asked to comment on advertising, younger children are more likely to refer to the product advertised than to the advertisement itself.

3. Young children show little understanding of the purpose of advertising, whereas children aged 10 to 12 show a clear understanding.

4. Children's recall of advertising becomes increasingly complex with age.

5. Younger children are more inclined to believe advertisements than are older children, but even 5 to 7 year-olds don't believe all advertisements.

6. Children were found to influence or to try to influence purchase decisions, but this phenomenon was also found to exist to the same degree where television viewing was restricted.

7. Adolescents were found to hold generally negative and suspicious attitudes toward TV advertising, but they also had acquired useful consumer attitudes and skills from the ads.42

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Ward emphasizes that these findings are largely based on small-sample questionnaire data, and should thus be regarded as very tentative.

On other questions such as the child's ability to discriminate between program and commercial and between fact and opinion in commercial testimonials, even less is known. However, knowledge of children's perceptual and cognitive development would suggest, at least, that the preschooler is much more vulnerable in these areas than are older children.

Thus, with the exception of the Ward studies and general child development theory, statements concerning the effects of TV commercials on children are largely opinion-based. Indeed, research in this area seems to be at the stage that content effects research reached circa 1958.

The Beginnings of ACT

As indicated in the introduction to this study, ACT's development may be broken into two stages. The first stage, reviewed below, began with its founding in early 1968 and ended just before its first meeting with the FCC in February, 1970. This stage was marked by much self-education and primarily local activity. The second stage, beginning with that FCC meeting and continuing to the time of this writing, marks the era of ACT's national activities. This latter period will be covered in the chapters
which follow.

The first stage is important to consider at this point because many of the basic concepts and strategies (e.g., the view that advertising pressures are inhibiting the development of "quality" children's programming and the need to campaign for regulatory controls) can be traced back to the 1968-69 period when ACT established its philosophy. Key factors influencing the group's development during this first stage were (1) the initial intransigence of local broadcasters, (2) the relative lack of success of quiet persuasion as an ACT tactic, and (3) the debut of "Sesame Street" on non-commercial public TV, a show which provided an example of what could be done. This section, then, should give the reader a better idea of how and why ACT developed along the lines that it did.

As we have seen, in 1966-67 violent cartoons and commercials dominated the networks' Saturday morning schedules. The sponsors were happy with the audiences the programs were attracting and the networks were reluctant to meddle with a successful formula, given the substantial monies involved. The critics complained, but with little effect.

In late 1967, in Newton, Massachusetts, an upper middle class suburb of Boston, Ms. Peggy Charren was involved with a creative arts committee in an effort to bring thea-
tre and music to children in the Newton schools. As the campaign progressed, she began to realize that the school children were spending more time in front of the TV set than they were doing almost anything else, including watching theatrical productions or attending concerts. Aware of the nature of much of the children's programming then on the air, Charren became concerned over this realization and decided to call a meeting at her home of people who were or should be similarly concerned. Among others, she invited Christopher Sarson, a friend who was then producing instructional television programs for Boston's public TV station, WGBH. In addition to Sarson and his wife, Evelyn, the January, 1968 meeting was attended by some twenty-five others, including parents, teachers, and school administrators from the Newton area. They discussed the generally poor quality of children's programs, the large amount of violence they contained, and what could be done about it. About a week later, another meeting was held. Fewer people attended, but the discussion centered around the same topics and it was decided that some sort of philosophy should be put together.

Additional meetings were held for this purpose and the

43 Except where noted, material in this section is based on a private interview with Evelyn Sarson, ACT's executive director, conducted in ACT's offices, Newtonville, Massachusetts, January 11, 1973.
group soon boiled down to four people: Charren, Evelyn Sarson, Judy Chalfen, and Lillian Ambrosino. Action for Children's Television was born, and it soon had a philosophy. The group decided very early that the whole pattern of advertising pressure on children's TV decision-making was the main reason for the violent programming. ACT thus linked together the issues of program content and commercialism and came up with a new approach. Ms. Sarson described the rationale in more detail:

Television is a business and a business is supposed to make a profit, and if a network didn't make a profit, it would have failed. Therefore, decision-making is based on how much profit you can make. What we said was that this whole process of decisions being made on maximum profits should not apply to children's television. . . . We felt . . . that until you remove the commercials and this pressure to sell, . . . you couldn't improve the programs.

After thus defining their goals, the women spent the remainder of 1968 in a massive self-education effort to learn all they could about the inner workings of the American broadcasting system. From this knowledge, they reasoned, they could make an informed decision as to the best way in which to apply pressure for change. The group subscribed to Broadcasting magazine, the major trade weekly, and talked with people at the Boston University School of Public Communication. Also during the early days of 1968-69, the women attended a Newton PTA meeting at which rep-
resentatives from the three Boston network TV affiliates (WBZ-TV [NBC], WHDH-TV [CBS], and WNAC-TV [ABC]) discussed the problem of violence on children's programs. Sarson described what happened:

...none of the station representatives could define violence, the questioners couldn't really define violence. It was a dead end street. Either you became a morality group in which you decried Bugs Bunny hitting anybody over the head with a pancake, which is the ultimate extreme, or you were on very sticky ground. This was one of the turning points, when we realized that you couldn't fight violence directly.

All of the self-education reaffirmed the women's basic decision that violence is there because it sells and that elimination of the advertising pressure was the best route to better programming. In Sarson's words, "the more we talked, the more we felt that that was the only way to do it."

As the self-education drive continued into 1969, ACT began to systematically monitor children's programming to see what was being offered. Peggy Charren had already had an unfortunate experience with her own daughter, Claudia, who was five years old in 1969:

It was a holiday...and Claudia was

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home watching television. She came running in to me, screaming. This Blue Lady was strapped to a table and was being electrocuted. Claudia had nightmares afterward. I even talked to a doctor about it. I called the TV station and asked why they put that film on when they knew the kids were home. They said they'd put it on for the kids. They thought the kids would like it.45

But violence was not the only thing that distressed the group. In April, 1969, ACT began a one month monitoring of "Romper Room" over WHDH-TV. The program was produced locally, but its format is syndicated to stations throughout the country by Mr. and Mrs. Bert Claster, the show's creators. Aimed at the preschool audience, the program is a sort of television nursery school, featuring games, exercises, toy play, and the reading aloud of children's books.

Utilizing numerous volunteer monitors (by this time the group had grown beyond the four stalwarts to include others concerned with the problem), ACT discovered that "Romper Room" was, in the opinion of one mother, "no program—it's just one long commercial for Romper Room products."46 Evelyn Sarson elaborated:


We... found this incredible tie-in with the host doing the commercials, with the playing of "Romper Room" brand-name toys during the program part, the content part, of the half hour, with the children in the studio drinking brand-name milk during the program.

She described additional commercial practices which the monitoring study uncovered and which ACT considers dubious:

The teacher would have the kids sing along with the Alpha-Bits commercial. The kids all said the pledge of allegiance under a big sign that had the name of a store on it. 47

ACT "felt at that time that quiet persuasion was going to be effective" and thus met on three separate occasions with WHDH-TV executives to present its findings and its objections. The third meeting was also attended by the Clasters who were visiting Boston from their headquarters in Baltimore, Maryland. The Clasters, ACT discovered, collected from 2½ to 5 per cent on all sales of Romper Room brand items (toys, games, cookies) and saw nothing wrong with host selling or the use of their own toys almost exclusively in the play segments. Replied Claster, "This is commercial TV, isn't it?" 48 ACT, disturbed by a preschooler's presumed inability to separate the content from


the sell, was unsatisfied with the Clasters' responses and proceeded to attempt to organize a boycott of "Romper Room" products.49 Quiet persuasion was on its way out as an ACT tactic.

Another incident involving WHDH-TV in 1969 also contributed to the change in strategies. On Monday, September 8, the station cut off Captain Kangaroo in mid-sentence halfway through his hour-long program. Instead of carrying the last half of the critically acclaimed show, WHDH substituted a locally produced version of the nationally syndicated "Bozo the Clown" series which featured a local "Bozo" as the host presenting cartoons, games, etc. Numbers of Boston-area parents called ACT asking if something couldn't be done. ACT promptly arranged another meeting with Channel 5 officials on September 24. The executives told ACT that they had recently expanded their local news and that this was the only way they could get "Bozo" in, as well as the news. WHDH did indicate, however, that the decision might be re-evaluated at the end of the 13 week programming cycle in December.50

At this point, ACT issued its first newsletter to its growing membership. Featured prominently on the front page

50 Ibid. and Sarson interview.
was a call for a letter campaign expressing dismay over the decision and asking WHDH to reinstate the last half of "Captain." This was followed up with a "good-tempered picket outside the station . . . with children and candy canes and guitars and mothers and balloons."

The station's initial reaction to these activities was to send out a two-page letter to all who had written, giving a detailed explanation of the rationale involved in making the decision. Ms. Sarson maintains that this letter actually helped ACT's cause because

... a lot of husbands who hadn't been involved saw the letter come back from WHDH . . . and . . . said, "This is a load of baloney!" And then the husbands wrote back a second letter saying, "This is a ridiculous argument . . . There is no answer for cutting 'Captain.'" So the whole thing had a double feedback reaction when WHDH tried to fight the issue.

In any event, the station finally backed down in December. The full hour of "Captain Kangaroo" was restored on January 5, 1970, and ACT was widely credited for the return.

It was also in late 1969 that ACT met with executives of another Boston network affiliate, WNAC-TV. The group had complaints to offer on some of WNAC's children's programming and these were discussed. The station offered to make a spot promoting ACT as part of its community service announcement series. Evelyn Sarson taped it and it ran
several times in December, 1969.\textsuperscript{51}

These activities and the resultant publicity made ACT relatively well known in the Boston area. The group's first newsletter also contained its first appeal for funds ($3 dues per year) and named Judy Chalfen as membership secretary.\textsuperscript{52} More members joined and funds began to come in.

The group's experiences with the Boston stations in 1969 convinced the women that the problem with which they were dealing was of national scope. Too often the Boston TV executives had told them, "Well, you know, that's network programming." With a building membership (then numbering around 200) and the resulting income, they could now begin to raise their sights to the national arena.

In late 1969, the group hammered out a list of guidelines, primarily for inclusion in a promotional brochure to recruit additional members. The guidelines stated that ACT aimed

\begin{itemize}
  \item to persuade TV networks, stations, advertisers that children are special human beings, and not simply miniature consumers
  \item to encourage and support good entertainment programming for children of all ages
\end{itemize}


... to eliminate commercialism from children's programming and to require a reasonable amount of programming each week designed for children of different ages.
... to substitute a new system of financial support for children's programs by commercial underwriting and public service funding, in the belief that this system would look to the benefits to children rather than the profits to the advertisers.\textsuperscript{53}

Armed with these guidelines, ACT representatives met with network officials for the first time on January 6, 1970. As early as the previous June, the group had written the three commercial networks, informed them of ACT's existence, of the group's concerns, and had expressed an interest in meeting with network executives. Busy with their other projects, the women failed to follow up on that first effort. Nor did the networks take the initiative at first. ABC ignored them and NBC thanked them for their interest.\textsuperscript{54} However, on the day after "Captain Kangaroo" was restored to a full hour on WHDH-TV, CBS met with ACT.

The three hour meeting consisted largely of ACT's representatives outlining their new guidelines and of the network officials speaking of the economic consequences in-

\textsuperscript{53}ACT promotional brochure.

volved. Mike Dann, CBS's programming chief at the time, agreed that change was needed, but within the commercial framework. Both groups, however, said they felt the meeting was worthwhile and Dann invited the women back for another discussion in the near future. 55

One of the topics discussed at the CBS meeting was the need for the creation of a post in the network hierarchy exclusively for children's programs. Dann agreed that the idea had merit. And about a week later one of the networks had such a man. On January 13, 1970, NBC announced that George A. Heinemann (creator of "Ding Dong School") had been appointed to the newly-created post of vice president for children's programs. The New York Times called the appointment "the highest recognition so far . . . of the growing importance of children's TV programs . . ." 56 CBS and ABC made similar appointments soon thereafter.

Another encouraging development for ACT in late 1969 and early 1970 was the debut and subsequent success of "Sesame Street" on non-commercial public television. The critics loved it, generally, and it was a very popular pro-

55Ibid.

gram as well.\(^{57}\) ACT finally had something to point to when asked what children's television programs designed in the absence of commercial pressures could accomplish. In Evelyn Sarson's words:

> What "Sesame Street" did was dramatically show on television that a program designed to be incredibly educational was at the same time one of the most fun programs available. . . . It put reality to sur theory.

Given the reluctance ACT had encountered on both the local station and network levels to forfeit advertising revenue for the sake of better children's programming (according to the group's theory), the women from Newton began to realize that the government would probably have to act in their behalf if substantive change was to occur.

Lillian Ambrosino and Peggy Charren had already testified before Senator Pastore's Senate subcommittee on two occasions. On October 27, 1969, they appeared at the confirmation hearings on the appointment of Dean Burch and Robert Wells to the FCC. They did not oppose the nominations, but merely stated their views and questioned Burch and Wells on children's programming issues.\(^{58}\) And on December 4, 1969, ACT testified in opposition to Senate

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bill S. 2004, introduced by Pastore himself the previous summer. The bill proposed the elimination of broadcast license challenges unless the FCC had already revoked the license in question in order to provide economic security for the "responsible" broadcaster. ACT's points in opposition are outlined in Chapter 2 (see p. 93).

Conclusion

The content of children's TV programs and the commercialism of television have been issues of concern for some time to both critics and government. However, they have been debated independently in the past, for the most part, even though they are interrelated. In fact, from the early fifties until the late fifties and early sixties, sponsors had direct control over network program content, as we have seen. When the networks regained that control, they were still eager to please sponsors with programs designed to attract as large an audience as possible. This relationship made it financially risky for the networks to diversify their children's schedules with different types of program fare or to attempt to direct programs at age groups more narrowly defined than the broad two to twelve year-old classification. These were to become prime issues in the ensuing debate.

It was only during peak periods of government concern that broadcasters made any substantial efforts to appease
their critics. In the middle sixties, government's attention was diverted elsewhere, a former broadcaster occupied the White House, and children were being fed a Saturday morning TV diet consisting largely of violent cartoons which kept them glued to the set where the advertisers wanted them.

This interrelationship of program content and advertising was readily apparent to ACT and provided the group with a fresh rationale for regulatory action which would also serve as a means of focusing broadcasters' attention on programming complaints. In many ways, trying to get government officials to consider a proposal which would ban TV commercials directed at children was a perfect strategy for ACT to adopt.

As mentioned above, broadcasters had put on "quality" children's programs in relatively large numbers in the past only when governmental interest was high. Thus, interest in the proposal alone would probably insure some movement from the intransigence ACT had encountered in the form of some innovative programming efforts. Moreover, the drastic nature of ACT's proposed solution to the programming problem would perhaps affect broadcasters more deeply and maybe even more lastingly than they had been by past efforts.

By virtue of its "Romper Room" monitoring activities,
ACT appeared to be becoming somewhat more concerned with advertising practices per se, not just insofar as they affected program content. Given that concern, the government-enforced ad ban proposal had the added benefit of perhaps causing sponsors to reconsider and to change their own practices as well as causing them to put additional pressure on broadcasters to upgrade programming.

Finally, besides these considerable strengths, there was also a weakness inherent in ACT's position which would become increasingly apparent in the ensuing debate. As we have seen, there is a lot more known about the effects of program content, especially violence, on children than there is about the effects of commercials on them or, indeed, even about how commercials are perceived by youngsters, particularly in their early years. In no case are the research findings clear-cut, an important point to remember since on occasion groups on both sides would attempt to suggest that they were. Nonetheless, a fairly strong case could be made for revising children's programming along less violent lines (although, as ACT recognized, definitional problems would make enforcement of such a restriction difficult, if not impossible). But given its strategy of trying to affect a change in program content indirectly through advertising restrictions, ACT put itself in the position of having to justify those restrictions at
least partially on the basis of the existing body of data on advertising effects. Due to the small amount of research on those effects and the very tentative conclusions which had emerged from the preliminary studies, that job was to prove very difficult. In fact, it was to constitute one of the weakest areas in ACT's national campaign.
Our strategy, basically, was to get some kind of guidelines passed by an outside authority that would help creative people to make good children's programming. However, it has always been a joint responsibility. Broadcasters should put on good programming, but parents should be responsible for what their kids watch.  

ACT Co-founder Evelyn Sarson

The Commission herewith gives notice that it has today accepted, as a petition for issuance of a notice of proposed rule making, the submission of the organization, Action for Children's Television.

FCC Public Notice, February 12, 1970

In short, I am questioning the commitment of the broadcasting industry to the area of children's programming. It seems to me that so very much is called for because of the importance of television to the child's life, and that, when viewed

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1Sarson interview.

against that call, the industry's efforts are not yet sufficient.\footnote{3\textit{Federal Communications Commission, "Address by Dean Burch Before the International Radio & Television Society, New York City, New York," Public Notice, September 16, 1970.}}

FCC Chairman Dean Burch, September, 1970

ACT's campaign to upgrade children's TV got its first big push when the group got the FCC to officially recognize its grievances. It is the purpose of this chapter to summarize and analyze ACT's strategies and activities in the regulatory sector as well as its attempts to increase public awareness of the problem. In the former area, the chapter will cover activities before the FCC during the petition phase of the regulatory campaign, i.e. from the time of the first meeting with the FCC on February 5, 1970, until January 26, 1971, when the Commission issued a Combined Notice of Inquiry and Proposed Rule Making. Also in the regulatory sphere, the chapter will look at ACT's activities before the FTC and Congress. In the case of each of these forums, an attempt will be made to isolate the issues which were raised by ACT.

The final section of the chapter will be devoted to a summary and analysis of ACT's consciousness raising campaign, covering such matters as the group's highly publi-
cized symposiums on children's TV, its cooperation with other citizen's groups, its program awards, and other efforts.

Regulatory Campaign: The FCC

During the year-long petition phase of ACT's first regulatory campaign effort, the group succeeded in raising a large number of related issues before the FCC. These issues fell into two major categories--children's program content and children's advertising--with a couple of the issues serving to link the two categories together. As will be seen below, the program content issues which were raised concerned (1) the amount of programming available for children, (2) the diversity of programming as to content (drama, comedy, adventure, culture, education/information), production technique (live-on-tape, film, animation), and source (local, network, syndication), (3) the degree to which programs are designed for a specific age group (age specificity), and (4) the extent to which children's programs are aired when children are likely to be watching TV (responsive scheduling).

In the advertising area, the issues raised by ACT before the FCC concerned (1) the amount of advertising permitted on children's shows, (2) the alleged misrepresentation of products in children's commercials, (3) the manipulation of the child by the advertiser, stemming from the
child's naive perception of commercials, (4) the family stress which these spots allegedly engender, (5) the allegedly high price and inferior quality of heavily promoted TV toys and other products (overpricing), and (6) host selling. 4

Tying these two categories together were two ACT hypotheses. First, the group contended that commercial pressures caused most of the program problems to which it was objecting. Thus, the group argued, the only way to solve these problems is to remove children's TV from the commercial framework so that children's desires and needs are the only criteria on which programming decisions are based.

Having outlined the issues which ACT raised during this period, let us consider how and when they were raised and how the FCC and the industry initially responded to them.

As mentioned in Chapter 1, ACT had testified at the confirmation hearings of FCC Chairman Dean Burch and Commissioner Robert Wells in late 1969. In early 1970, ACT became aware that the Commission was then concerned with compiling a primer for broadcasters on the ascertainment of community needs. Feeling strongly that children's TV

4 The underlined words or phrases will serve to identify these issues to the reader throughout the rest of this study.
should be a part of that primer, ACT first wrote to the Commission, expressing its views. This strategy, the group decided, had little or no effect. Sarson explains what happened next:

... We felt that it might be a good idea to go and see them. So ... we called up and got through to a secretary and said, "Could we meet with someone on the FCC. We've written you a letter and we're interested in children's television." ... Well, we got a meeting on February 5 at 9:00 and we assumed we would meet with some sub-secretary ... We flew down to Washington on the 7 AM plane and we met with six of the seven Commissioners. ... We assumed this was the way it always happened ... Now, we're a little wiser ... and it is incredible that six of them should have met with us.5

The night before the meeting, Peggy Charren typed up a revised version of ACT's guidelines which outlined what ACT was asking the Commission to do. The document contained three points which dealt explicitly with the following issues: amount of programming, age specificity, responsive scheduling, amount of advertising, and host selling. The proposed rules were enunciated thusly:

1. There shall be no sponsorship and no commercials on children's programs.
2. No performer shall be permitted to use or mention products, services, or stores by brand name during children's programs, nor shall such names be included in any way during children's programs.

5Sarson interview.
3. Each station shall provide daily programming for children and in no case shall this be less than 14 hours a week, as part of its public service requirement. Provision shall be made for programming in each of the age groups specified below, and during the time periods specified below:

A. Pre-school: Ages 2-5: 7 a.m.-6 p.m. daily
   7 a.m.-6 p.m. weekends

B. Primary: Ages 6-9: 4 p.m.-8 p.m. daily
   8 a.m.-8 p.m. weekends

C. Elementary: Ages 10-12: 5 p.m.-9 p.m. daily
   9 a.m.-9 p.m. weekends

As Sarson indicated, it is indeed incredible that six commissioners should have met with the fledgling group. Even more incredibly, the Commission decided, on February 12, 1970, to accept the ACT petition as a petition for issuance of a Notice of Proposed Rule Making (see quotation, p. 51). By so doing, the Commission in effect informed the industry that it was taking ACT's complaints quite seriously.

ACT has no idea what prompted the Commissioners to meet with its representatives and to act favorably on its petition. However, Dr. Alan Pearce, a Commission economist who joined the FCC staff in August, 1971, and who has been involved in the children's TV proceeding, sees Chairman

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Dean Burch and his public access philosophy as prime forces behind the action:

... He felt that they had a fair gripe, and even if it had been an unfair gripe, it would have been immaterial. They have the right of access to the FCC and because they submitted a petition, ... his philosophy says, "Well, here we have a petition in front of us. Let's find out what the public thinks about it."
... It's just the character of the man.
... The ACT petition was thoughtful although it was unrealistic. Burch, father of three children, sympathized with them. He watched television with his children, saw that it wasn't all that good, saw that there were more commercials in children's television than in prime time adult television, felt that that was unfair, felt that there was a lack of diversity of programming. Although he doesn't want to regulate in the area of programming, he does want the topic researched ... to find out how it works, why it is so, and if there are ... prospects for change.

A reliable source at the FCC has suggested another factor that might also have influenced Burch to assume an activist role in this area. The Chairman has known "Sesame Street" creator and ACT advisory board member Joan Ganz Cooney since his late teens when they met at the University of Arizona. Their friendship has remained a strong one over the years and Burch, in fact, reportedly asked Cooney for her advice when the FCC children's TV task force was being planned (see Chapter 4).

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In personal correspondence with the author, Burch has generally confirmed this picture of the reasons for his activism in this proceeding and has suggested other influential factors as well. He readily admitted that the February 1 meeting was unusual and wrote that ACT was singled out for such special treatment because of my and our very real concern with the manner in which commercial television was then serving its young audience. Congressional concern had already been expressed as well, and the Surgeon General's committee was being set up at the instigation of Senator Pastore. Children's television was fast becoming an "issue" in the public forum.

Thus, despite the fact that Burch had never even heard of ACT before the group's leaders appeared at his confirmation hearings, the Chairman was instrumental in ensuring that ACT would have direct access to the Commissioners, for, as he put it, "At the Commission, when the Chairman suggests that such a meeting might be useful and/or educational, his colleagues usually think so too."

Burch went on to indicate that his personal interest in children's TV existed before he joined the Commission and that the meeting with ACT served to heighten that interest:

Obviously, I was open to the idea of the meeting, and thus to ACT's presentation, before it took place. That meeting . . . deepened a personal interest that had as its sources (a) the simple fact that it would have been hard to be alive in early
'70 without being aware that children were being subjected to a steady diet of interchangeable, violence-ridden cartoons and (b) the further fact that I had and have three young children of my own.

He also confirmed that his friendship with Ms. Cooney had "a good deal" to do with his feelings about children's TV:

She is an incredibly thoughtful and persuasive individual ... I was quite naturally impressed by the fact that the "creator" of the most influential program ever made for children ... was an old friend of mine. That gave Ms. Cooney rather special "entree." And she took it from there. 8

Thus, due to the many factors outlined above, the ACT guidelines were accepted by the Commission as a petition for issuance of a Notice of Proposed Rule Making. Before considering the reaction to that petition, let us first briefly review the administrative steps involved in such an FCC proceeding. 9

The Commission, having accepted such a petition, first issues a Public Notice which sets forth the nature of the proposal, the date of filing, and the name of the petitioner. Interested parties then have thirty days in which to

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9 Material for this review is taken from 47CFR 1.401-1.427.
file statements in support of or in opposition to the petition. In addition, parties are given fifteen days in which to file replies to these statements.

After weighing these arguments, the Commission has several options. It may (1) deny the petition and thus end the proceeding, (2) issue the requested Notice, (3) issue a Notice of Inquiry to solicit more data on the problem, or (4) issue a Combined Notice of Inquiry and Notice of Proposed Rule Making. If the last option is decided upon, as it was in the ACT case, interested parties are then given the opportunity to (1) supply the data requested in the "inquiry" section of the Notice, (2) submit comments on the subjects and issues involved in the "rule making" section, and/or (3) submit replies to those comments. The Commission may also schedule oral arguments, hearings, or panel discussions as part of the proceeding if it decides such action is warranted. It then weighs all the evidence and by majority vote of the seven Commissioners (1) declines to issue the proposed rules, (2) issues a further notice of proposed rule making, or (3) issues the proposed rules or takes some other type of affirmative action on the problem. Some of its options in this latter area are examined in Chapter 6.

Following Commission acceptance of the ACT petition, about 2000 letters were filed by the general public in its
support as well as about 20 in opposition. The former
group contained "general expressions of support for better
programming and less 'hard sell' advertising on children's
programs," while the latter filings rested "mainly on the
contention that parents should exercise proper control over
their children's choice of programs."\textsuperscript{10}

Not surprisingly, the most substantive opposition to
the ACT petition came from the broadcasting industry.
There were only some twenty-eight initial industry filings,
a fairly small response to such a drastic proposal. In
general, the industry briefs did not deal specifically with
the issues raised by ACT in its petition. About the most
that was said on the advertising issues was that it was
unwise to attempt to isolate youngsters from commercials
on children's shows since they would see them on adult
programs anyway and would have to learn consumer decision-
making at some point. On the programming side, the indus-
try filings also tended to deny the existence of any prob-
lems, pointing to the "many quality television programs
presently offered for children, both at the national and
local level," as the NAB put it.\textsuperscript{11}

After thus brushing aside the issues raised by ACT,

\textsuperscript{10} FCC 2nd 368 (1971).

\textsuperscript{11} Summary of NAB's filing of March 30, 1970, cited in
National Association of Broadcasters, "Comments," FCC
Docket #19142, July 2, 1971, p. 2.
the industry responses proceeded to enumerate seven basic objections to the rule. First, the **legality** of the proposal was questioned under the both the First Amendment and Section 326 of the Communications Act of 1934, which prohibits FCC censorship of broadcast material. Second, the industry pointed to long-standing FCC **policy** which leaves programming decisions solely in the hands of the licensee. Third, it was contended that the ACT proposals were unworkable due to the difficulty of defining "children's programs" (**definition**). Fourth, since advertising revenue is necessary to produce "quality" shows, the ACT proposal was portrayed as **self-defeating** in that it would eliminate that revenue. Fifth, the industry contended that the rules would severely inhibit the growth of **marginal stations**, particularly UHF outlets. Sixth, **self regulation** via the NAB TV Code was seen as a sufficient regulatory mechanism for coping with what problems might develop in the area. Finally, broadcasters claimed that the Commission should not interfere in an area that was more properly the province of **parental control**.12

It should be noted that although the industry comments did not deal with ACT's issues to any great extent, some of the seven basic objections or counter-issues raised did touch on some of the issues raised by ACT. For example,

1228 FCC 2nd 368 (1971).
ABC replied to the age specificity issue when, under its review of the definitional objection, it mentioned "the extreme difficulty of defining programming for the various . . . age groups mentioned, and . . . who judges whether a particular program has met the performance standard for the various age groups."\textsuperscript{13} And, as seen above, other comments unrelated to the seven basic counter-issues, also related to ACT's main points. The NAB's "quality programs" argument, for example, obviously is a reply to the amount of programming issue. In general, however, the industry strategy seemed to be to reject ACT's issues almost out of hand, to raise numerous substantive counter-issues, and to plead that the industry could correct any problems which did arise on its own.

In a lengthy reply filing submitted in April, 1970, ACT renewed its attack on then current children's programming and advertising practices and attempted to refute all of the industry's counter-issues with the single exception of the marginal stations issue (which was dealt with during the Inquiry phase of the FCC proceeding--see Chapter 3).

In its renewed attack, ACT reviewed the issues raised by its petition and raised several new ones (the issues of content, technique, and source diversity, perception, mis-

representation, family stress, and overpricing), suppor-
ing its contentions, with data from two research studies
it had commissioned.

The first such study, "Programming and Advertising
Practices in Television Directed to Children," was prepared
for ACT by researcher Ralph Jennings. Jennings examined
children's programming on some 54 stations in 13 of the top
50 markets during the week of February 21-27, 1970. Jen-
nings' major findings and the issues to which they relate
are listed below:

1. Network affiliates carried less children's program-
ing than did independents and VHF outlets carried
less than UHF stations. Of the 54 stations, 33
carried less than 14 hours per week of children's
programming (amount of programming).

2. Little local programming was found, even in the most
prosperous markets (e.g., New York). Network affil-
iates relied almost solely on network offerings,
independents on syndicated programs or local pro-
grams with syndicated formats (e.g., "Romper Room")
(source diversity).

3. Entertainment shows were found to be the dominant
program type and consisted largely of cartoons. In
Washington, D.C., for example, 84 per cent of
available children's programming was animated
(content and technique diversity).

4. CBS offered the only weekday network children's show,
"Captain Kangaroo" (responsive scheduling).

5. Independent stations increased the amount of children's
programming to meet commercial needs. WNEW-TV in New
York, for example, aired only 13 hours of such shows
per week in May, 1969, but increased that figure to
30 hours per week in November when the amount of toy
advertising rose dramatically (commercial pressures).

6. Commercials were more numerous on children's shows
than on adult prime time series (amount of advertising).\textsuperscript{14}

Using the Jennings study as a data base, ACT began its reply by contending that the volume and type of children's programming was determined largely by economic considerations and commercial pressures, not by local needs. The programming which resulted from this situation, it contended, was lacking in amount and diversity and was not scheduled responsively. Children's advertising, on the other hand, was seen as excessive in amount, especially with the advent of saturation campaigns for toys before Christmas.\textsuperscript{15}

ACT's second research study, "Mothers' Attitudes Toward Children's Television Programs and Commercials," was prepared by the Daniel Yankelovich public opinion research organization. Some 89 mothers in 3 midwestern cities were surveyed in 10 focused group interviews. While the study does not pretend to represent a random national sample due to the small sample size and the geographical bias, Yankelovich nonetheless concluded that, at least among the mothers surveyed,


there is a great deal of hostility and resentment toward most commercials on children's programs... The dream is for more "Sesame Street's," offering good educational entertainment without commercials. But mothers have little realistic hope that this is possible.\textsuperscript{16}

Among mothers' specific complaints and the issues to which they relate were (1) the lack of suitable programming for children in the late afternoon and early evening hours (responsive scheduling), (2) commercials that get children to pressure their parents to buy a product (perception-family stress), (3) the high cost of TV advertised vitamins, cereals, and toys (overpricing), (4) commercials which overglamorize a toy's performance (misrepresentation), and (5) the strain which commercials place on the parent-child relationship, particularly in the case of low income families (family stress).\textsuperscript{17}

Again, using these findings as backing, ACT went on in its reply to attack commercialism on children's shows, noting that children have historically been afforded special protection under the law in other areas "by reason of their innocence, inexperience and credulity" (the perception issue). The Newton mothers argued that protection was


\textsuperscript{17}\textit{Ibid.}, pp. 6-25.
warranted here, also, since advertisers were taking unfair advantage of that credulity by using violent programs to attract and hold the child’s attention while subjecting him to a barrage of beguiling, misleading commercials, by further promoting their products through program content “tie-ins” (e.g. “Romper Room”) and by using trusted program hosts to sell products.18

ACT then turned to the industry’s counter-issues. It rejected the parental control issue by contending, as it had in the past, that the responsibility was one to be shared by parents and broadcasters, with parents supervising their child’s viewing of adult shows and with broadcasters providing wholesome children’s shows without commercials so that no potential for harm existed. ACT further denied that its proposals were self-defeating, pointing out that PBS’s children’s series were proof in themselves that quality shows could be produced without advertising revenue through financial underwriting by various firms (and through substantial government help, which the group failed to mention here). The women also rejected the contention that self regulation would work, noting that it hadn’t worked in the sixteen years since the Senate first looked into children’s TV. Nor did ACT think that

the definitional problem presented any difficulty, noting that the NAB TV Code used the term "children's program" without apparent ambiguity. And finally ACT maintained that its rules were both legal and consistent with FCC policy. In the former area, the group argued that "nothing in the proposed rule would regulate the content of any program or even the content of commercial messages," but "would simply prevent the misuse of children as intermediaries in sales to parents," in accord with prevailing law protecting children in their commercial dealings. In the latter case, the rules were seen as consonant with FCC policy requiring broadcasters to meet the needs of their communities.\(^{19}\)

Thus, in this argument for a formal FCC rule making procedure leading to adoption of its guidelines, ACT generally dismissed the counter-issues raised by broadcasters with almost as much ease as broadcasters had dismissed the issues raised initially by ACT. ACT had offered evidence that some programming and advertising practices were at least highly questionable, while broadcasters virtually denied that any problems existed. The ACT petition, on the other hand, would, in a general sense, regulate the content of fourteen hours of programming per week on every TV

\(^{19}\)Ibid., pp. 19-29.
station in the country by requiring that its content be
designed for children. This, presumably, would raise
legal problems as the industry maintained, but ACT merely
denied the contention. Thus, there was little debate of
the issues in these initial filings. Instead, each group
developed its own set of issues and denied the validity of
any other set. The FCC was caught in the middle as the
arbiter and, as such, had to decide which of the many is-
sues were valid.

Obviously, broadcasters hoped that by raising a host
of substantive objections to the ACT petition, they would
persuade the FCC to drop the matter due to its difficult
nature, especially if, at the same time, they made highly
publicized moves to upgrade their programming. This stra-
tegy did not succeed, however, for it failed to take into
account Dean Burch’s deep interest in the proceeding and
his sympathy with ACT.

New evidence of the depth of Burch’s feelings on this
matter surfaced in September, 1970, as the Commission was
pondering the various responses to its Public Notice. On
September 16, the Chairman delivered his first annual ad-
dress to a meeting of the International Radio & Television
Society in New York City and chose children’s TV as his
topic. That choice was in itself significant. Even more
significant was what he had to say.
Burch began by noting his commitment to a middle-of-the-road regulatory stance which neither automatically rejected any "anti-industry" proposal which would upset the status quo nor blithely substituted the FCC's collective judgment for that of the licensee. The philosophy, he said, applied to children's programming where a "dedicated, special effort" by broadcasters was called for due to television's enormous impact on its young audience. He reviewed the industry's efforts in this area, and concluded, in fairly strong language, that they were not substantial enough (see quotation, p. 51). Thus, he maintained, it was the Commission's job to foster a climate where a substantial commitment to the child audience could and would be made by the industry. He concluded that broadcasters' duties in this special area

... are more demanding than a Profit and Loss Statement, and are not discharged by you or by me by smugly suggesting that this is the responsibility of the public broadcasting network. We must all recognize and act on a single premise: That the human mind is our fundamental, our bedrock resource.

Burch's speech was interesting in the issues he singled out for comment. Of ACT's issues, he selected the diversity argument, noting that cartoons overwhelmingly

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21 Ibid., p. 7.
dominated the networks' 1970-71 children's schedules and that although a "substantial" number of children's programs "must and should just entertain," a "substantial" number should also serve as a child's "window on the world." Of the industry's objections, he singled out the legality and FCC policy issues indicating that although the ACT petition might well raise such questions, this did not constitute grounds for rejecting consideration of the problem to which the petition addressed itself.\textsuperscript{22}

Thus, the Burch address before the IRTS foreshadowed what action the Commission would next take in the children's TV proceeding, or at least suggested that the FCC would not drop the matter as the industry hoped it would. Before looking at that action, however, we must look briefly at ACT's parting shot during the petition phase.

On November 25, 1970, the Federal Trade Commission (FTC) announced its intention to issue complaints charging two toy companies, Mattel and Topper, with using "deceptive advertising which unfairly exploits children." The advertising in question was for Mattel's "Hot Wheels" racing car set and "Dancerina" doll and for Topper's "Johnny Lightning" racing car set. The FTC charged that the spots for the toy cars falsely represented their performance (speed) and appearance and that the doll did not walk or dance

\textsuperscript{22}Ibid., pp. 2-5.
unassisted, as advertised.\textsuperscript{23}

On December 1, 1970, following the FTC announcement, ACT asked some 123 TV stations in the top 25 markets for air time in the evening and Saturday morning hours to warn parents of these alleged deceptions. By December 9, nine stations had asked to review ACT's videotaped announcement and seven had refused ACT's request.\textsuperscript{24}

On December 11, disappointed at this response, ACT went to the FCC and asked that, under the Fairness Doctrine, the Commission issue a Public Notice advising stations which had carried the commercials of their obligation to make time available for the presentation of the view that these spots were misleading.\textsuperscript{25} In effect, ACT was asking the FCC to extend its Fairness Doctrine ruling on cigarette commercials (which required broadcasters to present anti-smoking messages) to the area of toy advertising. This the Commission declined to do, saying that the cigarette case was a special one, and to extend that ruling to other areas would involve "basic policy questions"


\textsuperscript{24}Action for Children’s Television, "Fairness Complaint," filed before the FCC, December 10, 1970, pp. 3-4.

\textsuperscript{25}Ibid., pp. 1-14.
which it lacked the time to consider, given the urgency of ACT's request. However, the Commission did promise to consider the matter further and did remind broadcasters of their responsibilities to eliminate false advertising and to be especially suspicious of advertising which is the object of an FTC complaint. 26

While the deceptive toy ads episode was taking place, Dean Burch continued to evidence his concern with children's television. On December 11 in New York, he met privately with the heads of the three commercial networks (ABC's Leonard Goldenson, CBS's Dr. Frank Stanton, and NBC's Julian Goodman) to push for voluntary adoption of a plan first proposed in his IRTS speech. Burch's scheme called for the networks to share responsibility on a rotating daily basis for providing superior network children's programs in the 4:30 to 6 PM time period. Broadcasting noted that the plan was "not warmly received" at the time of its unveiling in September, "nor was it . . . at the private meeting." 27 ABC was later to offer monthly one hour children's specials in the late afternoon (see p. 223), but this move was a far cry from the Burch plan.


In pressing for his rotation scheme, Burch was, of course, taking up another of ACT's issues, that of responsive scheduling. It is also interesting to note that in these early jawboning efforts, Burch restricted himself to talking about programming issues (the area where he felt and feels that regulation is inappropriate), and barely mentioned advertising issues.

On January 20, 1971, almost one year after the meeting with ACT, the FCC, in a four to three decision, decided to pursue the children's TV matter further. Commissioners Burch, Johnson, Houser, and H. Rex Lee were in the majority, while Commissioners Bartley, Wells, and Robert E. Lee dissented. The action, decided upon was a hybrid Notice of Inquiry and Notice of Proposed Rule Making.28

The combined Notice began by reviewing the proceeding from the ACT meeting onward, quoting ACT's petition in full and summarizing all the comments which had been filed on it, both pro and con. The Notice went on to state that legal and policy considerations might, indeed, "substantially limit otherwise appropriate Commission action" but also noted the "high public interest considerations" involved in the children's TV area. Claiming that these conflicting concepts had yet to be resolved, the Notice proceeded to solicit specific information within the frame-

work of a formal Inquiry "in order to arrive at an informed determination in this area" as well as to get "an idea of the scope of the problem if in fact one exists, and of how it may best be approached." The Commission noted that defining "children's programs" is "not an easy matter," but said that for the purposes of the Inquiry, information would be requested on shows "primarily designed for children of the ages mentioned by ACT" (i.e. from two to twelve years old). Also for the purposes of the Inquiry, the FCC set up a special composite week made up of seven specific dates in the period between October 2, 1969 (the designated Thursday of the composite week) and September 13, 1970 (the designated Sunday). The Saturday selected was December 6, 1969, suggesting perhaps that the Commission was interested in obtaining pre-Christmas children's advertising data, for this is still the time of year when selling to children is heaviest.\textsuperscript{29}

The specific and general questions presented in the Notice are of particular interest because they indicate what issues the FCC considered to be worthy of investigation. Six specific questions based on programs presented during the special composite week were posed. Question #1 dealt with the issues of amount of programming, responsive scheduling, and program diversity, as it requested data

\textsuperscript{29}Ibid., pp. 368-71.
on the number of children's programs broadcast, their titles, air dates, air times, length, source, and type (entertainment or educational). The question also asked for a brief descriptive summary of the programs' content and whether it was a rerun or not. Question #2 asked for commercial data on the programs listed in response to question #1, i.e. a list of advertisers on each program, the products, stores, or services advertised, and the total commercial time on each show. Question #2 thus dealt with the amount of advertising issue. Question #3 was concerned with that same issue, requesting data on commercials adjacent to children's programs. Question #4 was involved with the issue of host selling and with a related aspect of the perception issue—the separation of program content from commercials. The question asked for data on whether performers on each program participated in the commercials or whether reference was made in the program portion to any brand name product. Question #5 dealt with age specificity, requesting information on what age group each program was designed for or was of particular interest to. And question #6 asked broadcasters to state what definition of "children's programs" they had used in replying to questions #1-5.30

30 Ibid., p. 371.
summarized by subject as follows:

Specific question #1: Amount of programming, responsive scheduling, program diversity

#2: Amount of advertising by product type within shows

#3: Amount of advertising by product type between shows

#4: Host selling and separation of commercials from program content

#5: Age specificity

#6: Definition of "children's programs" used

The Notice went on to solicit comments from interested parties on five general questions. General question #1 asked for comments on what types of programs should be presented which weren't then available. General question #2 requested opinions as to any general or specific benefits children gained from watching children's programming other than the "babysitting" function. General question #3 dealt with the definitional problem, asking for suggestions on a suitable definition which the Commission could utilize. It also asked what benefits children gained from watching "general TV programming." General question #4 asked for suggestions for restrictions on children's commercials short of prohibition which might prove desirable, taking into account the provisions of the NAB TV Code and its guidelines. Finally, general question #5 asked to what
extent such restrictions on advertising within children's shows should apply to messages adjacent to such programs. 31

Having thus covered the Inquiry portion of the Notice, the FCC went on to mention the reason for the Proposed Rule Making designation, indicating it was two-fold. First, the Notice complied with the requirements of the Administrative Procedure ACT relative to a rule making proposal, i.e. the subject matter and issues involved had been specified. Second, the Commission noted that although the advisability of a rule had not as yet been determined, it might become clear from the data and comments that a rule was appropriate. The Commission maintained that the duel designation thus insured the collection of an adequate data base and allowed maximum flexibility for any further action. 32

Commissioner Nicholas Johnson issued a concurring opinion which was appended to the combined Notice. In it Johnson applauded Burch's leading role in the proceeding, but castigated his fellow Commissioners for not proposing any specific rules in the Notice. 33 With this statement, Johnson thus continued his long-standing liberal, activist posture.

The issuance of the combined Notice by the Commission

31 Ibid., pp. 371-72. 32 Ibid., p. 372.
33 Ibid., pp. 373-74.
gave another substantial boost to ACT and its supporters by illustrating once again that the FCC was quite concerned over children's programming and advertising. In addition, the specific inquiry questions dealt with all of the issues raised by ACT in its petition as well as the diversity issue, which was raised in ACT's reply comments. Although the Inquiry did appear to be more specifically concerned with ACT's set of issues, it did also encompass some of those raised by the industry, notably the legality-policy issues, the definition issue, and the self regulation issue. The FCC did not, however, think that the industry issues constituted sufficient grounds for dropping the matter, although it did admit, as noted above, that the legality-policy issues might prevent future Commission action on the matter.

The responses to the FCC combined Notice were so extensive as to require treatment by themselves. This will be done in Chapters 3 and 4. Our review and analysis of other activities in the regulatory sphere continues below with a look at ACT's actions before the FTC and Congress.

Regulatory Campaign: The FTC

As Evelyn Sarson told the author (see p. 51), one of the two primary strategies of ACT was to get some guidelines for children's TV passed by a government authority. As outlined above, ACT first approached the FCC in this
regard. Beginning in late 1971, however, as the FCC analyzed its Inquiry data, ACT enlarged its regulatory campaign to include the FTC.

This move was made possible, in part, by ACT's newfound benefactor. In the fall of 1970, the Newton women had received a small grant from the Markle Foundation to enable them to continue their home-based operation. The grant was used for such basics as travel, printing, and telephone expenses. 34 In May, 1971, however, the Markle Foundation awarded to ACT a two-year grant in the amount of $164,000. This not only enabled ACT to expand its research activities (largely to document its case before the FCC) and to open its first office, but also made it more feasible to conduct its regulatory campaign before a second government agency. 35

ACT's input to the FTC began as a part of that agency's hearings on modern advertising practices which began in October, 1971. As a part of that general topic, the FTC looked specifically into the area of children's advertising during the week of November 8, 1971. 36 During that week, the FTC Commissioners heard testimony from a wide

34 Sarson interview.


range of witnesses having some connection with children and/or advertising. Included in the array were advertising industry spokesmen Melvin Helitzer, Donald Miller, Aaron Locker, Dr. Seymour Banks, and James Harvey, professionals Dr. F. Earle Barcus (Boston University), Dr. Richard Galdston (Boston's Children's Hospital and ACT advisory board member), Dr. T. Berry Brazelton (Harvard), Dr. Albert Bandura (Stanford), Dr. John Condry (Cornell), Dr. Frederick Greene (HEW), Professor Scott Ward (Harvard), and Professor Daniel Wackman (Minnesota), and critics Stephen Bluestone, Warren Braren, Robert Choate, Jeanette Neff, and Evelyn Sarson.

The testimony given by these witnesses was long, detailed, and somewhat contradictory. The industry witnesses generally stressed the restrictions imposed on children's advertising by the NAB, the improvements which had been made over the past few years, and advertisers' good intentions. Banks emphasized advertising's positive role in teaching consumer decision-making processes to children. Helitzer, however, did urge the FTC to establish a children's products division and also favored the clustering of commercials at the beginning and end of programs. And Harvey admitted his belief that preschoolers don't discriminate between programs and commercials. Helitzer and Locker, however, favored holding off on severe restrictions
(like ACT's) until such time as it was proved that children were definitely harmed through exposure to commercials.

The critics, of course, took a much different stand. Choate, Bluestone, and Braren all criticized the self regulatory efforts of the NAB, citing spotty enforcement and little monitoring of children's programs. Choate also urged that more complete and balanced nutritional information be made available through TV advertising. Braren and Bluestone pointed out numerous examples of what they considered to be questionable advertising claims and production techniques. Thus, the critics' general thrust was for tighter FTC regulations in this area. ACT's urgings in this regard are covered in detail below.

The professionals' testimony was more mixed. Barcus reviewed the studies he had conducted for ACT (see Chapter 4) and urged that product advertising in shows directed to children under the age of eight be banned. Condry concurred in the call for a ban, noting the possibility for harm given the large role which TV plays in children's lives, and disagreed with Banks that advertising furthered consumer socialization. Although Galdston also questioned children's discriminatory capabilities, he saw children's advertising and programming as neither demonstrably helpful nor harmful. Brazelton noted some harmful effects of both
commercials and programs (creating distrust, disillusionment, passivity) and urged that commercials be reduced in number, intrusiveness, and length. Bandura's remarks centered on television as a powerful role model for both adults and children and saw advertising as affecting only first purchase decisions. Neff and Greene both stated their feeling that advertising was indeed exploiting the child, especially the preschooler, and was creating unhealthy family stress, particularly among low income families. Greene urged that these advertising practices be re-examined. Ward and Wackman reviewed the data generated by their preliminary effects studies (see Chapter 1), which revealed both positive and negative effects.\[37\]

Although Evelyn Sarson did testify at the FTC hearings, ACT's most substantive input to the Commission came in the form of three petitions which urged the banning of ads on children's shows under three major product categories: vitamins and drugs, toys, and edibles.

The vitamin-drug petition was the first to be filed with the Commission as it was submitted at the time of Sarson's testimony on November 11, 1971. The document began by noting the advent of chewable, good-tasting vitamins

in the early sixties which were subsequently promoted directly to children, frequently using cartoon characters as product spokesmen. ACT went on to point out that an overdose of such products could constitute a serious and in some cases, a potentially fatal health hazard and presented Poison Control Center data showing that accidental ingestion of vitamins was a fairly common occurrence in children under the age of five, second only to accidental overdose of aspirin. The group also noted that such products lacked safeguards such as tamper-proof caps and clear danger warnings. It also stated the opinion that children, due to their lack of maturity, should not be encouraged to influence a medical decision more properly made by a physician in consultation with parents, observing that the NAB TV Code prohibited directing such health appeals primarily to children. The petition went on to note that such ads could conceivably contribute to the problem of drug abuse by implying that the taking of vitamin pills could improve a child's strength, health, and happiness. The family stress issue was also raised. The document concluded that, for these reasons, vitamin and drug advertising on children's and family programs was unfair and misleading and asked that it be banned.38

38Action for Children's Television, "Petition to Prohibit Advertisements for Children's Vitamins on Children's and Family Television Programs," filed before the PTC,
Substantial supplemental evidence was appended to the filing, including statements from two prominent physicians warning of the dangers of vitamin overdoses and of advertising medicines directly to children, data showing the number of TV vitamin ads directed to children and the appeals they employed, Poison Center data showing the relative frequency of vitamin overdoses in preschoolers, copies of drug trade press ads for children's vitamins which promised heavy promotion directly to children, and a case history of a four year-old who "nearly died" after taking 40 iron fortified children's vitamins. His mother was quoted as strongly suspecting television promotions as the cause of the accidental ingestion.\(^{39}\)

The toy petition, filed on December 14, 1971, also relied heavily on the contention that children were incapable of making informed consumer judgments. The petition began by outlining the marketing strategies of toy manufacturers, including the much heavier concentration of toy spots in the pre-Christmas period and the fact that manufacturers who have been reluctant to advertise directly to children in the past have been forced to do so in increasing amounts recently due to intense competitive pressures. The second section of the petition reviewed chil-


\(^{39}\)Ibid., appendix.
children's advertising practices and portrayed the toy industry as a rather ruthless exploiter of a child's naivete, using quotations from trade press articles (e.g. "Partners for profit: children, toys and TV" from Broadcasting's issue of June 30, 1969) to substantiate this picture. ACT contended that toys were being designed so as to present a good image on TV, i.e. not on the basis of play value alone, and cited evidence of retailers' and parents' dissatisfaction with TV toys. The self regulatory efforts of the NAB were reviewed in this area, with ACT maintaining that the present restrictions were ineffective since they skirted the basic issue of whether children were appropriate advertising targets.

The next section of the petition offered backing for the group's assertion that toy ads directed to children were inherently misleading and unfair since (1) they subjected the parent-child relationship to stress by getting children to pressure parents to buy expensive toys, (2) a child cannot judge an advertisement's appeals due to his lack of mature reasoning capabilities, and (3) most toy advertising is overstated and even the most truthful and complete commercial could be misinterpreted by a child using irrational evaluation criteria. Extensive references from child development experts were cited in these arguments. Noting historical precedents, ACT concluded that
its proposed ban was the only sufficient means of protecting a child from these unfair and misleading influences, contended that the FTC had the power to act, and urged it to do so.\footnote{Action for Children's Television, "Petition to Prohibit Advertisements for Toys on Children's Television Programs," filed before the FTC, December 15, 1971, pp. 1-23.}

Once again, a large array of supplementary materials was appended to the filing. Included were several supportive statements from child professionals, a review of various TV toys and their prices, and a brief summary of Piaget's theory of intellectual development.\footnote{\textit{Ibid.}, appendices A through D.}

The final ACT petition, this one related to edibles, was filed before the FTC on March 22, 1972. This one began by pointing to the link between diet and health and by offering data showing that the majority of edibles spots on children's shows were for products not recommended by the American Medical Association (AMA) as essential to good nutrition (e.g. candies, snack foods, and sugar-sweetened cereals). The preliminaries also noted a widely recognized need for nutritional education. The argument then proceeded to outline the reasons for ACT's view that edibles ads on children's programs were unfair and misleading. The major point in this regard once again rested on a child's relative lack of sophistication and reasoning
abilities. Other points outlined were (1) that edibles commercials concerned themselves with selling the product to the exclusion of providing nutritional information and education, (2) that the manufacturers of edibles persisted in developing and advertising sweet, caries-producing snack foods in spite of physicians' and dentists' recommendations for more wholesome products, (3) that some spots centered not on the product but on the free toy premium it contained, and (4) that, once again, such commercials strained the parent-child relationship. On these bases, ACT urged FTC adoption of its petition.\(^{42}\)

The supplemental information attached to the petition again took the form of letters of support from such organizations as the American Academy of Pediatrics and the American Dental Association, other experts' supportive comments, and a review of the amount and type of edibles advertising on children's programs.\(^{43}\)

Since the presentation of the initial petitions, ACT has submitted supplemental filings and complaints to the FTC which presented additional data on the various issues.\(^{44}\) The issues themselves, however, remain unchanged.


\(^{43}\) Ibid., appendices A through E.

\(^{44}\) See, for example, Action for Children's Television,
The vitamin petition would appear to have made the strongest case for FTC action in view of the potential health hazard and especially in view of the ads’ apparent violation of the NAB TV Code. It is thus not surprising that the manufacturers of children’s vitamins stopped advertising on children’s programs voluntarily within approximately six months after the petition was submitted (see p. 245). In view of the somewhat contradictory professional opinions of the potential harm involved in directing advertising to children (see above), however, the other two petitions stood on ground which was less firm, although not by any means insubstantial. The edibles petition also suffered somewhat in view of the fact that in several of the AHA recommended food categories, the listed items are rarely advertised to either adults or children (e.g. vegetables, fruits, fish, poultry, eggs, etc.) and that sugar is widely emphasized in adult advertising as well as in children’s (although somewhat more in children’s spots). Thus, the data which ACT used to document its claim that less nutritional products were being advertised to children as compared with adults is somewhat less clear cut than the interpretation of that data made it appear. 45


45 ACT, "Petition to Prohibit Ads for Edibles," pp. 5-6.
The ACT petitions and the testimony which the FTC Commissioners heard raised numerous substantive issues. Most of them had already been raised before the FCC. This group included the issues concerning amount of advertising, a child's perception of commercials (ability to ascertain their purpose, judge the rationality of competing claims, discriminate between program and commercial, etc.), the effects of host selling, the efficacy of self regulation in protecting the child, and the role of parental control. ACT's FCC issue of misrepresentation was also raised before the FTC, but was somewhat more broadly stated to encompass advertising techniques and strategies (truthfulness, completeness, as well as accurate representation). Similarly, other issues raised before the FCC (e.g. family stress) were more broadly defined before the FTC to encompass both the transactional role of advertising (effect on desire for product class and/or a specific brand) and the non-transactional role of advertising (effect on consumer socialization and family relationships).

Overall, the advertising industry spokesmen presented a less intransigent front before the FTC than did their counterparts before the FCC. Of course, the highly controversial area of programming was not included in the FTC hearings. Even so, the advertising industry representatives appearing before the FTC seemed ready to admit the
existence of some problems in the area and even to call for limited FTC action to help solve them. They, of course, also stressed the positive role of advertising in educating children before the FTC, a point which was much less prominent in the FCC forum.

The testimony on the various issues has now been evaluated and an FTC staff report was made public in March, 1973. In the report, the authors, John A. Howard and James Hulbert, first concluded that self regulation in this area would not work by itself, that continuing with the present system was not a viable alternative. They also rejected as "too simplistic" the proposed solutions on the opposite extreme, such as ACT's proposals. The report, however, did indicate a special concern with the preschooler, given his credulity and relative lack of discriminatory and reasoning powers, thus subscribing in part to ACT's most prominent argument in its petitions. The authors seem much less concerned than ACT with the older child, though. The report viewed the six to twelve year-old as more capable of coping with advertising appeals and suggested the possibility, at least, that advertising might serve as a positive educational tool in some cases. Looking at the parental control issue, Howard and Hulbert concluded that there existed "a substantial desire" for the government to assume at least part of the responsibility
for protecting the young child from exposure to commercials, a responsibility which, in the past, has rested solely with the parent. To this end they suggested the following steps be taken: (1) that evaluative criteria be strictly applied to all commercials directed to children to insure their truthfulness, completeness, and intelligibility, (2) that host selling, testimonials, endorsements, and self concept appeals be discouraged or banned in children's commercials, (3) that the broadcaster make the distinction between program and commercial more easily perceptible to the child through the use of audio messages and video signals, and (4) that each commercial network be required to air, on a staggered basis, an hour-long, commercial-free Saturday morning program intended for preschoolers so that concerned parents could ensure that their young children would not be exposed to advertising during this period. The last recommendation was suggested as an experiment, to be modified on the basis of experience with the plan and on the basis of feedback data from parents. The report also called for extensive research on the effects of TV advertising on children under the age of twelve, particularly focusing on the preschooler.  

46 FTC, "Advertising and the Public Interest" by Howard and Hubert, pp. IX8-IX12 and pp. IX37-IX38.
dations or on ACT's petitions.

**Regulatory Campaign: The Congress**

While pursuing regulatory action before the FCC and FTC, ACT also has tried to keep the relevant issues alive before the eyes of Congress. Besides the group's appearance at the Burch-Wells confirmation hearings (see above), ACT has also testified before Senator Pastore's Communications subcommittee on at least two occasions, before the Senate Commerce Committee, and, more recently, before Senator McGovern's Select Committee on Nutrition and Human Needs.

ACT's first appearance before Pastore on December 4, 1969, was devoted to opposing S. 2004, a bill proposed by the Rhode Island senator to prohibit broadcast license challenges until such time as the FCC denied the renewal of a license. Evelyn Sarson told the subcommittee that the threat of a challenge was the only way in which groups such as ACT could insure that the public interest was served. The FCC, she maintained, was not able to uphold its responsibilities in this area because the task was a huge one and the Commission was understaffed and inadequately funded to handle it. She also pointed out that arguments for the bill hinged primarily on broadcasters' need for economic security if they are to serve the public interest most effectively. But this security had existed in the past,
according to Sarson, and did not of itself insure that the public interest was served.\footnote{47}

Peggy Charren testified for ACT when Pastore's subcommittee held hearings on the Surgeon General's research report on the connection between violent programming and violent behavior (see Chapter 1). Charren stated that the issue was not how many children were effected or how they were effected by violence, but rather why violence was included in children's programming in the first place. The reason, she contended, was to attract a large audience "to be cajoled and exploited" by advertisers. She argued that TV's potential for good was thus being largely ignored. She also reviewed ACT's stand that parents should be responsible for supervising their child's viewing of adult shows, but that broadcasters were and should be responsible for children's programming. Concluding with a summary of ACT's views on self regulation and the need for government intervention, Charren urged FCC action and, failing that, that Congress should act.\footnote{48}

In May, 1972, ACT director Carol Liebman testified

\footnote{47 U.S., Congress, Senate, Committee on Commerce, Part II of Hearings, before the Communications subcommittee, on S. 2004, 91st Cong., 1st sess., December 1-5, 1969, pp. 581-88.}

\footnote{48 Peggy Charren, testimony before the Senate Communications subcommittee, March 21, 1972, ACT reprint, pp. 1-9.}
before the Senate Commerce Committee in support of legis-
islation creating the National Institute of Advertising,
Marketing, and Society. The bill, drawn up and sponsored
by Senator Frank Moss (D-Utah), would create the Institute
for the purpose of supervising and supporting a large-
scale research effort on the interrelationships among these
three areas. In her testimony, Liebman reviewed ACT's ar-
guments for protecting children from advertising directed
to them, maintaining that the Institute should be created
and that these concerns should be its first priority.49

Senator George McGovern's committee hearings on the
effect of children's TV advertising on nutrition provided
ACT with yet another opportunity to put forth its views.
Peggy Charren's testimony was basically a review of ACT's
FTC edibles filings, i.e. that television commercials only
serve to reinforce the bad eating habits of children.50

Thus, ACT's strategy in the Congressional arena has
been to take advantage of as many possibilities to present
its views as possible, hoping to keep Congressmen aware of
the problems involved in the area of children's TV. This
strategy obviously not only insures that the FCC and FTC

49 U.S., Congress, Senate, Committee on Commerce. Ad-
vertising 1972, Hearings before the Committee on Commerce,
on S. 1461 and S. 1753 (Amend. #1118), Senate, 92nd Cong.,

50 "ACTing Against TV Ads," Washington Post, March 7,
will be kept alert to Congressional interest in the matter, but also establishes lines of communication that could be used in the future to press for Congressional action, should the FCC and/or FTC fail to take action which ACT deems appropriate.

**Public Consciousness Raising Campaign**

The money from the major Markle Foundation grant has also allowed ACT to expand the second part of its two-fold campaign, i.e. to educate and inform the public of its concerns and to enlist its support in helping to alleviate the problem. Although this effort has been expanded of late, it has existed to some extent almost since the group's founding. The major aspects of the campaign are outlined below.

One of the earliest attempts to generate support and, at the same time, to educate members of the public was the ACT newsletter, the first edition of which appeared in the fall of 1969. It summarized ACT's basic philosophy, its activities (primarily the "Captain Kangaroo" protest and the "Romper Room" monitoring—see Chapter 1), and took note of the publicity the group was receiving locally (another important means of public education which ACT has become increasingly adept at generating). The first newsletter also pleaded for contributions to its campaigns in the form
of dues and staff help. That basic format has remained unchanged, although recent newsletters are much lengthier, are more sophisticated graphically, contain illustrations, cartoons, etc. They have retained their original purpose, however, representing a fund of information on ACT, its activities and affiliations, as well as presenting a capsule summary of important and timely happenings related to children's TV. Newsletter circulation now approaches some 20,000 per issue.

One of the devices which ACT has used to generate publicity, to inform the public, and to stimulate communication between the various groups involved is the holding of annual symposiums on children's TV. The first such gathering was held in Boston in the fall of 1970 in conjunction with the Boston University School of Public Communication and the Kennedy Memorial Hospital for Children. Supported by a grant from the Ford Foundation, the first ACT symposium brought together an impressive array of experts from the fields of medicine, education, social work, government, as well as from public and commercial broadcasting. The idea for the conference was first suggested by Dr. Gerald Looney of the Kennedy Hospital who saw it as a way "to bring home to medical professionals the tremen-

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dious importance that television now has in the lives of our children." In actuality, as stated above, the sym-
possions have made that point to a considerably larger constituency as a second symposium, co-sponsored by the American Academy of Pediatrics’ Committee on Public infor-
mation, was held in Chicago in October, 1971, and a third, co-sponsored by ACT, the Yale University Child Study Cen-
ter, School of Art, the New Haven Creative Arts Workshop, and the Poynter Fellowship Program, was held in New Haven, Connecticut, in October, 1972.

The symposiums have been typically dominated by ACT and its supporters, although commercial industry representa-
tion has been increasing, due, perhaps, to ACT's and the issues' increasing importance on the national scene. Given the liberal views of a majority of the speakers and the frustrations which they evidently feel, it is not sur-
prising that some of the symposium sessions have been char-
acterized by loud argument, name-calling, and statements which are notable only for their colorful and somewhat extreme language. For example, at the most recent sym-
posium, Joan Ganz Cooney compared advertising to children to "shooting fish in a barrel," terming the practice "gro-

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tesquely unfair." Such language does not seem likely to foster constructive debate. Nonetheless, some such debate (although little agreement) has emerged from these conferences. Perhaps their most significant accomplishment, in addition to contributing to public awareness, has been to shatter stereotypes. At the New Haven conference,

ABC's Michael Eisner said he met an ACT member in the hotel—who said "You look almost human." He added: "What I hope she meant was that maybe the stereotyped image of the network company man isn't true. Dialogues like the one we are having here are effective tools in dismantling all types of stereotypes—excluding mine about her."  

In other adjuncts to the consciousness raising effort, ACT has almost from the beginning sought to extend its influence through cooperation with other citizen's groups, the recruitment of ACT contacts throughout the country, the establishment of an advisory board, and the enlisting of numerous supporting organizations.

Very early in its development, ACT contacted the National Citizens Committee for Broadcasting and promptly


54 ACT Newsletter, Vol. III, No. 2 (Fall-Winter, 1972-73), p. 5. However, when asking Peggy Charren if the remark really was "You look almost human," an ACT staff member remarked, "Yeah, but some of them didn’t." Evidently either the ACT stereotype of broadcasters is accurate in some cases or the conferences haven't managed to demolish it entirely!
became its children's TV organization. ACT has also cooperated with other citizen's groups such as the National Association for Better Broadcasting, Women Who Won't Buy Violence, the Citizen's Communication Center, and Black Efforts for Soul in Television. Besides helping and being helped by these groups, ACT has also enlisted support for its goals from some 28 organizations whose memberships total in the tens of millions. And ACT's advisory board has grown to presently include some 20 prominent experts from various fields, including Dr. John Condry, Joan Ganz Cooney, and Dr. Richard Galdston (all of whom are already familiar to the reader) as well as Boston University's Dr. Hyman Goldin, PBS's Fred Rogers, Dr. Albert Solnit of the Yale Child Study Center, and Margaret Mead, curator emeritus of the American Museum of Natural History. 55

From the beginning ACT has been reluctant to establish "chapters," but did accept memberships from throughout the country. Instead, the group urged interested parties to set up their own groups to examine local problems. These people were originally designated "resource chairmen," but are now called "ACT Contacts." There are now some 44 such people or groups scattered from coast to coast in 26 states and the District of Columbia. Their relation-

ship with ACT is one of mutual support but relative autonomy. 56

An activity that has been substantially enlarged by virtue of the Markle grant is the role of ACT's directors as public speakers before interested groups and on radio and TV. Also using Markle funds, ACT commissioned a fifteen minute color film entitled "But First This Message" which summarizes the group's philosophies and goals and shows excerpts from children's TV ads. The film is available for rental or purchase to interested groups and is also utilized by the directors during their public appearances. It has also been used extensively, having been shown in excess of 130 times in 1972 alone. 57

In 1972, as a means of recognizing and publicizing "quality" children's programs and attempts to restrict or end commercialism so that concerned parents would be sure to know of them, ACT instituted a series of achievement awards. The first batch of these honors went to the Post-Newsweek stations (for their children's programming and for clustering commercials), to Hallmark Cards (for clustering), to Health Tex (for advertising institutionally), to Children's Television Workshop, Fred Rogers, Bob Keeshan

57 ACT Annual Report 1972, Attachment III.
("Captain Kangaroo"), all PBS stations, and WHDH-TV, Boston (for their various programming efforts). ACT also commended, but did not issue awards to the following commercial programs: Group W's "Earth Lab," CBS's "You Are There," ABC's "Jackson 5ive," "Curiosity Shop," and "Make a Wish," and NBC's "Take a Giant Step" and "Mr. Wizard."

The 1973 awards went to several underwriters of PBS's children's series (General Foods, IBM, Mobil Oil, Quaker Oats, Sears-Roebuck, and Xerox); the manufacturers of children's vitamins for withdrawing their children's advertising (see Chapter 5); Avco and Meredith Broadcasting for their cooperative children's programming effort (see Chapter 5); ABC for its "After School Specials" and "Multiplication Rock" series; CBS for its children's news specials; NBC for its "Watch Your Child" series; WCVB-TV, Boston, for its "Jabberwocky" and "Young Reporters" series; WMAI-TV, Washington, D.C., for its "Magic Door" series; WPIX-TV for clustering commercials on two of its children's programs; the 350,000 children who contributed "creative material and ideas" to PBS's "Zoom," "proving that children can do it even if some commercial broadcasters can't;" the 47 stations airing the BBC series "Vision On;" and the 43 commercial stations airing "Sesame Street" without com-

mercials. Special mentions went to three "family" programs: CBS's "The Waltons" and the National Geographic specials and ABC's Jacques Cousteau specials.  

The year 1973 also marked the debut of the ACT Bent Antenna Awards (BAA) to recognize those contributing to the problem, rather than helping to solve it. A sampling of the awards includes a year's dental bills to candy and snack manufacturers who advertise to children, a marshmallow to the NAB for being too squishy to enforce its regulations, and a Mickey Mouse watch to the networks for running children's specials in the evening and adult programs in the afternoon. 

Finally, a recent attempt at public education and involvement has succeeded rather spectacularly. ACT evidently has found a friend in the form of Parade magazine, a Sunday supplement published in approximately 100 newspapers nationwide. A highly complementary article on the Newton group and its goals was included in Parade's January 30, 1972 issue along with suggestions for parental action. 

In August, 1972, ACT developed a quiz for parents to test their knowledge of children's TV coupled with a poll which

60Ibid., p. 11.  
tried to ascertain parents' feelings on children's TV and solicited other data as well. *Parade* published the quiz and the poll on December 3, 1972, asking that parents cut out and mail the polls to ACT. ACT agreed to have Dr. F. Earle Barcus analyze the resultant data and *Parade* agreed to publish a summary of his analysis.

The response was overwhelming. Well over 25,000 polls were returned, coming from every state and Canada. A squad of staff members opened all the envelopes which frequently contained pages of additional comments. Barcus concluded that the concern "seems to affect all income levels and all parts of the country." Other conclusions from his analysis were (1) that the average child watches 21 hours of TV per week, (2) that fully 40 per cent of the respondents favored a children's commercial ban, with only 4 per cent favoring no change in the present system, (3) that the most frequent program content complaint was excessive violence, (4) that PBS series were named as the three most watched programs, with "Captain Kangaroo" and "Walt Disney Presents" rounding out the top five, (5) that 61 per cent thought there were not enough programs specifically designed for children, and (6) referring apparently to the PBS shows, that 81 per cent of responding parents

rated the most watched programs as either good or excellent. While acknowledging that the poll could not pretend to be a representative sample, Barcus did profess amazement at the "intensity, articulateness and above all the great numbers and geographic spread" of the replies.\textsuperscript{63} The results of the effort are, indeed, impressive and constitute another tremendous boost for ACT.

All of these consciousness raising efforts have served to spread word of ACT, its goals, and concerns among members of the public in this country and even internationally. As mentioned above, ACT has become quite adept at generating flattering publicity for itself through its press releases, press conferences, symposiums, and other activities. This publicity, in turn, has resulted in more public awareness of the problem and ever increasing and more broadly based support.

\textbf{Conclusion}

ACT's strategy for attacking the problems which it identified in children's TV has recognized that both broadcasters and parents have responsibilities to assume. Its campaign has thus concentrated on two basic areas. First, it has attempted to get government to pass rules which, in

ACT's view, would force the broadcasting industry to live up to its obligations in this area. Second, the women have attempted to make the public more aware of the problems with which they are concerned in the hope that parents will be more likely to assume their responsibilities in this area and that the group's base of support will be broadened in the process.

Both prongs of this two-fold campaign have been most vigorously pursued since the time of ACT's first meeting with the FCC and particularly since the receipt of the Markle Foundation grant. Although its statements have occasionally been characterized more by extreme language than by reason and although its positive statements are generally given less emphasis than its negative blasts (which may not be entirely its fault), ACT's strategies and organization have been impressive, for the most part. The Newton women succeeded in raising numerous substantive issues before the FCC, the FTC, the Congress, and the general public and have persuaded each of these groups, or at least segments of them, to seriously consider these points.

The FCC has been the focus of ACT's regulatory campaign because, unlike the FTC, it has general jurisdiction

64See, for example, Evelyn Sarson, "We As Parents Accuse You of the Five Deadly Sins," *New York Times*, February 27, 1972, section 2, p. 17.
over broadcast programming, ACT's ultimate concern. Every issue relating to children's TV which the group raised in other forums was first raised before the FCC. Advertising issues, however, received more direct attention before the FTC. In that forum, ACT's proposed bans on advertising to children tended to become ends in themselves, rather than merely a means toward better children's programming. Presumably, if the FTC acts favorably on ACT's petitions and the FCC does not, broadcasters would desert children's programming in search of more lucrative fare. In such an event, ACT would have failed to achieve its primary goal—a large amount of diverse, age specific, non-commercial children's programming.

That outcome, however, is highly unlikely, as the FTC and Congress will almost surely await FCC action before contemplating rule making action of their own. What form that FCC action will take hinges largely on the Commission's view of the issues involved. Those issues were most extensively debated during the Inquiry phase of the FCC proceeding, the object of our attention in Chapters 3 and 4.
CHAPTER 3: FCC INQUIRY COMMENTS: THE PROBLEM, ITS SIGNIFICANCE, AND SOLUTIONS

The only legal route open to the Commission is to . . . reject the ACT proposals because they infringe upon a broadcaster's primary function and responsibility—that of selecting programs . . . that will serve the public interest, convenience and necessity.¹

National Association of Broadcasters

. . . there should be no restrictions on performer participation as suggested by ACT. Once a commercial has met established standards of fairness, honesty and accuracy, there should be no interference to dictate methods of presentation or content. That is a matter of sole licensee discretion, something with which the Commission cannot and should not interfere.²

WCSC-TV

We watch the children's programs on T.V. Saturday morning. There are to many noisy pushy commercials. Then the little children pester thier parents to buy them all the "junk." Everyone would be


happier without the commercials.\textsuperscript{3}

Letter from three children

In Chapter 2, the circumstances surrounding the FCC's interest in ACT's proposals were outlined. The reader will recall that this interest was culminated by the issuance of a combined Notice of Inquiry and Notice of Proposed Rule Making on January 26, 1971. The Notice itself was also outlined and analyzed in detail in the aforementioned chapter.

The purpose of this chapter is to summarize and analyze the initial responses of numerous parties to the Notice of Inquiry, including ACT, broadcasters, sponsors, other citizen's groups, as well as the general public. Specifically, it will concentrate on the issues raised by the various groups as to the problem, its significance, and what remedies were recommended for rectifying the situation.

ACT

ACT's petition and its substantive initial reply were summarized and analyzed in Chapter 2. On July 2, 1971, ACT submitted another lengthy filing to the FCC, containing ad-

\textsuperscript{3}Letter to the FCC from Francine, Suzanne, and Dianne Panelli, FCC Docket \#19142, March 12, 1970, contained in Vol. IV of the filings.
ditional comments, research results, and requests for a
broadened Commission Inquiry into the matter. The July,
1971 filing pursued the general lines of attack begun
during the petition phase, although it was marked by a
relative lack of argument on the programming issues it had
previously raised (i.e. amount, diversity, age specificity,
and responsive scheduling). These issues were noted only
briefly in conjunction with a research report on program
practices which was appended to the brief (see p. 123).
Instead, the group's comments concentrated on the pre-
viously raised advertising issues (amount, misrepresen-
tation, perception, family stress, overpricing, and host
selling), on each of the seven issues raised by broad-
casters (legality, FCC policy, definition, self-defeating
proposal, marginal stations, self regulation, and parental
control), and on ACT's contention that commercial pres-
sures adversely affect program content.

The major headings of ACT's filing perhaps can best
summarize the thrust of the arguments for adoption of its
guidelines. The issues to which each heading relates are
also noted.

1. There is a national consensus that television program-
ing for children must be reformed (programming issues).

2. Self regulation and "jawboning" will not resolve the
matter.

3. The Commission has ample legal authority to define the
public interest in children's programming and is, in-
deed, legally obliged to do so (legality-FCC policy).

4. Regulation is necessary to curb commercial pressures on the content of children's programs (adverse effect on diversity and age specificity).

5. There is ample public interest basis for distinguishing between children's and adults' programs in regulating commercial practices:
   a. children have always received special legal protection (legality);
   b. available research confirms and clarifies the view that children are incapable of evaluating commercial solicitations (perception);
   c. advertising to children is different than advertising to adults because children lack the financial capacity to purchase (family stress, perception);
   d. product advertising has many undesirable effects on children (family stress, cynicism);
   e. much television advertising directed at children promotes inferior products (overpricing).

6. The definition of "children's programs" is not an insurmountable problem.

7. Parents cannot effectively control children's viewing of children's programs (parental control).

8. The prohibition of commercials would not be self-defeating (also marginal stations issue).

9. The Commission's Notice of Inquiry does not include procedures for obtaining adequate data on program content. 4

Having laid out this basic framework, let us move on to examine the reasoning used by ACT to arrive at each of these points, focusing first on those dealing in whole or

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4Action for Children's Television, "Comments," FCC Docket #19142, July 2, 1971, pp. 2-4, 9, 14-15, 18, 20,
in part with the problem and its significance, i.e. points #1, 4, and 5.

Under point #1, ACT noted that both the Commission and ACT itself had been deluged with informal comments (letters and resolutions) from a large number of individuals and groups, almost all of whom favored ACT's petition. Citing a recent court case which viewed public response as the most reliable test of broadcaster performance by which the FCC should be guided, ACT concluded:

> We are beyond the point at which we should ask whether the current programming is acceptable to the public. It is abundantly clear that it is not. The only question now is what action the Commission can and should take to correct the present unsatisfactory condition.

Under point #4, ACT reviewed the arguments supporting its contention that advertising pressures were in large measure responsible for the poor program quality. The group cited the fact that advertising revenues are directly related to audience size, and, thus, for a show to be financially successful, it must capture as large a segment of the two to twelve year-old audience as possible. Since children at various ages in this spectrum are at widely varying stages of mental development, the women from Boston argued that programming can most easily and inexpensively

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garner a sizable child audience of all ages by being "loud, fast, crude and violent." Age specific programming, they noted, is economically unfeasible under the present system since it is more expensive to produce and since it automatically excludes a large portion of the total child audience.

Noting the remaining uncertainty about the effects of program content, ACT claimed that the most generous adjective which could be applied to the multitude of programs of the "action" genre was "worthless," while the commercials surrounding children's programs were termed "worse than worthless."

At their best, they present an unending and stupifying succession of materialistic arguments. At their worst, they are tricky and deceitful, if not dishonest. There is no way to avoid them. . . . the commercial can only succeed if it induces the child to make demands upon his parent. Since only the fittest survive in the advertising industry, commercials with fantastic motivational effect have been achieved.

Under point #5b, ACT presented the argument that advertising to children is inherently unfair because it takes advantage of a child's unformed reasoning and judgmental capabilities, citing child psychology research to back the contention. The group also attacked the NAB's Toy Adver-
tising Guidelines as a "half-hearted recognition of these characteristics of children" which perhaps ameliorate the unfairness to a certain degree, but do not eliminate it.\textsuperscript{8} Also mentioned was the difficulty the young child experiences in distinguishing between fantasy and reality in commercials as well as the difficulty many children presumably experience in evaluating the worth of a given product.

\textsc{ACT} presented a historical perspective of the treatment of the child by American business under point \#5c. Prior to the advent of broadcasting, the group claimed, children under the age of thirteen were rarely solicited directly by advertisers. The group pointed out that it was not advocating some revolutionary new concept, but merely a return to this old philosophy. The women also decried once again the attempt by advertisers to make the child into a surrogate salesman to parents, who, not having seen the commercial in question, are thus unable to judge the worth of the product for themselves.\textsuperscript{9}

Under point \#5d, the Newton mothers enumerated several "adverse effects" of advertising on children. Prime among these was the unnecessary strain placed upon the parent-child relationship, especially in the case of low income

\textsuperscript{8}\textit{Ibid.}, pp. 16-17a.
\textsuperscript{9}\textit{Ibid.}, pp. 18-19.
families, "where the inability of the parent to provide for his child on the same scale as more affluent parents is constantly re-emphasized."\(^{10}\) They also noted the cynicism of older children toward TV ads, and speculated that this mistrust might adversely color their outlook on other societal and political institutions. Obviously, they concluded, the effect of television should be just the opposite.\(^{11}\)

Finally, under point #5e, ACT argued that products advertised to children on TV were often both overpriced and of poor quality. The products thus censured were cereals and toys. The group noted findings of FTC economists that cereals advertised to children were "largely sugar-coated and cost one-third more than other cereals" (including cereals advertised to adults) with the difference in price attributed largely to the high cost of TV advertising.\(^{12}\) ACT also related comments from a toy dealer and from *Playthings*, a toy industry trade publication, which were sharply critical of the quality of TV-advertised toys. This section of ACT's comments concluded with a condemnation of the selling of drug and vitamin products to children, noting that mothers surveyed by Yankelovich were also disturbed by this practice.\(^{13}\)

\(^{10}\)Ibid., p. 20.  
\(^{11}\)Ibid., p. 21.  
\(^{12}\)Ibid., p. 22.  
\(^{13}\)Ibid., p. 23-24.
In summary, then, ACT contended that programming was aimed largely at the undifferentiated two to twelve year-old child audience, was of the "action" type almost exclusively so as to appeal to all segments of that audience, and that this situation was due largely to advertising pressures. The women also argued that besides this adverse effect on program quality, advertising took unfair advantage of a child's limited conceptual and reasoning abilities, caused undue strain on the parent-child relationship, could perhaps undermine a child's confidence in other societal institutions, and promoted products which were both costly and of inferior quality and, in the case of drugs and vitamins, potentially dangerous. The public was demanding the situation be remedied, said ACT, and the only question was what solution to adopt.

In these comments, ACT mentioned several solutions it felt would not work. Under point #2, for example, it ruled out self regulation and jawboning as viable alternatives, noting that Minow's efforts in the sixties resulted in no long-term improvement and that the NAB was a toothless dragon at best.\textsuperscript{14}

Point #7 was devoted to countering the argument advanced by some that it is the parent's responsibility to control his child's viewing. As outlined in Chapters 1 and

\textsuperscript{14}Ibid., pp. 3-4.
2, ACT has long recognized that parents do indeed have responsibilities in this area, but does not believe that this absolves the broadcaster of his responsibilities. This line of argument was reviewed under point #7, which included citations of an industry study which proved that parental supervision does not work, given the large number of household duties which mothers are called upon to perform. ACT pointed out that they were only concerned with children's programs, leaving to the parent the job of policing the viewing of adult shows. The group also noted that presently the parent who does not wish his child to view commercials has no alternative but to prohibit TV entirely, questioning whether the industry which forced such a choice was truly living up to the FCC's public interest standard.15

Turning to proposed remedies, ACT argued that regulation along the lines suggested in its proposal was the only answer and responded to all of the counter-arguments outlined in the FCC Notice of Inquiry. Under point #3, for example, the group responded to the arguments that any such rules would be beyond the Commission's authority. ACT contended that this was not so, citing the FCC's 1960 Report and Statement of Policy on Programming in which the Commission stated that "programs for children" were one of a num-

15 Ibid., pp. 26-27.
ber of program types which were widely regarded as a part of a station's public interest responsibility. 16 ACT noted that the Commission left to the discretion of the licensees the power to select the number and type of programs in each such category which would meet this responsibility and argued that the stations had abused this discretionary power. Thus, ACT claimed, a stronger rule was required.

ACT went on to contend that the Commission had by no means reached the limit of its authority with the 1960 Statement, citing the Supreme Court's comments in the Red Lion case, a memorandum prepared by the Commission's General Counsel as a result of that case, as well as the comments of the D.C. Circuit Court of Appeals in another case. The thrust of all these comments is that broadcasters are under a wide range of obligations, that the FCC must insure that they live up to those obligations, and that in pursuit of this goal the Commission can and should specify both qualitatively and quantitatively what constitutes superior service. 17 Hence, ACT argued, its guidelines to require a minimum amount of various age specific programs could be

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16 Ibid., p. 5. See also FCC Report #60-970, 25 FR 7291 (20 RR 1961).

17 Ibid., pp. 4-7. The documents cited may be found in 395 U.S. 357 (1969), 20 RR 2nd 381, and 447 F. 2nd 1201 (1971), respectively.
legally adopted by the Commission.

As to the proposed restrictions on commercialism, ACT maintained that these, too, could be legally adopted. In comments filed during the petition phase of the ACT matter, several broadcasters cited a portion of the 1960 Statement as a recognition that the FCC's authority in this area is limited:

... there is no public interest basis for distinguishing between sustaining and commercially sponsored programs in evaluating station performance.

ACT, however, went on to quote the next sentence:

However, this does not relieve the station from responsibility for retaining the flexibility to accommodate public needs.18

The group concluded that

the statement clearly means only that a station is not precluded from obtaining commercial sponsorship of programs which otherwise serve public needs. A station may not use a lack of ... sponsorship to excuse a failure to meet public needs. Nor does the statement preclude the Commission from limiting commercial practices which can be shown to inhibit the accommodation of public needs.19

Nor, said the Newton women, was the adoption of rules eliminating commercials in children's programs in violation of the First Amendment, as charged by some. For backing

18 25 FR 7291 ; 20 RR 19017.
material they cited the Commission's historical concern with commercial practices in general and overcommercialism in particular. Also cited was the Banzhaf case in which the court stated that "promoting the sale of a product is not ordinarily associated with any of the interests the First Amendment seeks to protect." Indeed, claimed ACT, under Thornhill vs. Alabama, since commercials restricted the types of information and education available to child viewers (e.g. age specific programs), the First Amendment would require that the FCC act to correct the condition.²⁰

Proceeding from these assertions that the proposed rules were legally sound, ACT argued for their adoption on a number of fronts. Under point #5a, the women noted that, historically, children have been afforded special protection under the law in such matters as commercial transactions, education, and the content of communications directed to them. Also noted in this regard were calls from the White House Conference on Children and the FTC for inquiry into or experimentation with special standards for advertising to children.²¹

Under point #6, ACT indicated that it was satisfied with the FCC's proposed definition of "children's programs"

²⁰Ibid., p. 8. The cases cited may be found in 405 F.2nd 1082 (1969) and 310 U.S. 88, 101 (1939), respectively.

and that if this definition proved inadequate, it could be amended as specific problems arose. The group’s first filing discussed this area more fully (see p. 67). 22

And under point #8, the Boston mothers addressed what they termed "the most serious argument" against adoption of their proposals, i.e. that without commercial revenues broadcasters could not afford to develop and air quality programs for youngsters, that the ACT proposals were, in effect, self-defeating. In the first place, ACT insisted, there is presently no direct correlation between high profits and high quality programs (i.e. profits are now high; quality, in terms of educational and social values, according to the group, is low). Indeed, said the women, "it is impossible to imagine anything worse than the current fare." They went on to argue that the broadcasting industry’s profits on net tangible investment are much higher than those of other businesses and that besides, presenting high quality children's programming is part of a broadcaster's public interest responsibility. Moreover, said ACT, broadcasters could, under the proposed rules, accept institutional advertising and could obtain government and foundation grants, as the Public Broadcasting System has done for its children’s series. 23

Finally, ACT replied to those critics mentioned in the

22Ibid., pp. 25-26. 23Ibid., pp. 27-29.
FCC Notice of Inquiry who claimed that the rules would adversely affect the economic viability of a large number of independent UHF stations as well as a few VHF stations in small markets. ACT noted that

The courts have often stated that it is the Commission's responsibility to protect the public interest and not to protect the investments of television entrepreneurs. Certainly the broadcast industry's public service obligation to children should not be downgraded in order to protect a handful of station owners. At most this problem should be dealt with by waivers. 24

These, then, were the main arguments put forward by ACT in its initial Inquiry filing. At several points in its submission the group did request that the Commission broaden the scope of the Inquiry to include such topics as (1) commercial influences on children's programming (e.g. how programs are packaged and produced, how commercials are produced, how ratings affect time sales and program decisions); (2) child development theory as it applies to the perception issue; and (3) television toy advertising and its relationship with product price and quality. It asked that these topics be discussed in oral arguments and hearings before the Commission. It also mentioned that such a careful inquiry might reveal less drastic remedies than those proposed by ACT which would still "curb the 

24 Ibid., p. 30.
effects of present commercial practices.\textsuperscript{25}

Appended to the filing was another research study authored by Dr. Ralph M. Jennings (this time co-authored by his wife, Carol), essentially an updated version of the study appended to ACT’s April 29, 1970 filing (see pp. 64-65). The new version focused on the availability and type of children’s programming offered in twenty selected markets (including seven below the top fifty) during the composite week designated by the FCC. Once again the study was largely statistical in nature, although a brief historical review of programming trends was also presented. The major findings included:

1. Most stations in the markets surveyed carries less than fourteen hours of children’s programs per week.

2. CBS affiliates carried more local children’s programs than the other networks’ affiliates, with ABC stations second. NBC affiliates carried such shows only in the smallest markets.

3. Shows consisting in whole or in part of “cartoons” were the dominant program type, ranging from 61 per cent to 92 per cent of all children’s programs in each market. From 85 to 100 per cent of the shows were of the “entertainment” type.

4. Only about half (47 per cent) of the local stations surveyed offered any local children’s programs. Those that were aired were “cartoon” shows largely.\textsuperscript{26}

\textsuperscript{25}Ibid., p. 13.

These statistics and others were used in conjunction with the historical review to point up programming trends, the present lack of diversity, and the relative lack of suitable programs in the late afternoon and early evening hours. The study is, however, somewhat sloppy in that definitions of terms were either unspecified or unclear. The term "children's programs" was not defined, although the study's title seems to imply that the FCC-suggested definition was utilized. The term "cartoon" was also undefined as was the distinction between "entertainment" and "educational" programming. Under such a scheme, "Captain Kangaroo" could be classed as a "cartoon show," as a small amount of animated material is presented, and could be classified as either "entertainment" or "educational," since elements of each are present.

In summary, the ACT filing did comment on all the general objections to its proposals mentioned in the FCC Notice of Inquiry, although it did not comment specifically on the implications of Section 326 of the Communications Act of 1934, a significant omission since it was mentioned by most broadcasters and is viewed with much respect by FCC Chairman Dean Burch. The ACT filing also dealt briefly with the problem of defining "children's programs" and included comments which related generally, but not in all cases specifically, to the list of general questions posed
by the FCC in the Notice.

Broadcasters: The Networks

In their initial Inquiry comments, the three commercial networks did respond generally to some of the points raised by ACT, notably on the amount of programming, diversity, perception, and host selling issues. As in their petition phase comments, however, most attention was given to their objections to the ACT proposals, as they contended that the problem was not as serious as to require such a drastic solution. Nonetheless, they did stress their concern with children, cited their recent efforts to upgrade programming and to place further restrictions on advertising, and asked that they be allowed to solve what problems did exist in these areas on their own without government interference.

Broadcasters, including the networks, also provided raw data on the specific questions posed in the FCC Notice of Inquiry (the questions concerning programming and advertising to children during the special composite week—see pp. 75-77) and commented on the five general questions which the Commission had raised. The reader will recall that general question #1 asked what types of children's programs not currently available should be presented, that question #2 inquired about the benefits derived by youngsters from viewing current children's programs, that ques-
tion #3 requested an appropriate definition of "children's programs," and that general questions #4 and 5 asked for suggestions on commercial restrictions which could be imposed on spots in and adjacent to children's shows.

With this overview in mind, let us move on to look at the individual responses, focusing first on comments relating to the problem and its significance.

ABC applauded the rising tide of concern over the relationship between children and TV, said it was "convinced that this self-analysis is appropriate," and rededicated itself to a continuing search for better programs.\(^\text{27}\) In this regard, in responding to general question #1 on what new program types should be offered, ABC contended that no definitive research exists which would indicate that one kind of program is to be preferred over another. Television programming should, said the network, reflect the spectrum of activities of a child's life, the very philosophy upon which its new program, "Curiosity Shop," was based. It went on to mention "entertainment, education, stimulation, and relaxation" as valuable ingredients of children's programs. Also noted was "a need to develop more stimulation, interest and appreciation for such things as the natural sciences, music, art, history and litera-

\(^{27}\)American Broadcasting Companies, "Response," FCC Docket #19142, July 2, 1971, pp. 8-12.
ture." But, said ABC, such efforts might well be "more effective in an entertainment format" rather than "in a highly structured educational format."

Speaking to the Commission's general question #2 on the benefits of children's programs to the young viewer, ABC insisted that the question was unanswerable, that a given program may have widely different effects on different children, some beneficial, others not. 28

Like ABC, NBC said it shared the concerns of the FCC and ACT with respect to children's programming. The network devoted a large section of its comments to a historical review of NBC's children's programs and efforts to upgrade them, focusing especially on a three-part campaign begun in 1968. The first phase of that campaign, lasting from 1968 to 1970, "looked to the removal of programs that might include . . . elements of violence . . . and replacement with series emphasizing fantasy and natural history."

The second phase, from 1970 to 1971, concerned itself with "the overall upgrading of the Saturday morning schedule with programs of greater substance, with the addition of informational elements, where possible, within an entertainment framework." The third phase (1971-72) would, said NBC, "integrate information with entertainment, by appealing to the curiosity of children and their natural reaching for

28 Ibid., pp. 24-28.
knowledge." Help in these efforts was and is being solicited from child development experts, the network stated. It also mentioned similar efforts by its owned stations as well as a long-term, on-going research program on the relation of TV to child behavior.29

NBC claimed that general question #1 could not be answered as the lists of possible subject matter and the possible manners of presentation for new programming is virtually limitless. It also noted that whatever selections were made from this smorgasbord had to be made attractive to the child. As to the benefits a child gains by watching children's programs, NBC reiterated its goal of blending information with entertainment, contending that "all children's programs to some degree contribute to the learning process."30

CBS minimized the problem and its significance, stating that at times "sincere groups" such as ACT "seem unaware of much of the quality children's programs already available on television."31 CBS, like NBC, devoted a large amount of space to a review of its (and its owned sta-


30Ibid., pp. 39-41.

tions') new programming, noting that CBS "constantly seeks new programs that are interesting viewing fare for children . . ." and that "research and development of new program forms continues."^32

Directing its attention to general question #2, CBS posited a number of benefits which children garner from TV programming designed for them, including increases in general knowledge and the strengthening of values stressed by parents and teachers. Several excerpts from the Schramm and Hemmelweit studies (see Chapter 1) were cited in this regard.^33

In the main, then, the networks argued that the quality of children's programming is, indeed, a matter of some concern and significance, but that they had long recognized it as such, and had made and were continuing to make diligent efforts to upgrade their programming through consultations with child development experts, through on-going research and development programs, and through other creative strategies. They all claimed to have presented a diverse range of quality children's programs as well as many programs which appealed to both adults and children.

Most of the networks' other comments were directed to

\(^{32}\text{Ibid.}, \text{pp. 11-17. This section was termed a "partial response" to general question \#1 which asked which programs not now available should be presented.}\)

\(^{33}\text{Ibid.}, \text{pp. 17-25.}\)
opposing adoption of the ACT guidelines on a number of grounds. In the case of CBS and ABC, many of these arguments stemmed from the problem of defining "children's programs," so we will begin with the comments on that issue.

Very early in its filing (p. 4), CBS proposed the following definition of the term "children's programs," using the definition proposed by the FCC as a basis, but broadening it substantially:

Children's programs include those that are designed for children, those that are designed to appeal to the whole family, and those that are of interest to children because they contain characteristics or elements appealing to children and are not otherwise inconsistent with children's viewing.

This definition was proposed, said CBS, due to children's catholic programming tastes. ABC made essentially the same observation. Indeed, said CBS, children spend less than 10 per cent of their total viewing time (a total of some 15 to 20 hours per week) watching Saturday morning programming, citing ratings data to back the contention.

Both NBC and ABC argued that any such definition, no matter how it was arrived at, would prove to be impossibly inflexible in an administrative law context, would stifle

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creativity, and would inevitably set the Commission up as arbitrator as to what does and what does not constitute such programming, a role it has long avoided. 36

Beyond the administrative impracticality aspect of the definition issue, all three networks commented on the question of legality, maintaining that the Commission does not have the authority to invoke the rules. Mentioned in this regard was the long tradition of the Commission in shunning any role which touched on the area of program decision-making, in accordance with the anti-censorship provisions of Section 326 as well as the First Amendment. As NBC put it, the establishment of a minimum quota system such as that contained in the ACT proposal would

... deprive the licensee of much of his power of selection in programming for the public he serves, while still charging him with the responsibility for ascertaining the need for such service and reaching his own independent judgment as to how to provide it. 37

A long list of court cases and Commission policy declarations were cited by both ABC and NBC to back this aspect of their cases.

On the proposal to eliminate commercials, all the networks argued basically along the same lines, summarized as


follows: quality television programming for children is expensive to produce. Advertising revenue is necessary to offset these high costs. The prohibition of advertising on children's programs would thus result in fewer, not more, high quality shows. Creative talent would desert the area of children's programming in search of more lucrative undertakings. Moreover, high profits from pure entertainment programs could no longer subsidize low profit instructional, educational, or experimental shows. The ACT proposal rests on the foundation that commercials are somehow bad for children, a contention unsubstantiated by research findings. In any event, adoption of the proposal would not insulate a child from such messages. He would still be exposed to them on adult and family shows and in other media. As to regulating the content of commercials, the NAB TV Code coupled with network screening procedures are strong enough to sufficiently protect against an advertiser's abusing a child's naiveté. Moreover, they can be amended and applied quickly, something an FCC rule could not do. So argued the commercial broadcasting networks. 38

As to the host selling issue, there was general agreement with ACT. ABC, for example, proposed that the industry

agree that hosts or cartoon characters could not sell on their own programs (but could on others) and that child participants not be allowed to sell under any circumstances. The network also urged clearer separation of program and commercial material.\(^{39}\)

CBS went a step further. In its comments, the network announced that effective with the 1971-72 season, children's program hosts and cartoon characters would no longer be allowed to sell on their own CBS shows. The network also noted that it had already begun to "cluster" commercials in two minute groups to minimize program interruptions. And although it was opposed to an FCC ban on advertising, CBS invited ACT to attempt to persuade advertisers to limit their announcements to a simple credit line if ACT thought that this would be beneficial.\(^ {40}\)

Comparing the networks' filings to ACT's, one can readily see the emerging issues of debate. The crucial ones concern the quality of then current children's programming, the effects and the advisability of a total ban on advertising in children's shows, the relationship between commercialism and programming and the effects of each on the child. Two widely disparate views of each area of concern are emerging. Nor was there much, if any, agree-


\(^{40}\) CBS, "Comments," July 1, 1971, pp. 27-32.
ment on the efficacy of self regulation, on the extent of
FCC authority in this area, on the extent of parental
responsibility to control viewing, or on the definitional
problem. Indeed, the only two real areas of agreement
thus far would appear to be that continuing review of
children's TV program and advertising practices is healthy
and that host selling is not.

Broadcasters: Local Stations

Surveying the comments of local stations in this
matter was difficult. A sizable number of stations filed,
but their "comments" ranged from a mass of raw data on the
composite week questions, to a few paragraphs of general
opposition, to a few fairly lengthy, substantive submis-
sions. Acting on the suggestion of FCC staff member Jon-
athan David, the author examined the comments of the Sangre
De Cristo Broadcasting Corporation. They appeared to be
both substantive and fairly typical of local stations' re-
action to the Inquiry. Thus, they are outlined below, as
are a portion of the comments of WCSC-TV, Charleston, South
Carolina, which, unlike the networks, took violent excep-
tion to ACT's host selling proposal.

41 David made the suggestion during a private inter-
view held in his FCC office, Washington, D.C., March 13,
1973. He is the FCC official assigned to carefully review
and briefly summarize all of the filings on the ACT docket.
He is thus the one person who is most familiar with the
contents of the 100,000 filings.
The Sangre De Cristo Broadcasting Corporation is the licensee of KCAA-TV, a VHF NBC affiliate, in Pueblo, Colorado. The company also owns an AM radio station in the same market. Some of its arguments were basically the same as the networks', although the emphasis was not entirely the same and a few new lines of reasoning were employed. The following areas were discussed: (1) Commission authority to adopt the proposed rules, (2) administrative impracticability of the proposed rules, (3) public policy implications of the proposed rules, (4) TV stations' increasing inability to address all of their community's needs, and (5) the proper role of TV for children. The KCAA-TV licensee also spoke to each of the Commission's five general questions.

As can be seen from the above overview, Sangre De Cristo did not really speak to the problem and its significance per se, but rather based its case on a multifaceted attack against the ACT guidelines. We will thus consider the five main points in turn.

The licensee first spoke to the issue of the FCC's authority in the area. However, unlike the networks, it did not state its belief that the Commission lacked the power to adopt the guidelines. Rather, it urged that the proposals not be adopted without a thorough review of the applicable laws as well as the Commission's previous state-
ments on the propriety of government intervention in "programming decisions." Several examples of the latter were cited, including the 1960 Statement referred to by both the networks and ACT. KOAA-TV indicated that a letter sent out by the FCC in 1968 had mentioned several "serious questions" concerning the advisability of FCC intervention in the violence issue and concluded that the same "serious questions" existed in the ACT matter under both Section 326 and the Constitution.\footnote{42}

Under areas \#2 and 3, Sangre De Cristo attempted to anticipate the pressures which the FCC would be subjected to if the proposed rules were adopted. It contended that if one particular audience (i.e. children) was granted special recognition, others would soon demand the same treatment (e.g. various ethnic groups, the gifted, the disadvantaged, the handicapped, etc.), thus forcing the FCC to become increasingly involved in programming decisions.

The company also spoke to the definitional problem in these sections, arguing, as did the networks, that it is impossible to develop

generally applicable definitions of "preschool," "elementary," and "secondary" "children's programming" which would retain sufficient certainty to be useful.

\footnote{42Sangre De Cristo Broadcasting Corporation, "Comments," FCC Docket \#19142, July 2, 1971, pp. 4-6.}
in an administrative law context.\textsuperscript{43}

The catholicity of children's tastes was mentioned here as a factor which made the definitional problem even more difficult. Sangre De Cristo contended that no matter what definition was adopted, the Commission would soon become party to a number of ad hoc rulings as to the appropriate category for a given show, and eventually, as to the program's acceptability and/or adequacy.

The sum of all these problems would lead to a government TV czar, said the licensee, who would determine to what extent special interest programming should take precedence over programming of a more general appeal, which groups merit it, the types of programming to be provided, and which programs were good or bad. Any other course, said Sangre De Cristo, would leave broadcasters so vulnerable under the proposed rules that they would only broadcast "safe" programming, thus inhibiting experimentation.\textsuperscript{44} The company concluded that the

\begin{quote}
\textit{... Commission's long-standing refusal to become involved in specific program regulation is fully supported by sound public policy and practical considerations and we urge that the Commission not now depart from this policy.}\textsuperscript{45}
\end{quote}

Sangre De Cristo argued, under point #\textsuperscript{44}, that TV sta-

\begin{itemize}
\item \textsuperscript{43}Ibid., p. 8.
\item \textsuperscript{44}Ibid., pp. 6-12.
\item \textsuperscript{45}Ibid., p. 12.
\end{itemize}
tions are increasingly adhering to a programming format (as do most radio stations), apparently realizing that time limitations preclude the otherwise desirable goal of meeting all of their community's needs. Also noted in this regard were gains in program diversity stemming from an increasing number of independent and educational stations. However, according to the licensee, ACT's proposals (even apart from the advertising ban) would restrict this growing diversity by (1) drawing resources to children's programs at the expense of other special interest programming and (2) putting a huge burden on all stations, including those least able to afford it (i.e. the aforementioned independent and educational stations).\textsuperscript{46}

Finally, under area #5, the KCAA-TV licensee recognized its responsibilities to its community and noted its desire to continually improve its service. It also claimed, however, that it is ill-equipped to fulfill the role outlined for broadcasters by ACT. The station maintained that ACT misperceived the "appropriate and reasonably possible role" of television in assisting a child's mental and psychological development. Sangre De Cristo contended that it is reasonable to expect that TV serve as a child's window on the world, as a means of exposure to new ideas, but that it is unreasonable to expect TV to meet the many and varied

\textsuperscript{46}Ibid., pp. 12-15.
educational, cultural, and entertainment needs of the public generally or of any special interest group in particular, due largely to the passive nature of the medium. In other words, the primary responsibility for a child's development must remain with the parent, according to KOAA-TV.

Also in this section, the licensee noted several criticisms which it felt were unfounded, notably the "electronic babysitter" and the "unsuitable programs" arguments. As to the former, Sangre De Cristo claimed that innocuous entertainment programming is entirely proper, presuming that it is balanced with some shows designed to stimulate and inform children. As for the latter criticism, the company claimed that even recognizing its responsibilities to be careful as to the type of programming it airs when children may be watching, the final responsibility is that of the parent to regulate what his child sees. The answer is not to make all programs suitable for children. 47

In answering the five general questions, the licensee reviewed a number of the above arguments as well as outlining some others. On question #1, the station argued that above the age of seven, children's programming should be as diverse as adult programming. It urged that "a more nearly optimum balance" be sought and that the nature of that

balance should be determined by the broadcasters, not the FCC. Noted again was the contention that a rule limiting
the economic incentive to develop new program types would restrict such development. 48

Responding to question #2 on viewing benefits, the corporation reviewed the window on the world concept as
well as TV's instructional role. However, it also mentioned again that the medium's passive, impersonal nature
does not lend itself to assuming a primary role in child development. 49

Responding to the definitional question, the licensee took the familiar stand that no definition was workable in
a legal context, noting that a program's appeal and value were not a function of age but rather of the child himself.
It also questioned the advisability of requiring programs of a type that do not attract a substantial audience. 50

Finally, on the advertising restrictions questions, KOAA-TV noted the crucial need for advertising revenue to
support children's programs. It went on to say that it shared ACT's concerns that advertising be completely sepa-
gated from program content, that it be scrupulously accurate, and that it take into account a child's limited
reasoning abilities. NAB action in these areas was advo-

48 Ibid., pp. 21-23. 49 Ibid., pp. 23-25.
50 Ibid., pp. 25-27.
cated. For flexibility's sake, said Sangre De Cristo, the self regulation route was to be preferred. It also noted NAB-Roper poll data (see p. 143) and the lack of complaining letters to KCRA-TV in declaring that the problem was not as significant as ACT claimed.\footnote{Ibid., pp. 27-32.}

Before proceeding to look at the filing of the NAB, we must look briefly at a portion of the filing of another local station, WCSC-TV, Charleston, South Carolina. As noted above, the networks were in seeming agreement with ACT that host selling was not a good idea (although NBC did not comment specifically on the point). WCSC-TV (and others as well, no doubt) took the opposite point of view (see quotation, p. 103). Although there is no reason to doubt the sincerity of the line of reasoning advanced by WCSC-TV, it should be mentioned that local stations have a substantial financial interest in this particular provision, much more so than the networks, in that host selling is much more commonplace on the local stations. As noted previously, ACT's research studies found that the most common local program formats were of the cartoon show or "Romper Room" variety. Such formats lend themselves particularly well to host selling. In data submitted by WCSC-TV, for example, for Thursday of the composite week, an hour-long program hosted by Happy Raine, WCSC-TV's chil-
dren's personality, featured eight commercials, with the hostess participating in six of them. In contrast, on the composite week Saturday, ABC noted host selling on only one network program ("American Bandstand") out of the nine aired.\(^{52}\) Thus, it is not difficult to see compelling economic reasons for the difference in viewpoint. This point will be discussed further in Chapter 4.

**Broadcasters: The NAB**

The National Association of Broadcasters was among the parties that filed comments during the petition phase of the ACT matter. At that time the group argued along lines which are, by now, very familiar to the reader: (1) lack of advertising revenue would lower program quality, (2) the definitional problem is very serious, (3) the petition is aimed at insulating children from commercial solicitations, an impossible goal, (4) many quality programs are already being broadcast, and (5) the NAB is actively policing children's program content and commercial practices.\(^{53}\)

In its Inquiry comments, the NAB first spoke on the problem and its significance, recognizing the fact that children's TV is not perfect and that there is always room for improvement. But it also called attention to the fact

\(^{52}\) ABC, "Response," July 2, 1971, Exhibit N-4, p. 2.

that networks and stations were presenting a number of quality shows and were upgrading their schedules even further in the fall of 1971. Like Sangre De Cristo, it also contended that television

... should not be absolved of all responsibility for continuing improvement in its offerings to young audiences, but neither should television be indicted for failings more properly laid at the feet of parents.54

As to the commercialism aspect of the problem, the NAB contended that no matter what regulations children's TV was subjected to, the parent would still have to say "no" to his child, that "'desiring and wanting' without discretion are inherent characteristics in children." The organization also reported the results of a public opinion poll conducted by the Roper organization at the behest of the Television Information Office (TIO, an adjunct of the NAB). Since this poll was widely quoted by broadcasters in the ACT proceeding and since it was later disputed by ACT and others, the primary question asked and the results obtained are quoted in full:

Now I'd like to ask you about commercials on children's television programs--and I mean all kinds of children's programs. Some people think there should be no commercials in any kind of children's programs because they feel children can be too easily influenced. Other people, while perhaps objecting to certain com-

mercials, by and large see no harm in them and think children learn from some of them. How do you feel—that there should be no commercials on any children's pro-
grams or that it is all right to have them if they don't take unfair advan-
tage of children?55

No commercials . . . . . . . . . . 18%
All right to have them . . . . 74%
Don't know . . . . . . . . . . 8%

These results, said the NAB, were proof that ACT's thesis as to the inherent unfairness of TV ads directed at children was not one that is widely shared by the general public. The debate surrounding the fairness of the polling question is covered in Chapter 5.

Proceeding from the point that the problem is less significant than ACT claims, the NAB argued that its TV Code and Toy Advertising Guidelines were perfectly capable of handling what problems do exist in this area. Its activities in both the programming and advertising fields were extensively reviewed.

The procedure in the case of programming is one of monitoring material as it is broadcast on the networks (in some cases, material is pre-screened). In cases where questions of Code compliance are raised, consultations with the network in question are undertaken to edit the program for future use and to ensure that the problem does not re-

55 Ibid., p. 18.
tored some 217 children's programs from September, 1968 to March, 1970, had uncovered some 12 programs which were questionable under the Code, and had instituted the necessary corrective procedures in these 12 cases. 56

In the advertising area, said the NAB, the problem is one of "guiding children's advertising into the path of 'fair' and 'desirable' influences" on its audience, and presented evidence that its Code Authority was doing just that on a continuing basis, under the general provisions of the TV Code and through the Toy Advertising Guidelines. An extensive history of the evolution of these Guidelines was presented, from their inception in 1961 to their most recent revision in 1971, (some of this information is reviewed in Chapter 5).

As testimony to the strict nature of the Toy Guidelines in particular and to the "teeth" in NAB restrictions in general, a number of comments from toy industry spokesmen were presented. The gist of their statements was that the Guidelines were unfairly restrictive and perhaps unconstitutional. The NAB also mentioned that on May 26, 1971, it had redesignated its Subcommittee on Toy Advertising as the Subcommittee on Children's Advertising in preparation for an expansion of its regulatory effort. 57

Concluding its comments, the NAB applauded the fact-

56 Ibid., pp. 9-11. 57 Ibid., pp. 19-32.
finding nature of the Inquiry, but reiterated that any problems unearthed by the FCC should be dealt with by the self regulatory procedure and not by FCC rules. Such rules, it claimed, would be beyond the Commission's authority (a point expanded on in a fifteen page memorandum appended to the filing) and would be administratively impractical. It insisted that its Code Authority had proved its ability to devise, revise, and enforce any necessary standards. The cooperation of the public was requested, however, to insure that these efforts be as effective as possible.\textsuperscript{58}

Sponsors

Very few sponsors filed in this proceeding and those comments that were filed were considerably briefer than those of either ACT, the networks, or the NAB. In this section we will look at the filings of Mattel (a fairly typical sponsor's response from a major children's TV advertiser), Ideal Toy Corporation (a decidedly atypical response), and the Toy Manufacturers of America, whose fairly lengthy filing spoke on behalf of 270 such companies.

Mattel's filing consisted of a letter from company president Ruth Handler plus several attachments. Mattel agreed with ACT that present children's programming was un-

\textsuperscript{58}\textit{Ibid.}, pp. 33-36.
satisfactory, that the American business community should assume an important part of the responsibility for bettering children's programs, and contended that its record in this effort was unmatched by any other advertiser. In sum, wrote Ms. Handler,

To follow our past pattern of television programming exclusively is no longer adequate. We believe that our audience is entitled to more exciting, more intellectually stimulating television fare and we are going to give it to them.59

Mattel, however, did not agree with ACT's solutions to the problem, insisting, as so many others had, that advertising revenue was needed to support quality programming. The company also claimed that there was no indication either that a majority of the public supported an ad ban or that advertising to children was, indeed, harmful. Moreover, said Mattel, given such a ban, it was unlikely that private support could fill the monetary gap. The firm called for additional advertising effects research, concurring with Ward that more data were needed. In the meantime, Mattel indicated support for the NAB TV Code and Toy Guidelines.60

Commenting on the FCC's general questions, Mattel

59 Mattel, Filing, FCC Docket #19142, July 2, 1971, letter from Ruth Handler to the Commission, p. 1. See also Attachment 1.

60 Ibid., p. 2. See also Attachments 2 and 3.
supported more family programming dealing with real living situations to help children adjust to the frustrations and anxieties of modern life and indicated a wide range of viewer benefits. Its comments on the definitional problem centered on the catholicity of taste issue previously outlined. As for advertising restrictions short of an outright ban, Mattel maintained that the NAB Toy Guidelines were sufficient.61

The Toy Manufacturers of America (TMA) had filed comments during the petition phase which had argued (1) that advertising revenue was necessary to upgrade programming, (2) that children are amply protected by the NAB, (3) that it is illogical to ban ads on some shows and not on others, and (4) that adoption of the ACT rules would lead to government control of communication.62 Its Inquiry comments were restricted to responding to the five general questions posed by the FCC.

Under question #1, the TMA called for improvement of program quality, as Mattel had done, and likewise urged that this effort be left in private hands. It also noted that educational material should be made as entertaining

61 Ibid., Attachment 5.

as possible. 63

Under the benefits question, TMA admitted that much programming did nothing but entertain but questioned whether this was wholly bad. It also noted a wide range of benefits from such shows as "Sesame Street," NBC's "Hot Dog," etc., as well as potential benefits from the upgrading effort suggested above. In addressing the definitional question, the group suggested four criteria: (1) viewing hour, (2) length of show, (3) viewing preferences, and (4) subject matter. 64

Under the questions on advertising restrictions, the TMA said that although it felt the NAB's Toy Guidelines were "far too stringent," it thought that if they were used, they ought to apply to all children's advertisers equally. Citing the failings of ACT to prove that it speaks for a majority of the people (children and adults) and to prove that advertising causes children harm, TMA argued for the retention of children's advertising. It was, said the trade group, the only way to pay for good programming in sufficient quantity. It also served to promote a variety of choice in the marketplace and gave children consumer information to which they had a right. TMA maintained that


64 Ibid., pp. 5-9.
parents who objected to commercials had only to turn off the set to eliminate them. The group also argued against reducing the number of commercials in children's programs since this would raise their cost thus restricting access to the medium for small businesses. TMA concluded that the commercial framework provided the best means of insuring better quality children's programs, especially when coupled with demands from the public and sponsors that the "stations and networks create and provide the high quality pro-
gramming our children deserve."65

Finally, we come to the very brief and very different filing of the Ideal Toy Corporation. Ideal had but one point in common with TMA and Mattel. It too wanted advertising guidelines applied equally to all children's spon-
sors. However, there the similarity ceased. Ideal offered two other recommendations on the advertising issue. First, it asked that the number of commercial minutes permitted in children's programs be reduced to the vicinity of the num-
ber permitted in adult prime time (a cut from sixteen min-
utes to somewhere in the neighborhood of ten minutes).
Secondly (and even more startling), Ideal recommended that

Guidelines for all commercials telecast in children's programs should be set and en-
forced by the F.T.C. rather than the Na-
tional Association of Broadcasters, who are serving only the Broadcasting Compa-

65 Ibid., pp. 10-18.
The amazing nature of this request is tempered to some extent by the fact that Ideal had for some time been moving away from placing its commercials on network children's shows. Indeed, a little over a month after submitting this filing, Ideal announced that it was abandoning network children's shows entirely for the new season. Instead it placed its spots on such programs as the World Series, college and professional football games, and on seven ABC nighttime "family" shows. Its local buys were concentrated on weekday children's shows in some eighty markets. "Enormous clutter and scant product protection" on the networks' weekend children's shows were given as the reasons for the switch. Nevertheless, the request for government intervention by a party having a direct financial stake in the children's television proceeding was highly unusual, if not unique.

Other Citizen's Groups

As indicated in Chapter 2, ACT has worked closely with other citizen's groups during the course of its campaign. Prime among these has been the National Citizens Committee for Broadcasting (NCCB). It is not surprising, therefore,

67 "Ideal Toy shifts ad strategy," Broadcasting,
that the NCCB filed substantive comments and that the comments were in general support of ACT's efforts.

The NCCB filing outlined two major endeavors undertaken by the group to provide useful data to the FCC. The first consisted of a major research study conducted by Lillian Ambrosino and David Fleiss which compared children's programming and advertising practices in fourteen foreign countries with those of the commercial networks in the United States. The major findings of the report included the following:

1. The United States was the only country surveyed which did not offer children's programs after 9 AM, weekdays, on its commercial networks. It was one of two countries offering no children's programs on weekday afternoons.

2. Programs in other countries were found to be more age specific than American commercial programming.

3. Of all the countries surveyed, the United States was the only one that allowed more commercials on network children's shows than on adult evening programs. Eleven of the foreign countries surveyed did not allow advertising on children's programs, but seven

August 30, 1971, p. 9.

68 Lillian Ambrosino and David Fleiss, "An International Comparison of Children's Television Programming" (Washington, D.C.: National Citizens Committee for Broadcasting, July, 1971) and National Citizens Committee for Broadcasting, "Comments," FCC Docket #19142, July 2, 1971, pp. 1-2. The foreign countries studied were Austria, Canada, Denmark, Finland, France, Great Britain, Ireland, Italy, Japan, the Netherlands, Norway, Sweden, Switzerland, and West Germany. By this time Ambrosino had left Newton and ACT to spend a year abroad with her family where she helped to research this study.
of these did allow ads on other shows.69

While the study did offer some useful data to the Commission and did show that children were treated differently in other countries insofar as TV advertising and program practices are concerned, we should note that some of its conclusions are open to some misinterpretation and that the study was hotly contested by the NAB. This dispute will be outlined in the following chapter.

The other major effort of the NCCB was the circulation of a petition calling for FCC action on the children's TV issue. The group noted that in circulat- ing the petition, it soon discovered that ACT and itself were not alone in calling for improvement. Indeed, claimed NCCB, some 8300 individuals, 28 college presidents and deans as well as some 22 organizations representing some 32 million members endorsed the petition.70

Due to the results of these two projects, NCCB argued for the adoption of an incredibly wide range of new FCC policies including those which would lead to the availability of two hours of children's programming on a daily basis from each TV station and network, particularly in the after-school hours and in the early evening, fifty per cent of which should have value beyond that of pure entertain-

70 Ibid., pp. 3-4.
ment. NCCB further argued for FCC policies ensuring that this programming would be age specific in the 2-5, 6-9, and 9-12 age groups. The Council also indicated that it would prefer to see no commercials aired on these children's shows. However, if that proved economically impossible, NCCB insisted that the FCC adopt rules which would lead to no program interruptions, to a maximum of eight commercial minutes per hour during such shows, to a ban on host selling to children, and to a ban on drug, vitamin, beer, and wine advertising during children's program periods. The NCCB also asked the FCC to adopt policies which would force broadcasters to confer regularly with parents and child specialists to plan future programs as well as those which would force racial integration of all children's programming. Finally, the NCCB requested that a special section on children's programming be added to station renewal application forms. Under this new section, broadcasters would be required to list the cognitive and emotional benefits which children were intended to garner from proposed programs and would be required to submit research reports evaluating the benefits which were actually derived.71

71 Ibid., pp. 4-7.
General Public

Jonathan David has estimated that of some 100,000 letters and statements from members of the general public submitted to the FCC during the children's television proceeding, at least 95 per cent were in favor of the ACT proposals specifically or were at least generally supportive of ACT's efforts. He also has said that the figure could well be even higher. As evidence, David cited the figures from the first volume of comments (there are presently some 70 bound volumes of filings of between 500 and 1000 pages each, with more letters still coming in). Of the 411 filings contained in this first volume, 408 (99.3 per cent) were in support of ACT, 3 (0.7 per cent), from two individuals and one yo-yo manufacturer, opposed them. David maintains that this pattern is typical.72

Perusing the volumes, one is indeed struck by the unanimity of opinion favoring ACT's point of view. While these comments undoubtedly do not represent a similar statistical division of public opinion on the issue, they are impressive, nonetheless. Styles range from the penciled printing, spelling, and language of a child (see quotation, pp. 108-09), to the colored, scented stationery and handwritten comments of an upper middle class mother to the articulate views of a businessman-father, typed on his

72 David interview.
office letterhead. But whether neat or messy, articulate or virtually incoherent, in legal brief form or jotted on the back of a postcard, the comments almost always back ACT, either in general or quite specifically.

Conclusion

As noted above, the initial Inquiry comments served to draw the battle lines in the children's TV controversy. Looking down the list of issues outlined in the FCC Notice of Inquiry and Notice of Proposed Rule Making, one finds major disagreements on point after point. ACT, the NCCB, the general public, and the sponsors all argued that there were not a sufficient number of high quality programs available, especially those which would do more than merely entertain. Broadcasters contended that they had presented quality programs for children in the past and would present more and better shows in the future. ACT and some of its supporters claimed that advertising adversely affects program quality, is unfair to children anyway, and ought to be banned from children's shows. Broadcasters and sponsors, on the other hand, contended that advertising revenue was vital to support quality television and that advertising's harmful effects on children had never been proven. Most parties agreed that host selling was a poor idea, but some local stations did not concur, and they, along with the NAB, argued that the FCC could not and
should not interfere. Briefs were filed on both sides of the legal issue. ACT virtually dismissed the definitional problem; other parties insisted it was virtually insurmountable in an administrative law context. And proposed remedies ran the gamut from full adoption of ACT's guidelines to adoption of NCCB's multitude of suggestions to FTC intervention to a continued reliance on industry self regulation. The debates on these issues continued with the filing of reply comments and the holding of panel discussions and oral arguments before the Commission. These further debates will be outlined and analyzed in Chapter 4.

Beyond the disagreements revealed in this chapter, there also appeared to be some misunderstandings. For example, there were claims by the NAB and others that ACT was attempting to insulate children totally from commercial messages and that due to a child's diverse viewing habits, this was an impossible goal. ACT has, in fact, never advocated such a proposal. Rather, as has hopefully been made clear here, ACT has advocated a plan where for two hours a day broadcasters will make their program decisions based only on what is desirable for children so that busy mothers can go about their household duties confident that television will exercise a constructive influence on their children. ACT contends that this is possible only if ad-
verting is banned from such shows and leaves to the parent the responsibility of exercising control over the viewing of all other programs as well as the commercials that they contain.

On the other hand, ACT seems to dismiss the definitional problem with too much ease. Regardless of how many times the term "children's program" is bandied about by broadcasters and the NAB, it becomes problematical in a legal setting. The second Jennings study prepared for ACT provides an excellent example of the difficulty. In the various tables of statistics, the authors evidently considered "Mr. Ed" and "Batman" to be children's programs and decided that "My Favorite Martian" and "The Munsters" were not. As noted above, the basis for these distinctions is not made clear in the report. All four of the series were originally network programs aired in the traditional "family" time slot, 7:30 PM (EST). They have all since left the networks and have been syndicated to local stations. Three could be classed as situation comedies, while "Batman" might be termed comedy-adventure. There would seem to be no rational basis for differentiating between them as to their appeal to child viewers and, yet, such distinctions have apparently been made. With large amounts of advertising revenue at stake, such difficulties would assume major proportions.
Finally, the sincerity of some broadcasters' comments must surely be questioned on the basis of an interesting paradox noticed in one filing. The reader will recall that one of Sangre De Cristo's main points in responding to the question on possible advertising restrictions was that advertising should be completely segregated from program content. The Washington law firm of McKenna and Wilkinson prepared the Sangre De Cristo comments. The firm also submitted identical comments for another client, John Phipps Broadcasting Stations, Inc., licensee of station WCTV in Tallahassee, Florida. The program data contained in the various appendices was, of course, different, but the comments, including the point on segregation of advertising, were the same. In the program data for the Phipps station was an entry which sought to describe WCTV's version of "Romper Room." From it one can assume that the licensee liked to preach, but not to practice:

Romper Room teacher, Miss Carolyn, blended the commercials into the program and performed most of the entire commercial presentation. She almost always displayed the product in one way or another, however, the commercials were always very tastefully done and smoothly integrated into the total presentation.73 (italics mine)

ACT could hardly hope for better ammunition in the continuing battle. In that battle, as noted at the beginning of this section, the lines were clearly drawn, the issues of debate were set. The debate was continued before the FCC in the various parties' reply comments, in the panel discussions, and in the oral arguments—the subjects of our attention in Chapter 4.
CHAPTER 4: THE CONTINUING FCC INQUIRY DEBATE: REPLY COMMENTS, PANEL DISCUSSIONS, AND ORAL ARGUMENTS

ACT and the NCGB... have painted a picture of American television which is both unfair and inaccurate and cannot go unchallenged... 1

NAB Reply Comments

... the factual material filed by licensees is comprised of a selective presentation of program descriptions which are so incomplete and indeed misleading as to be worthless.2

ACT Reply Comments

My own judgment is that... children's television is undergoing fundamental change, probably for good... I give you a prognosis of cautious optimism.3

Dean Burch, September, 1971

The commercial networks, under increasing pressure from various groups... are desperately trying to improve their programming for children. They are not gen-

1 National Association of Broadcasters, "Reply Comments," FCC Docket #19142, October 1, 1971, p. 4.


erally succeeding, mind you, but they are trying.  

TV critic John J. O'Connor, September, 1971

Chapter 3 surveyed and analyzed the initial Inquiry comments of numerous parties interested in the issues surrounding children's television. The purpose of this chapter is to summarize and analyze the debates which these comments engendered. As far as the FCC is concerned, these debates occurred in three major forums: (1) in the reply comments filed by interested parties on October 1, 1971, (2) during the public panel discussions held before the Commission on October 2, 3, and 4, 1972, and (3) during the oral arguments of interested parties before the Commission on January 8, 9, and 10, 1973. This chapter is divided into four parts, looking first at the debate of the issues concerning children's program practices, than at the debate on advertising practices, thirdly at the various viewpoints of the economic considerations implicit in ACT's proposals, and, finally, at the discussion as to what remedial action should be taken, if any.

While reading this chapter, the reader should be aware of the increasing concern with children's television which

was being evidenced at the Commission during this period. In August, 1971, business economist Dr. Alan Pearce joined the Chairman's staff at Dean Burch's request. His first major assignment was to make a detailed study of the economics of network children's TV. The results of that study are outlined in the economics section below.

A month after the Pearce appointment, Ms. Elizabeth Roberts was hired as director of the newly-formed children's television unit of the Commission. She came to the FCC after having worked for a year and a half on the staff of the White House Conference on Children and Youth, and, more recently, for National Public Radio. Roberts has described her duties thusly:

The written responsibilities are . . . to brief the Commission on anything having to do with children, . . . /but especially/ with regard to the ACT petition . . . The unofficial job description has been to . . . evidence the FCC's concern with children's television programming and commercial practices.

Chairman Burch also continued his personal campaign in the children's area by delivering a second speech on the topic to the International Radio and TV Society on September 14, 1971 (see quotation, p. 161; Burch's previous

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speech to IRTS is summarized in Chapter 2). After noting his "cautious optimism," Burch went on to say that the Pearce and Roberts appointments represented "just the beginning of a standing commitment" to children's television at the Commission. He applauded ACT and PBS's children's programs as well as the efforts of the commercial networks to improve their offerings for the new season. He said that his caution in the face of these heartening developments stemmed from the networks' less than total commitment to better programming, e.g. the buying of the "quality" shows for a "short season" of only thirteen to sixteen weeks, the scheduling of the "quality" programs in fringe time slots, and the continuing absence of network children's series in the afternoons. Burch called for further action, including a reduction in the number of permissible commercial minutes on Saturday mornings under the NAB TV Code. He noted his continuing support for a commercially based television system, but went on to observe that, under such a system,

> the problem, all too often, is that ... mediocre [programming] drives out all the rest. It's safe, and relatively cheap."

This tactic was no longer satisfactory, said Burch, especially insofar as children's programming is concerned.

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He told the broadcasters that "expensive risks" needed to be taken, that it was the industry's responsibility to take them, and that their "best efforts will be required" if lasting improvement is to be made in this vital area. 8

Thus, it is within this climate of FCC pressure and renewed activism that the comments and arguments reviewed here should be judged.

Children's Program Practices

As was reported in Chapter 3, the initial FCC Inquiry comments revealed widely divergent views as to the quality of then current children's programming on both the network and local levels. Broadcasters and the NAB tended to paint glowing pictures of their current and upcoming programs, while ACT, the NCCB, and sponsors were generally quite negative. The reply comments once again reflected this pattern.

In buttressing its critical stance, ACT noted several program descriptions supplied to the FCC by broadcasters and compared these with the actual content of the programs in question. For example, according to ACT, KAKE-TV (a VHF ABC affiliate in Wichita, Kansas) submitted the following description of its local series, "Little Rascals:"

Certainly there are social values and living lessons presented in many episodes involving

8 Ibid., pp. 7-8.
the adventures and normal mischief experienced by this racially integrated group where each is accepted by the other on an equal basis.¹⁹

ACT observed that this series (the old "Our Gang" movie comedies of the thirties) has been the object of protests by several groups because of its stereotyped portrayal of the black character, "Buckwheat." For instance, ACT said, the Boston University School of Communication had termed the show an "intolerable racial indignity." Thus, due to this and other similar misrepresentations, ACT said it was forced to commission a study by Boston University professor F. Earle Barcus to provide a more accurate picture of then-current programming.

Barcus' study, "Saturday Children's Television," filed with the FCC in September, 1971, is primarily a content analysis of programs appearing on four commercial Boston TV stations (the three VHF network affiliates and one independent UHF outlet) on four Saturdays (one for each station) in May and June, 1971. ACT noted that these programs were aired after the FCC Inquiry had begun and after years of intense local activity by the group to improve Boston's children's programming.¹⁰ Despite these facts, Barcus found a generally bleak picture. In the program

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¹⁰Ibid., p. 9.
practices area, the study reached the following main conclusions:

1. Programs lack diversity with 89 per cent of program time being devoted to entertainment and 62 per cent devoted to animation. "Comedy drama" shows accounted for 70 per cent of the entertainment time.

2. The content of dramatic vs. non-dramatic programs was found to be very different with the former type (the dominant type) emphasizing crime, the supernatural, or interpersonal rivalry while the latter put the emphasis on nature, science, race relations, the fine arts, etc.

3. Of all dramatic segments, 30 per cent were judged to be "saturated" with violence, while 71 per cent had at least one instance of human violence.

4. Out of 56 human violence segments, only 3 resulted in injury or death to the victim.¹¹

From this last finding, ACT concluded that the networks' new restrictions on violence merely meant that humans "must never be killed or injured" when assaulted.¹²

ACT thus used the Barcus study to back up its previous claims that children's programming lacked diverse content and still contained elements of at least questionable value to children.

In its reply comments, the NCCB also covered old ground. It reviewed the findings of the Ambrosino-Fleiss study, again pointing out the lack of network programming


¹²ACT, "Reply Comments," October 1, 1971, p. 11.
on weekday afternoons and the lack of age specificity in commercial network programs, a problem not found in most of the foreign countries that were surveyed. 13

ABC and CBS (N3C did not file reply comments) both took exception to this NCCB study, claiming, in essence, that the study attempted to compare apples with oranges. ABC observed, for instance, that the study included only network programming, thus ignoring the considerable number of local children's programs in the United States. This, said ABC, makes the study irrelevant to what is being accomplished and what can be accomplished on American television. 14 CBS noted the higher level of government support given to children's programming in many foreign countries, and, like ABC, took exception to the exclusion of local shows from the study, claiming that such shows were indeed aired on weekday afternoons. 15

The most thorough rebuttal to the NCCB study came from the NAB in its reply comments. It began by observing that every market in ACT's Jennings and Jennings study (see Chapter 3) offered more hours of children's programming

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13 National Citizens Committee for Broadcasting, "Reply Comments," FCC Docket #19142, October 1, 1971, p. 3.


than did any country included in the NCCB study except two (Japan and Australia), thus adding some credence to the networks’ claims regarding local programs. The NAB then conducted its own country by country survey, noting various factors (e.g. the level of government support, the number of available channels, the number of repeats, etc.) which supported the "apples and oranges" contention, i.e. the inherent differences in national broadcast systems which make comparisons between them difficult. Insofar as program practices are concerned, the NAB asserted that the American system affords viewers a much wider choice of program sources than do virtually all of the foreign countries. The industry group also claimed that American commercial networks devote eleven per cent of their time to children's shows, a figure surpassed by only four of the NCCB survey nations. And, said the NAB, these four were the only countries to offer fourteen hours of children's programs per week on a national scale.\(^{16}\) Notably, the NAB did not dispute Pleiss and Ambrosino's findings regarding greater age specificity overseas.

Thus, these reply comments really only served to restate the various groups' positions, with each trying harder to back their contentions with additional data and to refute opposing contentions. The content diversity,

\(^{16}\)NAB, "Reply Comments," October 1, 1971, pp. 12-54.
age specificity, and responsive scheduling issues remained unresolved over the next year, at which time the FCC finally decided to hold panel discussions on these and other major issues, in October, 1972. They came to be held despite opposition to them from broadcasters. 17

Seven separate panels were organized, including three on the issues relating to program practices mentioned above (a list of each panel's subject, its members, and their affiliations is presented in Appendix I which also includes a list of the persons and groups which presented oral arguments on the ACT matter). We begin with a look at the panel devoted to content diversification.

Fred Silverman, CBS program vice president, began the proceeding by reiterating the broadcasters' stand:

I think the schedule of the three television networks on Saturday morning are probably more diversified than they have ever been in the history of Saturday morning television. . . . About a third of . . . CBS's material is nonanimated. 18

Silverman's claims were almost immediately challenged by Commissioner Johnson who admitted to being " . . . a little puzzled as to why . . . we devoted a panel to con-

17See, for example, CBS, "Reply Comments," October 1, 1971, p. 23.

tent diversification with things in such fine shape.\textsuperscript{19}

The Silverman-Johnson debate soon shifted to a debate on the values of animated vs. live action programming for children. Silverman argued that each technique had value, as did David Connell of "Sesame Street." Meredith Broadcasting's Harry Francis joined in the fray to sing the praises of Meredith's attempts to upgrade its programming, noting that animation is a great technique, but very expensive.\textsuperscript{20}

Christopher Sarson, executive producer of "Zoom" for PBS (and ACT co-founder Evelyn's husband), attempted to swing the discussion back to content rather than technique, stating his belief that content diversity on the commercial networks' Saturday schedules was "very small." Sarson also criticized some of the networks' "quality" shows (e.g. "In the News" and "Kid Power"), observing that his children, at least, did not seem to gain the benefits from them which their producers intended.\textsuperscript{21}

Dr. Frederick Greene, an HEW child specialist, also pointed to the lack of diversity, as well as age specificity. Dr. Rene Cardenas, of Bilingual Children's Television, also spoke to this deficiency, emphasizing the lack of programming aimed at ethnic minorities.\textsuperscript{22}

\begin{footnotes}
\item[19] Ibid., p. 8.  
\item[20] Ibid., pp. 8-16.  
\item[21] Ibid., pp. 16-19.  
\item[22] Ibid., pp. 19-30.
\end{footnotes}
Robert Thurston, representing Quaker Oats, tried to draw the panel away from such specific concerns to once again view the large picture. Thurston asked if it could be said that

... children's programming and advertising have been of the highest achievable quality and have contributed in a major way to the growth and development of today's teenagers, each of whom ... have spent 15,000 hours of their young lives watching television.23

He concluded that this could not be said and suggested that the panel ask itself how this potential might be realized. For his part, he indicated that sponsors could not do it alone.

The panel failed to heed this call, however, and returned instead to debate Silverman's original contention. Commissioner Wiley succeeded in showing that CBS's first "cultural" program on Saturdays came at 12:30 PM (after four and a half hours of cartoons tagged with the short "In the News" reports), when children have begun to leave the set for other activities. Silverman defended this practice, claiming that these "quality" shows got a much larger audience in these "fringe" periods than they would if they were competing with the more popular entertainment entries in the morning. Sarson disputed this notion, however, observing that "Zoom" (one of PBS's children's shows)

23Ibid., p. 30.
got a very sizable audience (second only to CBS) running at 10:30 AM Saturdays in Boston.\(^24\)

Another issue discussed at some length was the one which lies at the base of ACT's philosophy, i.e. is it possible for a commercial TV system to effectively serve the interests of both the advertiser and the child. The point was first raised by Commissioner Johnson and was later picked up by Dr. Greene who admitted to having a problem connecting the "welfare of children with the dictates of the race for commercial ratings." The issue was tossed back and forth, with Silverman pointing to his child consultants and the need for advertising revenue to support quality programming and with Greene, Johnson, and Commissioner Hooks questioning the apparently conflicting motives of child experts and commercial broadcasters.\(^25\)

The question was obviously not resolved. But as Chairman Burch said at the conclusion of this panel's deliberations,

> It seems to me that . . . what Commissioner Johnson has posed is whether or not a so-called commercial system with-

\(^{24}\)Ibid., pp. 37-41. "Zoom" has since taken over first place in that time slot in Boston, capturing 30 per cent of the sets in use to NBC's 23 per cent, ABC's 22 per cent, and CBS's 17 per cent. See "'Zoom' Beats Web Kidvid in Boston," Variety, February 21, 1973, p. 35. Boston has a very strong VHF public TV station, however, so this rating should not necessarily be regarded as representative.

out censorship can provide for the needs of young children. I suspect that when you boil all this down, that may well be the question that we are going to be addressing for the next three days.

However, although agreeing that this was indeed the basic question, the content diversity panel was able to agree on little else. There was some concurrence that cultural or informational programming also had to be made entertaining, that a successful program should attract a sizable percentage of its target audience, and that animation, live action, pure entertainment, and information all have a rightful place in a child's television "diet." However, on the more substantive questions as to whether there is sufficient diversity or as to how greater diversity could be achieved, there was only discord. Once again comments on these questions usually reflected the vested interests of those making them.

The next panel on program practices was devoted to the issue of age specificity. Neil Morse, co-chairman of a San Francisco citizen's group (which also serves as ACT's contact group in that area), began the discussion by stating the problem as his group (and ACT) viewed it:

... television at this point doesn't address itself to the different developmental stages of a child's life... The only way that children's needs are

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Ibid., p. 80.
going to be served is if . . . broadcasters go out and get a consensus . . . among the professionals and parents . . . who . . . represent children's needs and come back and put together some kind of list of what the needs are . . . and how they should be served.27

Morse also advocated getting away from chronological age (as specified in the ACT petition) and talk instead of developmental age, suggesting that this concept was the more useful one in terms of child development theory.

Commissioner Wiley brought up a problem first mentioned by Commissioner Reid in the morning session—a situation where several children of different ages are watching TV together and where control of the set typically rests with the oldest child. Morse responded by saying that preschool programming could be aired during school hours and that, besides, no harm would be done if a young child watched a program designed for an older age group. He claimed this would be preferable to the present situation where broadcasters and sponsors "try to reach the whole age span and everyone loses."28

The panel turned to Eugene Accas of the Leo Burnett advertising agency to describe some other problems relating to age specific shows. Accas contended there were any number of problems in this area, but instead of specifying them he launched into a broadly worded defense of commercial

27 Ibid., pp. 84-85. 28 Ibid., p. 88.
broadcasting. He took specific issue with an earlier statement by Commissioner Johnson that more than 25 per cent of Saturday children's programming consisted of commercials. Accas pointed out that fourteen minutes and twenty seconds of commercial time was the maximum allowed, so that the figure was just under 25 per cent, not over it. 29

After this less than useful input, the panel went on to consider what age or developmental division might be appropriate. A basis for a consensus soon emerged, originating with ABC's children's programming vice president, Michael Eisner:

... there is a general consensus ... that you can reach effectively preschoolers and grade schoolers, 2 to 5 and 6 to 11. ... Breaking apart the age group of 6 to 11 (as ACT did) is somewhat unrealistic and in many ways unwise ... The Bank Street Department of Education ... was quite adament that the 6 to 11-year-olds should be programmed in one group. 30

Under questioning, Eisner readily agreed that this breakdown was an effective one for practical reasons as well (e.g., the availability of the preschool audience during school hours). He also admitted, however, that ABC was not specifically programming to the preschool audience at present.

Although no one demurred from this proposed breakdown, George Koehler, of the Triangle stations, indicated that time scheduling was the only really effective way of reaching the target audience. Content alone, he asserted, was not a guarantee. Koehler cited numerous examples of this latter point, including a large 6 to 11 year-old audience for preschool programs like "Sesame Street" and a large adult audience for the teen-oriented "American Bandstand." He went on to agree that an FCC ascertainment rule relating specifically to children might be useful in generating greater amounts of age specific programming.\(^{31}\)

The panel then proceeded to wander "considerably far afield" of the age specificity issue, as Dean Burch noted in his concluding comments. A number of proposals were put forward and these will be dealt with in the remedies section. However, the panel did conclude that the preschool/grade school break was the most useful one and that time scheduling and, to a lesser extent, the design of program content were the most effective ways of aiming programs at either of these target audiences.\(^{32}\)

The last program practices panel concerned itself with the issue of responsive scheduling. Evelyn Sarson of ACT began the discussion by reviewing what her group wanted, i.e. a variety of programs aired when many children are

\(^{31}\)Ibid., pp. 110-113.  \(^{32}\)Ibid., pp. 127-172.
watching. She noted that ACT's figure of fourteen hours of children's programming per week came from imagining two hours per network per day, aired between the hours of 7 AM and 7 PM on weekdays and between 7 AM and 9 PM on weekends. When questioned as to whether children "need" this much TV, Sarson replied,

*Need is a strong word. I think children are watching 14 hours of television... If... children are watching television, what are they watching. I feel... broadcasters should be designing programs for them that would be worth watching.* 

With ACT's goals thus in hand, Commissioner Johnson began to ask why children's shows were generally not available in the late afternoon on the networks. Richard Block of Kaiser Broadcasting pointed out that children's business was traditionally weighted heavily in the fourth quarter of the year and, as stations proliferated, it became less attractive financially to the networks and their affiliates to carry children's programming during this time period. This fact, coupled with the increasing importance of a good "lead-in" to these stations' news programs and the rise of available syndicated adult programs (e.g. Mike Douglas, David Frost, Merv Griffin, etc.) tended to shunt children's programming onto independent stations. These

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stations, with their lesser financial resources, filled the gap generally with off-network reruns of old situation comedies and of old network children's series. This fact, incidentally, means that many of the programs purged by the networks for being excessively violent were subsequently sold to and are now being aired by local independents. Block admitted that ACT's activities had forced Kaiser to question this practice, and noted Kaiser's efforts to upgrade quality.\textsuperscript{34}

This discussion turned briefly to a consideration of the merits of particular programs. Sarson emphasized that ACT was not asking for the removal of "Gilligan's Island," \textit{et al.}, but merely for some alternatives to the situation comedies in the late afternoon. And the only way to obtain these alternatives, she maintained, was to have the child, not the advertiser, be the primary focus.

After some debate on this latter point, the panel turned to Dr. John Condry, a representative from Cornell's Department of Human Development. Like HEW's Greene, Condry argued for much more diverse programming, but did not comment on the scheduling issue.\textsuperscript{35}

After these diversions, the panel returned to the scheduling problem. Sarson and others maintained that the broadcaster who did schedule responsively, who did cluster

\textsuperscript{34} \textit{Ibid.}, pp. 182-93. \textsuperscript{35} \textit{Ibid.}, pp. 208-14.
commercials, who did attempt to upgrade programming was then often at a disadvantage commercially because his competitors were under no special compulsion to do likewise. Ms. Sarson contended that it was a matter of commitment and that the only way to extract that commitment from all broadcasters is for the FCC to require it be made. Others mentioned other possible options; they are discussed below. 36

This issue of a broadcaster's commitment and the lack of reward for it was highlighted even further during the oral arguments before the Commission through the comments of NBC attorney Howard Monderer. NBC, the reader will recall, had instituted a three phase campaign to upgrade the quality of its Saturday schedule. The 1971-72 season marked the final phase (the further integration of information with entertainment) and, thus, during his appearance in early 1973, Monderer was able to report on the results of the project:

The response from the children has been a decline of interest . . . Viewing NBC on Saturday morning has declined since 1968 by about 25 percent /sic/ while CBS was increasing by 15 percent and ABC increased by about 30 percent, . . . I would say you would have to reach your own conclusions . . . Our point is you can't legislate this. You can try and

still be unsuccessful. 37

Using NBC's experience as a basis, Wonderer suggested that children may be "turned off" by programming aimed at specific age groups, that, in effect, what ACT is asking for is something in which children have little interest.

In their oral arguments, CBS and ABC relied on basically the same approach they had used in their original comments. They said that the Inquiry had caused them to review program practices, that quality was being upgraded, and proceeded to review their latest efforts in this area. 38

Others were not as pleased with the networks' efforts. In its oral argument, ACT remarked that, indeed, there were some fine, innovative programs on the air, but insisted these were the exceptions rather than the rule. To back this contention, ACT cited critics' opinions, the syndication of violent off-network series, and reports from their monitors throughout the country. 39

Numerous other groups also criticized the then current programming. Various individuals and groups decried the stereotyped portrayal of women, blacks, Chinese, and Latin Americans on children's series. General statements of


38 Ibid., pp. 592-600 and 765-68.

39 Ibid., pp. 628-30.
support for ACT were heard from the National PTA, the Citizen's Communication Center, and the American Federation of State, County, and Municipal Employees.

What emerged, then, from these three forums of debate concerning children's program practices was a mass of conflicting opinions but very little agreement. About the only issue agreed upon was the age specificity breakdown. The questions of content diversity and responsive scheduling went largely unresolved. In the latter area the networks maintained that late afternoon had become local station time and local stations reported having competitive problems when airing "quality" children's fare.

Advertising Practices

Much had been happening on the advertising scene in the period between the filing of original Inquiry comments in July, 1971, and the presentation of oral arguments in January, 1973. These developments are outlined in more detail in Chapter 5. At this point let us just note that (1) vitamin manufacturers had voluntarily withdrawn their spots from children's programs the day before the FCC panel discussions began, (2) the NAB had reduced the number of permissible commercial minutes on Saturday and Sunday mornings from 16 to 12, effective January 1, 1973, (3) the NAB had banned hosts from selling products on or adjacent to their own programs, effective January 1, 1973.
the Association of National Advertisers (ANA) had published its own set of commercial guidelines in June, 1972, and cereal manufacturers had begun, in various ways, to provide young viewers with information on good nutrition.

One of the more interesting debates on advertising practices came about as a result of ACT's reply comments, in which a substantial amount of space was devoted to condemning the practices to be found on "Romper Room." As mentioned in Chapters 1 and 3, ACT had long been concerned with this program and its alleged "blending" of program content and advertising. By the fall of 1971, however, ACT had some hard data on these practices from a study conducted for the group by Earle Barcus.

ACT had obtained videotapes of five programs of the "Romper Room" series as seen on WENT(TV), Bangor, Maine, during a week in March, 1971, which they gave to Barcus to analyze. Some of the practices he found were amazing indeed. Perhaps the most startling mixture of content with commercialism came during the daily prayer segment:

Let's fold our hands now, for we want to say our prayer before we have our refreshments. Will you join us at home please? Fold your hands and bow your head. God is great, God is good, let us thank him for our food. Amen. And now you may have your Tropicana Orange Juice from the Pleasant Hill Dairy.  

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"Romper Room," WENT(TV), Bangor, Maine, March 10, 1971, cited in F. Earle Barcus, "Romper Room: An Analysis"
Barcus found that 36 per cent of all program time was devoted to playing with toys. Over the week surveyed, 20 different playthings were used in these toy play segments, 15 of which were identifiable as either Romper Room or Hasbro products (e.g. Lite Brite, Scoop-A-Loop, Catcho, Magic Teacher Easel; Hasbro now owns the syndication rights to the program's format). In one case a toy was played with on one day and a commercial was given for it the next. In another case, a toy was played with and subsequently advertised as a free premium if children could get their parents to visit a local car dealer.

Barcus noted that commercial content of the week's programs could be considered to be as low as 9 per cent or as high as 47 per cent, depending on one's definition of "commercial content." If one counted only specific commercial announcements, the lower figure would apply. However, if in addition one counted the brand-name toy play segments, the credits (in which a purchasable toy is shown), as well as commercial credits to a fashion store and a hair stylist, then the higher figure applied. Using this latter scheme, the commercial content was found to vary from a low of 26 per cent to a high of 69 per cent on individual pro-

grams during the week. 41

Barcus took pains to observe that the program did attempt to "train the child's mind as well as his physical coordination." But, said the researcher, it is disturbing to note "the emphasis often placed on the toys and the . . . integration of commercial toy products and program activities." He concluded that "a major purpose of the program is to promote its toy products." 42

It should be noted that Barcus' study was limited to one very small market (Bangor ranks 151st out of 209 ARB markets in size and a source close to the FCC has termed it the "worst three station market in the country" in terms of profitability). Thus, the advertising practices found here may be somewhat extreme or at least atypical. However, ACT claimed to have reviewed audio tapes covering a week's worth of "Romper Room" on various stations around the country and concluded that similar practices were not at all uncommon. 43

ACT's attack did not please the officials at Romper Room, Inc. In a lengthy and frequently sharply worded reply, Romper Room defended itself. The reply began by chiding ACT and Barcus for treating WEMT(TV) ("the smallest

41 Ibid., pp. 3-11. 42 Ibid., pp. 13-14.

43 ACT, "Reply Comments," October 1, 1971, p. 6. Peggy Charren has told the author that the choice of Bangor was made on the basis of convenience alone.
... station in a barely profitable market") and its version of the show as representative. The syndicator claimed that indeed it was not, citing the plaudits and planning assistance it had received from Head Start, the President's Council on Physical Fitness, USIA, and Hood College (the program's educational consultant), as well as the "substantial" educational backgrounds of its program hostesses or "teachers" (94 per cent of whom are college educated, 56 per cent have had formal teaching experience). 44

The reply went on to contend that "Romper Room" has always been sensitive to problems of commercialization. A 1967 directive was quoted in which a local "teacher" was asked to refrain from identifying a toy as being a Romper Room brand item during an exercise segment, reserving that designation for the commercials only. The syndicator also claimed that since August, 1970, Hasbro has not advertised any Romper Room products to children on TV. 45

Moreover, said Romper Room, there had recently been a further directive (dated December 10, 1971, two months after ACT's reply comments were filed) which was sent to all Romper Room "teachers." In summary, this directive asked that toys bearing no brand identification be used in


play segments, that toys not be referred to by brand name, that all Hasbro or Romper Room toys (save "three crucial physical fitness toys") be removed from the set, and that toys be eliminated from the "show and tell" segment of the program. To further segregate commercial content, Romper Room asked that teachers not give commercials but rather that they be given by an off-set announcer in a "Happy" clown suit which was being supplied to each station at no cost. The syndicator also urged stations not to run local stores' spots for Romper Room brand toys on the program, that "plugola" be avoided (the prayer-Pleasant Hill Dairy example was quoted in full in this regard) and that NAB commercial time limits be followed, even during the "peak pre-Christmas demand period." 46

The reply then proceeded to attack both the Barcus study and ACT on more specific points. Some of these were picayune (e.g., the dairy plug did not occur "during" the prayer segment, but rather followed it), but others were not. For example, Romper Room contended that ACT was not being even-handed in its criticism, pointing out that "Sesame Street" featured innumerable purchasable products, including toys, puppets, books, and records. This lack of criticism of "Sesame Street" by ACT was taken as evidence

46 Ibid., Attachment #7, pp. 3-5.
of the "disingenuous character" of ACT's reply comments.\(^{47}\)

Further evidence of this alleged lack of candor was cited in the form of a press release dated October, 1971, in which ACT proclaimed, "PRE-SCHOOL PROGRAM TOTES UP 69% COMMERCIALS." Besides the generalization problem and the fact that this was an extreme figure (not an average), Romper Room took ACT and Barcus to task for "counting every minute in which children played with toys which can be purchased in stores (and some which cannot) as commercial matter." The syndicator concluded by claiming that toy play was featured on the program not to sell toys, as Barcus maintained, but rather because of the salutary effects of such activity on a child's physical and mental development, as confirmed by the President's Council on Physical Fitness.\(^{48}\)

ACT got in the final word in this debate in its reply to Romper Room's response. The filing consisted mainly of a historical review of ACT's concern with the series, including the activities of 1969 which are outlined in Chapter 1. In 1970, ACT claimed to have met with Hasbro officials to express its concern and also began monitoring the program in various parts of the country. And, in November, 1971, following the filing of its reply comments

\(^{47}\)Ibid., footnote 19, pp. 35-37.

\(^{48}\)Ibid., pp. 36-37 and 41-45.
and the Barcus study, ACT again met with officials from the program and their lawyers. Thus, said ACT, Romper Room had long been aware of ACT's concerns and desires. The women then proceeded to note three instances in November-December, 1970, when it claimed that Hasbro had advertised Romper Room toys on TV, contrary to Romper Room's contention. ACT also stated that Romper Room's attempt to document commercialization on "Sesame Street" was fallacious since the Children's Television Workshop bans TV advertising of any "Sesame Street" product. And finally the group observed that there were no procedures whatsoever set forth to enforce station compliance with any of the directives issued by Romper Room.\textsuperscript{49} With this, the debate over "Romper Room" ceased.

Replies of the networks (i.e. ABC and CBS) and the NAB generally restated previously outlined positions insofar as advertising practices were concerned. The NAB, for example, claimed that ACT was not mainly concerned with program quality but with commercialism and that the group could not document how advertising interfered with the development of quality shows or how its removal would facilitate the accommodation of children's needs. The NAB did admit that the NCCB study showed the United States to

have the second highest amount of advertising of the countries surveyed, but questioned whether this was harmful.50

The panel discussion on advertising practices looked into various aspects of the problem. Dr. Scott Ward began with an explanation of his research on the effects of advertising on children (see Chapter 1). Ward noted various complex mechanisms which children apparently use to differentiate between program content and the commercials. He also reported that only the youngest children he studied (five year-olds) had any difficulty distinguishing between the two and that after age seven, children tend to become somewhat cynical about commercials.51

Peggy Charren then reviewed the two problems with advertising to children with which ACT and its members are concerned, namely the adverse effect of advertising on program content and the adverse effect of advertising on the child. Charren noted that the voluntary withdrawal of vitamin ads from children's shows left food and toy manufacturers as the main children's sponsors and that what they were advertising (e.g. candy, sugared cereals, inferior, expensive toys) was another part of the problem. In

50NAB, "Reply Comments," October 1, 1971, pp. 4-6 and
an exchange with Chairman Burch, Charren restated ACT’s belief that advertising to children was bad per se:

THE CHAIRMAN: Mrs. Charren, . . . is the fact of television advertising a bad thing, just having commercials at all on children’s shows?
MRS. CHARREN: Yes.
THE CHAIRMAN: That is bad?
MRS. CHARREN: We think so.
THE CHAIRMAN: Not the quality of the ad or what is advertised but simply the fact of the ad?
MRS. CHARREN: We think that young children should not be told that they need products by people who make the product.
THE CHAIRMAN: . . . That would be true whether the ad was interspersed in Sesame Street or . . . in Popeye . . . ?
MRS. CHARREN: That is right.52

Charren went on to point out that ACT approves of selling toys and cereals on TV to parents in adult or family programs even if children are also watching, because it is then the parent’s fault that the child is exposed to the selling. She also got into the question of the bombardment of youngsters by a vast number of commercials and admitted that if commercials were clustered in reasonable numbers at the beginning and end of the program, she might feel less concerned. But speaking of her own child, Charren reiterated her previous position:

I don’t feel that advertising to children is a reasonable thing to do no matter what comes out of this panel . . . I feel it is my decision for my kid. I don’t want somebody saying to her . . . , “Look at

52 Ibid., pp. 278-79.
these gorgeous Pink Panther flakes. Aren't they pretty. They are pink, \[\textit{sic}\] which is certainly true. . . . I don't want her eating sugared cereal. If you try to sell her sugared cereal, you are doing something I don't like you to do.\(^{53}\)

F. Kent Mitchell of General Foods rose to the sponsor's defense, claiming that cereal ads promoted eating a good breakfast. Charren contended that many ads highlighted the free premium, not the cereal, and that after the child got the premium, he would not eat the cereal. She also pointed to an Arco gasoline campaign that offered toy premiums if children could induce their parents to buy Arco gas.\(^{54}\)

Ray Hubbard of the Post-Newsweek stations spoke next on his stations' experiments in reducing children's commercial time and in clustering the remaining spots (a maximum of eight minutes per hour) at the beginning and end of the shows. He reported that these efforts attracted a few advertisers, but repelled some as well.

Scott Ward called for more research on two separate issues concerning (1) programming objectives and how best to operationalize them and (2) what constitutes fair advertising to children. Unlike Peggy Charren, Ward believes that "it is not inherently bad or unfair in the context of

\(^{53}\)Ibid., pp. 280-81. Pink Panther Flakes are a favorite cereal of Dean Burch's son! Pearce interview.

\(^{54}\)Ibid., pp. 282-86.
the commercial broadcasting system to sell to children," with certain exceptions (drugs, vitamins). Charren, of course, challenged this latter notion, contending that the potency of the medium and its ability to subject the child to a barrage of selling made it an inherently unfair medium. And Charren also observed that many mothers aren't willing to wait for action until all the research is done. Mitchell and Hubbard, however, expressed enthusiasm over Ward's call.\textsuperscript{55}

The discussion then turned to a consideration of several specific practices. Charren noted the NAB prohibition of hosts selling on and adjacent to their own programs with pleasure, but stated ACT's desire that hosts be banned from selling on any show. She also reported that the new Romper Room directives were apparently being followed, that Romper Room was no longer selling its own products to children. Hubbard pointed out that Post-Newsweek reduced commercial time not because it felt children's ads to be harmful but because it felt children's and adult's prime time should be subjected to the same commercial limits and because it was opposed to advertising clutter. Its decision to cluster commercials, said Hubbard, was based on a feeling that children might not be able to distinguish the difference between program and commercial.

\textsuperscript{55}Ibid., pp. 289-99.
Under questioning from Commissioner Johnson, Hubbard and Mitchell stated their views on the morality of advertising to children. Mitchell presented General Foods' present conviction that their advertising was fair and said that if research proved them wrong, they would stop. Hubbard said that no one really knew whether commercials helped or hurt children, that he presently saw no moral problem with advertising per se. Rather, he said, the problem was what kind of advertising was done.56

A second panel on the specific topic of host selling was convened later in the afternoon of October 3, 1972. The discussion began with veteran host Robert Keeshan ("Captain Kangaroo") outlining his thoughts on the subject. Basically, Keeshan stated his belief that a ban on host selling, at the network level, at least, was a good idea. However, at the local level, particularly on small stations, he felt that the potential harms of host selling were outweighed by economic factors, i.e. that a local live children's show with host selling was better than no program at all. Asked if a local announcer couldn't do the spots instead of the host, Keeshan said, again, it was a matter of economics, that many small stations could not afford to do it. He also saw no alternative sources of funding to alleviate the situation, citing PBS's funding

56 Ibid., pp. 301-14.
problems as a case in point.\textsuperscript{57}

The discussion then focused on one of ACT's most vocal detractors, Lorraine F. Lee-Benner (WCSC-TV's Happy Raine). She stated her belief that advertising to children is not bad, per se, and went on to discuss the commercial screening procedures at WCSC-TV (which she admitted resulted in the rejection of very few spots). She also stated her opposition to "hard sell" advertising techniques. Wanda Lesser, a representative of Charleston's Concerned Citizen's for Better Broadcasting immediately criticized Ms. Lee-Benner for "bugging" her kids with sales pitches. Lesser generally subscribed to ACT's philosophy, agreeing, for example, that host selling on any program is a bad idea. Lee-Benner countered with the assertion that Lesser represented only a "very small minority."

On the other hand, Katherine Lustman of Yale's Child Study Center agreed with Lesser's objections to host selling, especially when the pitch was directed at the very young child. She also objected to many of the toys advertised on TV which she felt left the child no room to exercise his imagination constructively.\textsuperscript{58}

Larry Harmon ("Bozo the Clown") brought yet another perspective to the discussion. After reviewing his lifelong commitment to children, Harmon said, "If I had my

\textsuperscript{57}Ibid., pp. 327-28. \textsuperscript{58}Ibid., pp. 336-51.
druthers, I would rather not do commercials." But, he claimed, especially for a small station, host selling was an economic necessity. Without it, he asserted, the show would cease. 59 Three months later, only ten days after the NAB host selling ban went into effect, Harmon returned to participate in the oral arguments and reported that his forecast had been accurate—four stations had already canceled "Bozo," three more were threatening to do so, and five local sponsors on two other stations had canceled their advertising on the show. 60

Mr. Harmon reported another disturbing fact during the panel discussion. He outlined his personal commitment ($100,000 worth) to an educational entertainment show for preschoolers which involved some nine educational consultants. All who saw the program, including one FCC Commissioner, loved it, according to Harmon. Yet he could not sell it, despite his many efforts to do so. Stations said that sponsors were not interested in preschool programming. Potential sponsors asked about the cost per thousand and when Harmon indicated that he had no idea what the size of the audience would be, they lost interest. The program was never aired. 61

59 Ibid., pp. 351-57.
This, then, was the tenor of the debates before the Commission on advertising practices. Once again there was substantial disagreement, primarily on the effect of advertising on the child. ACT, child experts, and others generally felt the effect was harmful, if not in all cases, at least in many. Broadcasters, television personalities, sponsors, and the area's primary researcher argued that advertising per se was not bad, but that problems did arise as to how to handle it. And there is little research data to back either side's contentions. The economic implications of the host selling ban were explored for the first time during this phase of the debate, and it appeared that, in Bozo's case, at least, the NAB rule was having an adverse effect on the amount of local live programming. Harmon's problems in selling his "quality" preschool show tended to cast doubts on sponsors' declarations that they were constantly seeking high quality programs in which to place their spots. This last problem really relates to the topic examined next—the economics of children's television.

Economic Considerations

One of the prime arguments against ACT's proposed commercial ban, the reader will recall, is that revenue is necessary to support quality programming. FCC staff economist Dr. Alan Pearce was asked to look into that argument, specifically, to provide the economic constraints within
which the Commission could regulate. Pearce's study, "The Economics of Network Children's Television Programming," was distributed to the Commission in March, 1972, and was released to the public (minus a section outlining various policy options) in July of that year. It thus served as a backdrop to the panel discussion in this area.

Pearce's data comes from published reports as well as from interviews with some seventy top level officials from virtually every sector of the broadcasting industry, including networks, stations, sponsors, advertising agencies, etc. Using the data gleaned from these various sources, Pearce goes into considerable detail in outlining the costs and revenues of children's programs aired on the networks in 1970-71. What emerges is a picture of a very healthy profit contribution from the children's programming of the ratings leader, CBS, and the runner-up, ABC. Looking only at regular weekend children's programming, Pearce calculated the following profit contributions for the three commercial networks in 1970:

- ABC -- $7,231,100
- CBS -- $16,500,000
- NBC -- $3,700,000

Since these figures exclude administrative costs (simply because no network would tell him what they were), Pearce admits that his figures may be high by from five to ten per cent. Indeed, in NBC's case, the profit was
"probably very small."\textsuperscript{62}

Pearce went on to calculate the effect of reducing network commercial time by 25 per cent to 8 minutes per hour (the NAB was discussing such a reduction at the time Pearce was writing the report; the final NAB allowance was 8\textfrac{1}{2} minutes of network commercials per hour). This reduction, said Pearce, would reduce ABC's profit contribution to about $3.5 million, CBS's to somewhere in the neighborhood of $10 million, and NBC's to $1 million (but with administrative costs, NBC would be lucky to break even). But, said the economist, these figures were arrived at by making the unrealistic assumption that the price of each commercial minute would remain constant. We are dealing with a market in which the top 23 children's sponsors account for 75 per cent of the networks' children's revenue and in such a situation, Pearce wrote, "where relatively few advertisers are competing for time offered by 3 suppliers, prices will increase if a situation of scarcity is created." Pearce also postulated that such a situation might force advertisers into buying less popular programs (e.g. NBC's "quality" shows) rather than abandoning the children's medium altogether. Taking all these factors into account, Pearce concluded that the net-

works would suffer very little, if any, loss of revenue in the short to medium term from such a reduction in children's commercial time.\textsuperscript{63}

Dr. Pearce also considered briefly the economic ramifications of ACT's proposals. The fourteen hour requirement, he said, would cost the networks an extra $2.5 to 5 million each in program costs alone, raising the total program cost figure for each to something in excess of $10 million. On top of that, ACT's ad ban would wipe out combined net revenues of some $56 million. The only way out of this bind would be for the networks to raise prices elsewhere in the schedule, but Pearce considered it unlikely that prices could be raised sufficiently to offset these tremendous losses. Nor did Pearce see the promise of substantial revenue from either underwriting or institutional advertising, plans advocated by ACT. He did conclude, however, that age specific programming could be done profitably, given numerous assumptions.\textsuperscript{64}

It is most difficult to adequately summarize the essence of a lengthy report dealing with an area as full of complexities as broadcast economics. The reader who is particularly interested in this aspect of the problem is urged to read the Pearce study in full. In a lengthy personal interview, Pearce told the author that broadcasters

\textsuperscript{63}Ibid., pp. 53-57. \textsuperscript{64}Ibid., pp. 58-68.
were not too pleased with the report because it exploded the myth that the relatively small revenues generated by children's programming necessarily meant small profits for the networks in this area. Clearly, Pearce's data show this not to be the case for CBS and ABC, and those networks have yet to refute the data, although they have tried, according to Pearce. The other main conclusion, that network broadcast revenue would suffer little as a result of a 25 per cent reduction in commercial time, also irked broadcasters, according to Dr. Pearce, but again they haven't been able to refute his figures.65

ACT also commissioned a study in this area by Dr. William H. Melody, a communications economist at the University of Pennsylvania. Melody agreed with Pearce's findings to a point, but the bottom line insofar as the ACT proposals are concerned was quite different. Melody concluded that the FCC could affect the change which ACT was requesting without cataclysmic consequences for broadcasters, if advertising on children's programs was phased out slowly over a period of years. Under the Melody scheme, advertising would be phased out at a rate to be determined by such factors as the availability of external program funds, financial impact on the industry, etc.66 The pro-

65 Pearce interview, March 6, 1973.
66 William H. Melody, "Children's Television: Econom-
cedure could begin with as little as one commercial-free hour on each network per week. The defects in such a plan are discussed below.

There seems to be little point in extensively summarizing the FCC panel discussion on alternative sources of funding. By now the reader presumably has gotten the flavor of these discussions and could probably predict with some accuracy the statements which were made. Fred Pierce of ABC, Ward Quaal of WGN-TV, Chicago, and Edmund Smarden of the Carson-Roberts advertising agency assumed a fairly defensive posture throughout the proceeding, arguing basically for a retention of the present system and raising objections to the alternatives proposed by Joan Ganz Cooney of the Children's Television Workshop and by Bill Melody. Al Fields of Health Tex reported on his company's institutional advertising policy, but noted that other advertisers have different marketing problems and objectives and these probably precluded them from adopting similar plans. He, like other sponsors before him, also reported some difficulty in finding quality programs. Needless to say, no consensus was reached.67


Suggested Remedies

If the FCC does not act on the issue of children's television, it will not be due to a lack of suggestions as to what action it should take. ACT's suggested remedies are, by now, quite familiar to the reader. Let us briefly review some of the other suggestions.

First of all, there were remedies proposed to, in effect, invigorate the self regulation process. For example, Ruth Handler of Mattel suggested an entirely new code board (consisting of representatives from the broadcast industry, from the advertising industry, from the field of child development, and from the general public) to devise appropriate advertising standards as well as an enforcement procedure.\(^\text{68}\) Industry critic and nutritionist Robert Choate suggested a similar setup.\(^\text{69}\)

Elsewhere on the spectrum of remedies to the advertising aspects of the problem was Melody's phased withdrawal plan. It is not without its problems. As Pearce points out, institutional advertising is presently a rarity. Companies that do it (e.g., Xerox, Health Tex) win widespread critical acclaim. However, as Pearce has also stated, in a system where it was the only option, "there would be no

\(^{68}\)\textit{Ibid.}, pp. 494-503.

'brownie points' and therefore there would be a great reluctance to . . . do it.' He also reported that virtually all of the advertisers and agencies he talked with said they would not advertise on children's television if the advertising had to be institutional. Such a viewpoint is not difficult to understand. Children do not appear to be particularly conscious of brand name (e.g. Mattel, General Foods) but are instead conscious of the product name (e.g. Barbie doll, Super Sugar Crisp), and if such is the case, it is questionable if institutional spots would have any effect on the child (which is precisely why ACT wouldn't mind institutional spots). In addition, though, adults do not generally watch children's programs with their youngsters, especially on Saturday mornings, so it is questionable if a sponsor's backing of a "quality" show institutionally would have any effect on the adults, particularly if it was the only option open to a sponsor and if a number of sponsors did it. Melody, of course, is aware of these problems, but insists that they can't be shown to exist until a trial run is undertaken. And his plan represents just such a trial.

Other suggestions in this area included commercial clustering to avoid any problems a child might have in distinguishing between program and commercial. But some

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70 Pearce interview, March 6, 1973.
advertisers, including General Foods, are opposed to this scheme because they feel their spots will be lost in a sea of advertising clutter. 71 Evelyn Sarson suggested perhaps running an extra spot at night for a sponsor who supported an ad-free children's program during the day. 72 This would not solve the broadcaster's revenue problem, however, because he is still irretrievably losing all the commercial minutes in his children's programs. And of course there is the school of thought at the opposite end of the spectrum from ACT which says that no harm has been proven and that until the necessary research is done and the question of harm resolved, the advertiser should be left alone to do as he pleases within the confines of the NAB Code.

In the programming area there were likewise many suggestions for improving quality. Choate proposed a Children's Television Broadcast Center, with a mixed public/private board of directors, funded by a mandatory tithe on national sponsors who advertise on shows where the child audience exceeds one million, as well as contributions from the unions involved in producing the programs and from the telephone company whose longlines would be leased by the commercial networks to broadcast the shows. 73 Elliot

Daley of PBS's "Misteroger's Neighborhood" suggested a system by which advertisers could buy time only by age group, not by program. The revenue thus realized would then be divided equally between programs aimed at that age group on all three networks. Dr. Joseph Coleman proposed an institute supported by the industry to research the relationship between television and child development, to train people in the intricacies of programming for children, to develop guidelines for children's programming that would assist producers in generating quality shows and to aid children in understanding the media with which they deal. A potential problem with Daley's and Coleman's remedies is that the pyrsestrings would be controlled by elements within the industry, and that the potential exists at least for the industry to control the development of these organizations to suit the industry's vested interests. One need only look at the development of public broadcasting in this country for a concrete example of what might happen.

Finally, addressing the problem of the competitive disadvantage at which a "responsible" broadcaster is often put, Dick Block of Kaiser opted for a longer license period as an incentive to put on "quality" programs. He did not

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75 Ibid., pp. 148-49.
make clear whether he was advocating longer license periods for all broadcasters or only for those who were taking risks on innovative children's programming.\textsuperscript{76} If the former scheme was intended, certainly it would save broadcasters some money and make them more secure financially. But in the absence of any strict guidelines as to what would be expected of him in return (to which many broadcasters would have strong objections, undoubtedly), it is questionable whether this increased security would result in better children's programs. If the latter scheme was intended, the FCC would presumably be the arbitrator of who deserved the longer license period and this would involve the Commission in many of the same hassles which broadcasters contended would result from adoption of the ACT guidelines.

Conclusion

Presumably the final outcome of these debates before the FCC will take the form of some sort of action by the Commission. But any hopes on the Commission's part that the reply comments, panel discussions, and oral arguments would lead to a consensus as to what form that action should take were unrealized. As Dean Burch said at the conclusion of the panel discussions, what emerged was "a very mixed

The Commissioners were exposed to every shade of opinion between the extremes of WGN-TV's Ward Quaal (the United States has "the finest children's programming" in the world) and Joan Ganz Cooney (American children's programming "is a national disgrace"). Indeed, at the end of the last oral argument, the Commissioners were probably suffering from an acute case of information overload.

Several FCC staff members told the author of their disappointment at the way the panel discussions were moderated, saying that moderator Lee Folk (now with ABC's children's unit) seemed more interested in giving everyone a chance to speak his mind (which everyone had already had the opportunity to do in the initial and reply Inquiry comments) than he was in working toward a consensus. But while a more aggressive moderator might have proved helpful, it seems most unlikely that such a consensus could have been achieved, no matter what the moderator's style, given the widely divergent points of view.

Instead of the desired consensus, then, what emerged was essentially a restatement of old positions with little indication of possible points of compromise, i.e. more unresolved debate. In the programming area, agreement was reached only on the preschool/school age breakdown of the

78 Ibid., pp. 411 and 399.
child audience, but evidence was also shown that indicated a lack of willingness (except for CBS's "Captain Kangaroo") to program for the former group. Otherwise there was little agreement as to what reforms would result in more diversified programming or in more responsive scheduling, or, indeed, if these were really problems at all. Broadcasters and advertisers played a little game of "blame the other guy," with sponsors generally indicating that they were having trouble finding quality programs to back while broadcasters and producers described their difficulties finding backing for some of their "quality" shows. NBC, for example, tried to inject more information and culture into its Saturday morning lineup only to take a severe financial beating as the audience and sponsors deserted them en masse for ABC's and CBS's more popular, animated "comedy drama" offerings.

In the advertising area, the main agreement was on the need for more research to determine the effects of advertising on children. In the meantime, ACT held to its demand that all advertising be banned, although the group did support the Melody phased withdrawal plan. That plan did not seem totally realistic in the face of Pearce's data, although it is perhaps worth a try in order to test the availability of external program funds.

There was a most noticeable lack of debate on two of
the more widely discussed issues during the initial comments phase, i.e. the definitional problem and the legal issue. The reasons for their absence in these forums is not altogether clear. Perhaps the various parties felt they had been sufficiently covered in their initial comments. Or perhaps they became convinced through the FCC's comments in the combined Notice of Inquiry and Notice of Proposed Rule Making that the Commission was well aware of the problems in these two areas and thus decided to drop them.

Finally, the NAB ban on host selling was hailed by ACT, but it also began to have an adverse effect on the availability of local live children's programs. And as of this writing, this trend shows signs of accelerating.  

This latter point is indicative of the main conclusion to be drawn from these continuing debates. As Dean Burch put it,

> What we have touched upon is a very difficult and perplexing problem. It is not only [a problem] from the [regulatory] point of view . . . but [from a] social and cultural [standpoint] as well.  

In short, if they contributed nothing else, the debates did prove that there are no easy answers. In the

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next chapter we will look in more detail at some of the answers which were generated internally within the commercial industry.
CHAPTER 5: THE CONTROVERSY'S IMPACT ON THE BROADCASTING INDUSTRY

Have we . . . been morally delinquent? Have we . . . given short shrift to children's programming? Have we . . . undertaken a Band-Aid application rather than the surgery that is called for in this area?\(^1\)

ABC-TV President James Duffy, May, 1971

... the networks have approached their children's programming task this year with a lot more earnestness and dedication than heretofore . . . What remains to be seen is how acceptably those efforts are received . . . as it safely can be predicted that . . . bad numbers could put the kibosh on children's programming reform . . . real fast.\(^2\)

Variety, September, 1971

NBC-TV's 1972-73 children's schedule marks the return of . . . a more entertainment-oriented lineup, last year's informative and instuctional thrust having foundered on the old maxim

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that "you can't uplift an audience that fails to tune you in." ³

Variety, April, 1972

With one eye on the ratings and the other on the bottom line, the three networks... have premiered 13 new half hours in the Saturday morning kidvid block. One dozen of the new shows are cartoons. ... This new programming is almost unanimously witless, heartless, charmless, tasteless and artless.⁴

Variety, September, 1972

Responses to the controversy surrounding children's TV were not, of course, limited to those aired at the ACT symposiums or to those presented at the various stages of the FCC Inquiry. While arguing its case in these forums, the industry was simultaneously quite active internally.

In the programming area, networks and stations were designing new programs which in themselves represented responses to ACT's concerns. In the 1971-72 season, for example, many of the new shows tended to be more educational or informative (content diversity), were of the live action type rather than animated (technique diversity), were somewhat more age specific, and, in the case of ABC's


"After School Specials," were scheduled more responsively (the ACT issues noted above and below are extensively outlined in Chapters 2, 3, and 4).

In the advertising area, the NAB was also active, as it revised its TV Code rather extensively. The new provisions constituted responses to the ACT issues of amount of advertising, misrepresentation, perception, and host selling. The argument could also be made that the new restrictions will also contribute to a reduction in family stress, thus leaving only one of ACT's advertising issues (overpricing/product quality) untouched.

In addition to activities in these two areas, this chapter will also examine trade press and broadcast editorials concerning ACT related matters. As will be seen below, these editorials concentrated on a few of the issues (chiefly on the legality and parental control arguments, with a few comments on the amount and diversity of programming and the self-defeating nature of ACT's proposals) to the exclusion of all others (including the substantive matters of amount and perception of advertising, host selling, age specificity, responsive scheduling, and the efficacy of self regulation).

The chapter ends with a look at several industry-sponsored public opinion polls relating to ACT's complaints and proposals and with a concluding section which attempts to
assess the meaning of all this activity.

**Programming**

As will be seen below, programming responses at the network level to the renewed concern over children and television first looked to eliminating the most offensive shows and replacing them with more innocuous fare. But as ACT began its rise to national prominence and as the FCC began to take an interest, the networks came to realize that this first step was not enough, and thus began to develop new cultural-informational programs which would hopefully exert a more positive influence on their young audiences. But while a few of these "quality" programs succeeded, many of them failed to attract a sufficiently large audience, a fact which has caused NBC, in particular, to reorient itself once again toward more purely entertainment programming. This rise and subsequent partial retrenchment in program diversity on the network level is outlined below.

Children's programming reforms had begun on the network level before ACT was even founded. Probably due to largely unorganized parental complaint, as well as the anti-violence mood in the late sixties, and the multitude of publicity surrounding the founding of the Children's Television Workshop, the networks had reconsidered their programming policies and had begun to cancel their most
violent children's programs as early as 1968. Sponsor magazine, for example, noted a trend toward "more 'whole-some' programming" for the 1968-69 season. This violence purge continued in the 1969-70 season, but these first attempts were minimal, as noted TV critic Jack Gould observed in the autumn of 1969:

"... Despite the industry's appeasement of anti-violence critics, Saturday children's television remains in the same old rut of expediency. From 8 A.M. or so until 1 or 2 P.M., with few exceptions, there is the unrelenting parade of basically cheap cartoons, junk bereft of style, professional competence, touches of humor or any evidence of an inclination to raise standards of substance."

Gould went on to note that the lack of network children's programming vice presidents as well as commercial pressures might be major reasons for this absence of quality.

As ACT was becoming increasingly influential, the networks took additional steps. As previously noted, all three appointed directors of children's programming early in 1970. Initially, NBC was the only network to give its

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5"Last flight for animated horrors," Sponsor, May, 1968, pp. 36-41. The networks were not so concerned with the effects of their violent series that they did not sell them to syndicators, however.

director, George Heinemann, vice presidential rank. ABC's Chuck Jones and CBS's Allen Ducoyn were named "directors" only. Following Jones' departure, however, ABC appointed Michael Eisner vice president of children's programming (in addition to other duties) and later (following the FCC panel discussions) named Lee Polk as its new director, under Eisner. Thus, as of this writing, CBS is the only network which does not have a vice president in this area.

In 1970, the networks also made their first efforts since the early sixties to inject more substantive content into their children's programs. In the words of the New York Times, the 1970-71 network children's schedules

... reflect the continuing effort to expunge violence from children's programs and the increasing awareness that Saturday morning should do more than divert youngsters' attention and sell them games and toys.?

For example, the 1970-71 season saw the debut of CBS's "In the Know," a series of short (two minute) information bits, produced by CBS News, and tacked on the end of five highly rated entertainment shows on Saturday mornings. The mini-shows were hosted by cartoon characters from the network's "Sabrina and the Googly Goolies." CBS also introduced two new animated series ("Josie and the Pussycats" and "The Harlem Globetrotters") which featured black

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7Fred Ferretti, "Children's TV Shifts to Fantasy and 'Quality,'" New York Times, March 5, 1970, p. 79.
characters as their heroes. NBC's prestige effort was a program called "Hot Dog," which featured famous comedians and well-edited location film which attempted to answer children's questions (e.g., Why does popcorn pop?). The program won critical acclaim and plaudits from ACT, but it evidently failed to attract a sizable audience. It was canceled by NBC after one season, much to ACT's dismay. Thus, by the end of the 1970-71 season, while it was generally true that the networks (in the words of one children's programming chief) weren't showing "Mighty Mouse raping and pillaging anymore,"\(^8\) it was also true that quality shows were few, a fact which Dr. Earle Barcus was able to document in his ACT-commissioned study, "Saturday Children's Television" (see pp. 166-67).

The big push by the networks to increase the amount of "quality" fare came in the 1971-72 season, the first full season over which the children's program directors had complete control. Pure entertainment was, of course, still in abundant supply. "Sabrina, the Teenage Witch" still had a home at CBS, as did reruns of "The Monkees." NBC and ABC also had their share of strictly escapist programs, including old series reruns. But along with these programs came numerous attempts to diversify the Saturday

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schedules with live and filmed action, information, education, and culture to a greater extent, perhaps, than ever before. Some of the new offerings tended to be more age specific as well.

The upgrading effort was led by a primary prestige show at each network and was backed by other programs of lesser pretension. At ABC, "Curiosity Shop" fell into the former category and marked an attempt by then children's director Chuck Jones to make an entertaining show that was also educational, using a mixture of live, filmed, and animated action. ABC augmented this showcase program with "Lidsville," a live action fantasy show, and with "Make a Wish," a Sunday morning program in the education-information vein.9

George Heinemann at NBC put that network's money and prestige on "Take a Giant Step," a program concerned with value judgments and hosted and produced by youngsters. Heinemann further diversified his schedule by adding two more live action shows: "Barrier Reef," an adventure series filmed in Australia, and "Mr. Wizard," a new edition of the old Don Herbert science series.10 These "quality" series were coupled with a new NBC commercial policy aimed at reducing the number of commercial interruptions (al-

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9Knight, "Put-Up Time," pp. 31 and 47.
10Ibid.
though not the number of commercial minutes) occurring within Saturday children's programs.\textsuperscript{11}

Allen Ducovny, CBS's director of children's programming, staked his network's prestige on a resurrection of the old "You Are There" series, which featured dramatic re-enactments of historical incidents narrated by CBS News reporters, including anchorman Walter Cronkite. Ducovny also revitalized CBS's "Children's Film Festival" to follow "You Are There" on the schedule and completely revamped and expanded the "In the Know" segments, retitling them "In the News" to reflect their change in character from travelogue-type feature material to mini-newscasts for children.\textsuperscript{12}

CBS's position was the most difficult of the three networks. As the ratings leader, it had the most to lose, financially, from any drastic revisions of its schedule. Yet it did not want to lose the race for critical acclaim, either. Its 1971-72 Saturday children's schedule thus represented a compromise. It retained the largest number of its old shows (seven), introduced two new animated entertainment series ("Yo Yo Bears" and "Pebbles and Bam Bam"), ran them along with six animated holdovers back-to-

\textsuperscript{11}"NBC Cuts Number of Blurb Breaks in Sat. Kidshows," Variety, September 8, 1971, p. 47.

\textsuperscript{12}Knight, "Put-Up Time," pp. 31 and 47.
back from 8 AM until noon, reran "The Monkees" from noon to 12:30, and then tacked its prestige shows on at the end of its schedule. "In the News" features were aired hourly throughout the Saturday lineup, and, of course, Captain Kangaroo continued his daily program for preschoolers, still the only network children's series available on weekdays. CBS's Saturday strategy did not escape notice, of course. Even before it was questioned during the FCC Inquiry, Variety noted that the CBS Saturday morning slate "appears to be the least changed from the old status quo of past years." 13

NBC and ABC were less cautious, inserting their "quality" fare right in the middle of their Saturday schedules. NBC aired "Barrier Reef" and "Take a Giant Step" from 10 to 11:30, while ABC put on "Lidsville" and "Curiosity Shop" from 10:30 to noon. In the period from 10 until noon, CBS ran "Pebbles and Bam Bam," "Archie's TV Funnies," "Sabrina the Teenage Witch," and "Josie and the Pussycats." Thus, during these hours, "quality" competed largely with "quality" on NBC and ABC and with pure entertainment on CBS.

ABC and NBC also announced additional innovative plans in 1971 which Variety viewed as direct responses to the criticisms of groups like ACT. In June, 1971, NEC's George Heinemann announced plans for a daily half hour educational

13 Ibid., p. 47.
show for preschoolers to be produced by the network's children's programming unit. It was to be financed by the network's owned and operated stations (all of whom would carry the show) and by other network affiliates, who would pay a reasonable charge for airing the program. The show was to be distributed over network lines at 1 PM daily (when the network was normally dark) beginning in February, 1972. Stations would tape the program and air it during local station time (NBC wouldn't allow any of its daytime series to be pre-empted in favor of the new show). The series was not sold by the network, but instead had four minutes of commercial positions (two minute blocks at the beginning and end of the program) which stations could sell locally, if they so desired. The program, subsequently titled "Watch Your Child/The Me Too Show," sought to get the parent to watch the show with the child, explaining educational concepts to the parent via printed messages at the bottom of the screen while the child watched and listened. On-air talent consisted of preschool teachers, puppets, and a small orchestra, providing a technique not unlike Heinemann's old "Ding Dong School." The series also featured "talking hands" in the upper corner of the screen so that deaf children could participate fully.  

14 Bob Knight, "NBC-TV to Offer Ed'l Kiddie Strip in
ABC's innovation was announced in September, 1971, as plans for a series of after-school specials for the 1972-73 season were unveiled. The design called for the monthly shows to be aimed at the eight to twelve year-old and to be aired from 4:30 to 5:30 PM (normally local station time) during the first Wednesday of each month. The programs were said to contain "information complementary to ... classroom work," with subjects running the gamut from literature and science to history and the arts. As NBC had done with its "Me Too" effort, ABC announced that it would consult with educators in the preparation of scripts.¹⁵

These, then, were the programming responses initiated or announced by the networks in 1971. Critic John J. O'Connor's contention that the networks were "desperately trying" to upgrade their children's programming (see p. 161) seems to be borne out by the number of attempts, the expenses, and the risks which were involved.

With its 1971-72 schedule, NBC may have won the race for critical acclaim on Saturday morning, but it took a beating in the race for the audience and for the advertising dollars. CBS won the latter contests, with ABC

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¹⁵"ABC-TV Mopping After-School Specs For Pre-Teen Set," Variety, September 15, 1971, p. 27.
taking second place. NBC's "Take a Giant Step" was perhaps the biggest disappointment. Two months into the season, Variety noted rating results, which may be summarized as follows:

1. In average overall home ratings on Saturdays, 8 AM-1 PM, CBS led with a 9.4 (up 7 per cent from 1970), ABC was second with a 6.6 (up 35 per cent), and NBC trailed with a 4.3 (down 2 per cent).

2. In the 2-11 age bracket, NBC was down 28 per cent to a 5.6 average rating and was down 34 per cent to a 5.1 among 6-11 year-olds. At the same time, CBS was up 1 per cent to a 17 among the former group and down 2 per cent to a 16.3 among the latter. ABC's averages were a 12.6 (up 58 per cent) and a 12.3 (up 45 per cent).

3. In general, the three prestige shows fared poorly. "Take a Giant Step" mustered a meager 9 share of the audience, "Curiosity Shop" had a 23 share, and "You Are There" garnered a 26 per cent share of the audience, although that audience was largely adult. In contrast, CBS's animated shows gained shares in the 37 to 55 per cent range.

4. Not surprisingly, the prestige shows on ABC and NBC seemed to hurt the attractiveness of shows following them. Going into "Curiosity Shop," ABC's shares were all above 30 per cent, but they did not hit that mark again afterwards. NBC didn't begin to compete again until 12:30 PM (after "Giant Step" and "Wizard") when "The Jetsons" managed to tie CBS's "You Are There" and edged out ABC's "Lancelot Link."16

Not only did the prestige offerings evidently fail to satisfy the kids, they also failed to satisfy many critics. Variety's Bill Greeley, for example, wrote very early in

16"NBC Slips to 3d in Kidvid Numbers, Hurt by Uplift in Heart of Schedule," Variety, November 10, 1971, p. 30. Each rating point then equaled about 621,000 homes.
the season that

The network totehimers variety-ese for "children's directors" remain very uncomfortable with do-goody material. NBC's live hour, "Take a Giant Step," is deadly. It limped along as three young teenagers pontificated on life cycles. If not as disappointing as "Giant Step," ABC's heralded "Curiosity Shop" was dull. The kids wandering around the set ad libbing are affected. 17

Variety also blasted the initial edition of "You Are There" as "rather flat" and "talky." The youngsters evidently agreed with Variety.

What emerged from all the numbers and the comments was a partial retrenchment of the push toward information/education programs in the 1972-73 season, especially in NBC's case. Heinemann decided (or was instructed) that in view of the poor audience reaction to his "quality" shows, he should put the primary emphasis back on entertainment, inserting informational elements wherever possible. NBC thus dropped "Barrier Reef" and "Mr. Wizard" and drastically revised the format of "Giant Step," retitling it "Talking with a Giant." The new version still was concerned with value judgments, but had youths talking with an adult


guest star each week rather than among themselves. The show was also cut in length to a half hour and was positioned at the end of NBC's Saturday lineup (12:30-1 PM). New shows included "Scalab 2020," an animated half hour adventure on an ecology theme, a game show for children hosted by Paul Winchell ("Runaround"), an animated travelogue-adventure ("Around the World in Eighty Days") and several animated comedies. The only real holdovers were two animated comedies ("Pink Panther" and "The Jetsons").

CBS dropped three animated series, its "Monkees" reruns, and "You Are There," replacing them with cartoon comedies and with "Fat Albert and the Cosby Kids" (12:30-1 PM). The latter show was developed under the guidance of educational consultants and stresses values, problem-solving, and interpersonal relationships. The series is animated with a live filmed segment at the beginning of each program in which Bill Cosby introduces the material on this week's episode. CBS retained its "In the News" segments as well as its "Children's Film Festival."

ABC canceled several animated comedies and replaced them, generally, with others. It retained "Curiosity Shop."

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but moved it to a Sunday morning time period to join the educational "Make a Wish," also retained. "Lidsville" was retained on Saturday and a similar fantasy show, "H. R. Pufnstuf" (previously on NBC) was added. Also added was an hour-long animated "Superstar Movie" with content ranging from an adaptation of Oliver Twist to stories about Willie Mays and Gidget. And in an effort similar to CBS's Cosby show, ABC created "Kid Power," an animated series based on the "Wee Pals" cartoon strip, and consulted with the Bank Street College of Education on its scripts.  

Thus, the 1972-73 season seemed to indicate that the industry as a whole subscribed to the conclusion which George Heinemann told the author he had reached as a result of his "successful failures" of 1971-72 (successful in that Heinemann thought the children who watched gained some positive benefits; failures in that not many children watched), the conviction that "quality" programs could garner a sizable audience, but not in direct competition with more purely entertainment programming.  

"Talking with a Giant" was on at the end of NBC's schedule. "Fat Albert and the Cosby Kids" and "Film Festival" were at the...


22 George Heinemann made this statement to the author at a children's television workshop held in Cincinnati on June 4, 1973.
end of CBS's, and ABC took its prestige show, "Curiosity Shop," out of the Saturday lineup altogether, airing it with "Make a Wish" on Sunday morning when the competition is less keen. Animation once again took over the heart of the Saturday schedule—nothing else was available on any network from 8:30 to 11 AM. The alternatives to the animated comedies which had existed in 1971-72 had largely vanished, violence had been replaced with endless chase scenes, all of which led to more critical slaps (see the quotation from Variety, p. 213).

The fall of 1972 also marked another disappointment for George Heinemann. It was rapidly becoming evident that his weekday series, "The Me Too Show," was not going to succeed, due to lack of station clearances. Out of over 200 NBC-TV affiliates, a maximum of about 20 had aired the program and this figure included the 5 NBC owned stations. Such a small number of stations (and thus revenues) eventually made it financially impossible for the network to continue the show.

ABC fared better with its "After-School Specials." The program attracted stations, viewers, advertisers, and critical acclaim. One of the shows ("The Last of the Curlews") recently also won an Emmy award. And while the advertising revenue generated by the programs did not quite meet the extraordinarily high production costs involved,
ABC children's programming director Lee Polk announced that the response had been such that the network will continue to carry them in the 1973-74 season, when twelve of the specials will be aired. 23

Otherwise, the 1973-74 season generally represents a continuation of the trends evident in 1972-73. NBC is again planning a wholesale reshuffling. It is retaining "Pink Panther" and "The Jetsons" (the only two holdovers in last year's schedule as well) and is canceling everything else, including "Talking with a Giant." Filling up the Saturday NBC lineup will be two live-action fantasies ("Lidsville," coming over from ABC at 8 AM and "Sigmund," from the same producers, at 11), five animated series (from 8:30 to 11 AM), and "Go!," a real life adventure series produced by a camera crew roving the world (at 12:30).

Three of the new animated shows are based on previous nighttime family or adult series ("Emergency," "Star Trek," and "The Addams Family"). 24

Similarly, CBS is animating two old prime time series for their 1973-74 Saturday children's schedule ("My Favorite Martian" and "I Dream of Jeannie") and is replacing

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two old cartoon series with two new ones. "Cosby Kids" and "Film Festival" are being retained at the end of the schedule and the network is inserting eight showings of "In the News" throughout its Saturday lineup. With the exception of "In the News" and "Film Festival," CBS's Saturday children's schedule is entirely animated. 25

ABC's Saturday children's shows are also almost entirely animated, with the sole exception of "American Bandstand" at 1 PM. Gone from the 1973-74 slate is the ACT-praised "Jackson 5ive" animated series, along with several other cartoons. New shows include "The Bugs Bunny Show" at 8 (from CBS), "Yogi's Gang" at 8:30 (featuring the popular Hanna-Barbera characters involved in escapades stressing such subjects as pollution, bigotry, and cheating), "Super Friends" at 9 (featuring a return of the previously violent cartoon characters--Superman, Aquaman, et al.--in adventures teaching "socially useful lessons"), and "Lassie's Rescue Rangers" at 10 (an animated Lassie, also gone relevant). Also making debuts will be "Goober and the Ghost Chasers" at 10:30 (cartoon comedy) and "Mission Magic" at 11:30 (a cartoon fantasy). Returning are "The Brady Kids" at 11 (based on ABC's prime time series, "The Brady Bunch") and "The AEC Superstar

Movie" at noon. ABC's prestige series again appear on Sundays, including "Kid Power" at 10, "H. R. Pufnstuf" at 11, and "Make a Wish" at 11:30. "Curiosity Shop" is gone, but "Scholarship Rock," a series of short (3½ minute), Sesame Street-like animated films designed to teach multiplication, will be returning. The films, which this year will also teach grammar, will be aired seven times each weekend.26

Thus, the networks' Saturday schedules for 1973-74 will be heavily animated (NBC's two live-action fantasies and CBS's "In the News" being the only non-animated series on Saturdays from 8 AM to 12:30 PM), with the prestige programs generally isolated either at the end of the schedule or on Sundays. And a new trend toward the re-use of prime time program ideas appears to be accelerating. One critic has already seen this development "as evidence of a remarkable lack of imagination."27 Whether it is that or merely a lack of willingness to take potentially expensive risks in the light of NBC's experience is unclear. In any case, the trend toward entertainment with at least some educational "fallout" continues.

There is evidence that the networks' experience with

26Ibid.

"quality" programs has been paralleled to some extent at the local level. A special report in the November 20, 1972 issue of Broadcasting and screenings at a recent children's TV symposium in Cincinnati both show that many local stations are concerned about children's television and are making sincere efforts to upgrade their local children's offerings. These efforts run the gamut from inserting informational/educational segments into existing entertainment programs (e.g. "The Uncle Al Show," WCPO, Cincinnati; "The Skipper Chuck Show," WTVJ, Miami) to creating entirely new programs based on some constructive theme (e.g. "Doing/Being," WTOP, Washington, D.C.; "Sundown's Treehouse," KPRC, Houston; "The Charlie and Humphrey Good Stuff Hour," KTVU, Oakland-San Francisco). Many of the shows which resulted from these latter efforts are now being shown on other stations as well, either through syndication or merely by sharing programs among the stations owned by a single group.

Ground was broken in another area when Avco Broadcasting (five stations) and Meredith Broadcasting (five stations) decided to pool their financial resources to co-produce a series of children's specials which are being

28 "Television for children: There's more than may meet the eye," Broadcasting, November 20, 1972, pp. 31-46. Film clips from most of the series mentioned were shown at the Cincinnati conference attended by the author, June 4-5, 1973.
aired on all ten of the groups' stations. Other group owners are contemplating similar efforts.

Thus, like the networks, many local stations have at least been trying. There is reason to suggest that they have also experienced some of the same problems (e.g., lack of audience) and have adopted some of the same strategies for handling them (e.g., fringe time scheduling) that the networks have. WTOP, for example, was disappointed with the initial ratings of "Doing/Being." Although Ray Hubbard of the Post-Newsweek stations has maintained that they were committed to the show almost regardless of its ratings, they would have liked to see more children at least exposed to it. The program was thus shifted from time slot to time slot on Saturdays until it finally has found a niche where it attracts a fair share of the audience. Other stations have taken a cue from the CBS strategy and have placed their "quality" shows where they face little competition for the children's audience. For example, Houston's KPRC airs "Sundown's Treehouse" (which carries no commercials) on Sunday mornings at 8:30.

Thus, programming responses to the controversy on both the network and local level seem to have a good deal in common. Broadcasting was accurate when it observed that

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29 "Avco, Meredith in Co-Prod. Link," Variety, December 27, 1972, p. 35. Avco and Meredith do not compete against each other in any market.
one such common thread is

... the recognition that genuinely "educational" material need not be presented with a stern face and a pointer. The more interesting local shows, like their national counterparts, are consciously trying to produce both a learning experience and a good time ... in the manner of "Sesame Street," which ... remains the standard against which other programs are judged.30

The other main commonality seems to exist in the area of scheduling, where broadcasters are in general agreement that their audiences will avoid "quality" if given an option of cartoon entertainment. This has led to the scheduling of most "quality" shows in fringe periods, where, of course, the broadcaster has less to lose financially, but where the programs also seem to gain a larger audience than they might in some other more competitive spot.

This scheduling strategy, first employed successfully in the children's area by CBS, displeases ACT and other critics because it means that "quality" programs are frequently on opposite one another and that no alternatives exist during the heart of the schedule on Saturday mornings. Thus, although ACT and others are appreciative of the upgrading efforts which have been and are being made, the programming responses failed in large measure to put any

damper on the volume of the criticism. So it is not too surprising that in the fall of 1972, a year after he had expressed a mood of "cautious optimism," FCC Chairman Dean Burch observed the networks' partial retrenchment, the rising tide of animation, and the lack of alternatives in the heart of the Saturday morning schedule and told the IRTS that his jawbone had "lost its cutting edge" and that he was now "longer on the caution and shorter on the optimism."31

Self Regulation

One of the criticisms often aimed at the self regulatory procedures of the NAB is that the Code Authority does not generally initiate action on its own, but rather waits for outsiders to point out problem areas to which it then reacts. So it was in the children's TV controversy. And although that reaction in this case was fairly strong, ACT remained dissatisfied that it was not stronger and, indeed, remained dissatisfied with the entire process of self regulation, due in large part to the very minimal enforcement procedures included as a part of that process.

The NAB reaction began well after the rise of ACT and after the issuance of the FCC's combined Notice of Inquiry

and Notice of Proposed Rule Making, when, in June, 1971, the NAB Television Code Review Board's subcommittee on toy advertising was reconstituted as the subcommittee on children's advertising. The newly retitled subcommittee was then given six months in which to review practices in this area and to subsequently report its findings and recommendations to the Board. 32

The subcommittee was upstaged, however, by ABC-TV president James Duffy who proposed a Code revision of his own in this area. He asked that the permissible amount of non-program material (principally commercials) in children's shows aired between 7 AM and 2 PM on Saturdays and Sundays be cut from sixteen minutes to eleven minutes and that the number of permissible program interruptions be cut from four to two per half hour. The Duffy plan was unveiled originally at a meeting of the ABC affiliates' Board of Governors and was subsequently submitted to the Code Review Board at its meeting in December, 1971. 33

The proposal stirred up a controversy all its own within the industry. The ABC affiliates commended Duffy


and ABC for this "enlightened approach" while activist FCC Commissioner Nick Johnson sent his congratulations to Duffy, terming the proposal "a heartening sign." But ACT's Evelyn Sarson charged that Duffy did not go far enough (e.g. what about children's programming on weekdays?). And the other networks, according to Variety's Les Brown, charged that ABC was "showboating" since Duffy's plan would apply only to new shows (with NBC the big loser on that score) and would become effective at ABC only if agreed to also by NBC and CBS. Brown noted that CBS, as the ratings leader, would lose sales which ABC would gain in spillover. He concluded that the qualifications tended to support the "showboating" charge and that "if Duffy thinks it reducing commercial time must be done, then he should do it" regardless of the other networks' actions and in all shows.  

ABC disputed Variety's opinions, but the debate as to motives and intentions soon became academic. Meeting in January, 1972, the NAB Code Review Board approved an amended version of the Duffy plan by a vote of eight to one. The lone dissenting vote came from CBS which suggested instead the adoption of a more gradual reduction

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plan to be initiated in the more distant future and to be applicable seven days a week instead of just two. The approved amendment was NBC's. It called for all programming to be covered by the rule (not just new shows) and for it to become effective in January, 1973, rather than at the start of the new season in September, 1972 (thus preserving the more lenient time limits through the profitable pre-Christmas season and earning another blast from ACT). The board also approved a Code Authority recommendation to ban hosts (human or animated) from selling in or adjacent to their own shows. The package was then sent on to the NAB's TV board of directors for their approval.36

The board of directors also turned aside CBS's plan and adopted the package, after further modifying the new non-program material time limit to twelve minutes instead of the recommended eleven.37 The new provisions, all becoming effective on January 1, 1973, were published as part of the sixteenth edition of the NAB Television Code under Section X, point 4 and Section XIV, points 2c and 3d:

\[ X^4. \text{Children's program hosts or primary cartoon characters shall not be utilized to deliver commercial messages within or adjacent to the programs which feature} \]

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such hosts or cartoon characters. This provision shall also apply to lead-ins to commercials when such lead-ins contain sell copy or imply endorsement of the product by program host or primary cartoon character.

XIV2c. Children's Weekend Programming Time--Defined as that contiguous period of time between the hours of 7:00 AM and 2:00 PM on Saturday and Sunday. In programming designed primarily for children within this time period, non-program material shall not exceed 12 minutes in any 60-minute period.

XIV3d. In children's weekend time, as above defined in 2c, the number of program interruptions shall not exceed two within any 30-minute program or four within any 60-minute program. 38

The NAB has also reacted by evidencing an increasing concern with the content of children's advertising messages, particularly in commercials for toys. The Code Authority first published toy advertising guidelines in 1961 and went on to print a revised second edition in December, 1965. These early guidelines were couched in fairly general terms and marked an attempt to instruct sponsors, agencies, and broadcasters as to what they should "seek" and "avoid" in the areas of "dramatic representation," "sense of value," and "methods of presentation." Since 1965, however, the guidelines have become increasingly stringent with the major push coming after

ACT's rise.

The 1965 guidelines were first modified in August, 1967, when the Code Authority issued an interpretation which asked that several specific practices be avoided: (1) the use of "only" and "just" in reference to price, (2) the use of the word "safe" without specific test data to support its use, (3) the portrayal of children engaged in potentially harmful or dangerous acts, (4) specific requests to "ask Mommy to buy . . . .," and (5) the use of derogation in comparative advertising to children.39

In April, 1970 (after ACT's first meeting with the FCC), citing "changes in the dynamics of toy advertising," the Code Authority issued further interpretations, these concerning "overglamorization" and "separate purchase" issues. On the former matter, the NAB asked that entire lines of toys not be presented in a "play environment" because a child could not reasonably expect to own the entire line. Rather the Code Authority suggested that such ads be set in an "in store" or similar display situation. In the area of "separate purchase," the NAB noted problems in denoting to the viewer what constitutes an original purchase and which items featured in a commercial must be purchased separately. It asked that, at some point in the

ad, the original purchase be clearly depicted simultaneously in audio and video, rather than using superimposed titles or other techniques which would present difficulties for a child. 40

These last two interpretations were due to become effective on February 1, 1971. However, in November, 1970, the Code Authority issued another set of guidelines which extended the prescriptions and proscriptions of the April edict. Indeed, the November decree (also effective on February 1, 1971) was the most specific and far-reaching interpretation in this area to date. The new rules covered five points. First, the use of stock film footage, real-life counterparts (e.g., a soldier appearing in a spot for a toy soldier), fantasy (defined as "that which is not found or normally experienced in the play environment or real world of children") and animation were found to be acceptable only if restricted to the first one-third of the commercial, and then only if no child or toy appears with them and if the commercial as a whole conforms with the Toy Advertising Guidelines. Second, the Code Authority prohibited the use of spokesmen or endorsements/testimonials (explicit or implicit) by persons or actors portraying persons who were identified with the real-life counterparts

of the toy. Third, any competitive/comparison/superiority claims or techniques were disallowed. Fourth, the original purchase audio and video disclosure was required to occur in the last five seconds of the spot, immediately before the sponsor's logotype identification, if any. Finally, sponsors were again urged to avoid misrepresenting the appearance and performance of their toys through various audio and video techniques. Numerous specific problem areas were cited in this regard (e.g. the use of camera angles, special lenses, lighting, and loud, up-tempo music to distort the speed of a toy racing car). 41

Although the toy industry was and is quite unhappy with these guidelines, they remain in effect today. 42 In addition, in early 1972, the Code Authority for the first time promulgated guidelines governing premiums and special offers in all children's advertising (both toy and non-toy). The main provisions of the premium/offer guidelines require that not more than half of the spot or twenty seconds, whichever is less, be devoted to the premium or offer, and that this segment of the commercial be continuous. The premium/offer segment may not use stock footage.


real-life counterparts, fantasy, animation, or any competitive, comparison, or superiority claims. The number of premiums displayed in a play situation is restricted to a maximum of two per child or to a total of four, whichever is less. Positive disclosure of special information is also required (e.g., any conditions attached to obtaining a "free" premium, separate purchase disclaimers, etc.). Finally, the Toy Advertising Guidelines were held to be applicable to all premiums.43

Thus, through the actions outlined above, the NAB attempted to curb many of the advertising practices to which ACT had objected in the course of its campaign. Through these responses the NAB no doubt hoped to quiet some of the dissent and relieve some of the governmental pressure for change. Others also had similar hopes and took actions along similar lines.

The Association of National Advertisers (ANA) demonstrated its concern, when, in July, 1972, it released its own set of guidelines. Unlike the NAB rules, the ANA guidelines (similar in both wording and intent to the NAB's) apply to all children's spots, including commercials for toys and edibles. The ANA, however, lacks even the minimal enforcement mechanisms of the National Association of

Broadcasters. 44

Sponsors themselves also became concerned during this period of increasing pressure from the FTC and FCC as well as from ACT and nutrition activist Robert Choate. Cereal spots, for example, began to indicate that more than the cereal itself is required for a nutritional breakfast. Such indications were frequently made in both the video and audio portions of the commercial (e.g., a picture of a table laid out with a bowl of the cereal, glasses of milk and juice, and a plate of bacon and toast accompanied with the announcer's words, "a good breakfast featuring Post Super Sugar Crisp"). The "eight essential vitamins" in another cereal began to be promoted heavily. And Kellogg's (whose products account for a 45 per cent share of the cereal market) has recently been running spots solely on the subject of good nutrition, without a mention of its products or even the corporate name except in the last line ("This message brought to you in the interest of good nutrition by Kellogg's"). 45

The sponsors who took the most dramatic action,


however, were the children's vitamin manufacturers. For years they had been selling their products directly to children on Saturday mornings and elsewhere, and had been the subject of numerous attacks from groups like ACT as a result of this practice. The reader will recall that in November, 1971, ACT went so far as to petition the FTC to ban all such ads from both children's and family shows (see Chapter 2). In the light of this uproar, the companies involved had evidently re-examined this practice, for by mid-1972, all three (Miles Laboratories, Bristol-Myers, and Hoffmann-LaRoche) had either already withdrawn their spots from children's programs (network and local) or had announced plans to do so in the near future. Hoffmann-LaRoche (maker of Zestabs) seemingly took action first, early in the spring of 1972, with Miles following suit soon thereafter. Bristol-Myers announced plans to withdraw its spots by October 1, 1972.46

In summary, the effect of these self regulatory efforts, like the NAB's, was to curb many of the excesses to which ACT had been objecting, although stopping considerably short of curbing the most basic excess, as viewed by ACT—that of advertising to children at all. ACT continues to argue that self regulation in its present form does not

46 "Vitamin makers drop commercials aimed at young," Broadcasting, July 24, 1972, pp. 21-22.
and cannot work in that means of enforcement exist minimally (in the NAB's case) or not at all (in the ANA's). Nonetheless, there is evidence that most sponsors are abiding by the new rules. In the words of *Television/Radio Age*, they "would rather toe the line than fly the coop."\(^{47}\) But it is true that only about 60 per cent of the nation's TV stations subscribe to the NAB code, for example, and that even some of the subscribing stations have refused to go along with the ban on host selling in order to be able to continue their local children's shows.\(^ {48}\) And, as *Television/Radio Age* also noted, "grumbling persists" among broadcasters and sponsors alike.\(^ {49}\) Obviously, there is substantial sentiment within the industry that the new practices and rules go far enough in protecting children from exploitation, in helping them to discern a commercial when they see one, and in protecting the delicate nature of the parent/child relationship. ACT disagrees, maintaining its demand for a total advertising ban and resulting in yet another unresolved debate.

**Trade Press Editorials**

Articles and editorials in the general press have been


\(^{48}\)"Hickey, "TV's Kid-Show Hosts," pp. 4-9.

\(^{49}\)"TV Ads for kids," p. 18.
either completely or at least partially supportive of ACT's campaign to upgrade the quality of children's programs and to curb TV advertising excesses. For example, Newsweek columnist Joseph Morgenstern gave his whole-hearted support to ACT, observing that:

No compromise can be reached between TV that tries to sell things to kids and TV that doesn't. Either we respect a child's vulnerability or we don't... If... American children must learn consumer skills, let them learn in an intelligent, efficient way from child-oriented programs. For the rest, let them be free to pick up all the information and delight they can find without fear of booby traps. The proper number of commercials per children's hour is none.  

Others did not go this far in their support. The Washington Post, for example, editorialized that a ban on children's advertising "... strikes us as a questionable proposition--once on that road, where precisely would you end up?" The Post did admit, however, that "children need all kinds of protection" and that the debate engendered by ACT was worthwhile. The Christian Science Monitor held a similar opinion and expressed the hope that as the debate continued, adults would "keep foremost in mind the good of


the child, and mean it . . . "^{52}

The kind words for ACT in the print medium may stem in part from the competition of that medium with TV for the advertising dollar, as broadcasters are quick to point out (although Post-Newsweek also owns TV stations). Needless to say, a far different view of ACT was presented in broadcast industry trade press editorials during this period.

The main trade periodical in the industry is *Broadcasting*, published weekly. In a period of just over two years (from September 1970 to November 1972), *Broadcasting* has published nine editorials touching on ACT and the FCC children's TV Inquiry (a measure in itself of the substantial impact which ACT has had).

The first editorial followed Dean Burch's first speech to the IRTS and claimed that his words there proved him to be "a man of worthy motives and a victim of bad advice," worthy in his call for better children's programming, a victim in that he evidently believed the FCC could set minimum quotas for such programming. *Broadcasting* viewed this scepter of increased governmental interference with dismay.^{53}

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The dismay turned to alarm in a second editorial which followed the issuance of the FCC combined Notices in January, 1971. Broadcasting again took slaps at the Commission and, for the first time, directly attacked ACT. The tone was somewhat flippant:

Just about a year ago five housewives . . . were given an audience by the FCC to advocate . . . total federal control over television programming aimed at children. . . . The conditions the women proposed were . . . too outlandish to be taken seriously.

At the time nobody could believe that six of the seven members of the FCC had received the delegation, let alone that they had sat through the pitch with a straight face. . . .

Well, the FCC came out with it last week: a proposed rulemaking that suggests the deepest federal incursion yet into broadcast programming. What is it . . . that mesmerizes commissioners into thinking they ought to program the U.S. television system?54

In Kay, 1971, Broadcasting took another editorial slam at the women from Boston that went beyond flippancy to the point of being snide. The magazine claimed that this particular reform movement was "getting out of hand," citing building pressures for "convulsive change" in the form of the FCC Notice of Rule Making as well as the FTC's interest (evidenced after that agency sensed "the sweet smell of publicity"). It also castigated ABC's Jim Duffy

for "losing his cool" in the use of strong language in calling for a seminar on the subject (see Duffy quotation, p. 212). But the column saved its best darts for Burch and ACT, the latter being described as

... that little band of Boston mothers who chose to form ... ACT in lieu of joining Women's Lib or another device to get out of the house. ACT got Dean Burch to take official notice of its existence before he realized what the FCC chairman's job could mean.

The editorial continued by urging broadcasters to improve their programming and to help fend off government intervention. It concluded by noting Chuck Jones' observation that several of the ACT mothers were chain smokers as well as his suggestion that if they really wanted to set a good example for their children, they would give up the habit. Said Broadcasting, "That, of course, was asking more of the mothers than they were prepared to give." Nowhere in the column was there even a hint that ACT's motives might be based on a genuine concern.55

The second Burch IRTS speech prompted another editorial along the same lines as the first. Burch was criticized for beginning to build a bureaucracy at the FCC in the area of children's TV, for asking Alan Pearce "to judge whether broadcasters can afford to spend more money ... on

children's fare," and for his castigation of the commercial networks for rejecting "Sesame Street" before it found a home at PBS. Broadcasting admitted that the networks' improved children's schedules for 1971-72 amounted to admissions of "earlier inadequacies," but concluded that the FCC seemed to be dealing in a realm of "fantasy" concerning the issues at hand and once again asked "who gave the FCC authority to get into program regulation?" 56

ACT's November 1971 petition to the FTC to ban vitamin ads from children's and family shows prompted yet another blast from Broadcasting. The editorial first claimed that ACT's assertion that TV commercials cause children to take vitamin overdoses was not documented (ACT had indeed only cited one such case in combination with general Poison Center statistics--see Chapter 2). The crux of Broadcasting's argument, however, was that the responsibility to prevent such misuses belonged to parents alone:

The farther ACT proceeds on its maundering crusade, the more evident its irresponsibility becomes. It is trying to lay off on television an assignment that belongs in the home. 57

The FCC again came in for fire with the public issuance

of Pearce's economic report. Although a story on the report in the July 24, 1972 issue of Broadcasting conveyed an adequate summary of the high points of the study, the editorial in that same issue implied that the study's findings were obvious: "that the networks made a profit on children's shows" (although the size of that profit was a surprise), that "their profit would be smaller if commercials . . . were reduced" (although such a reduction was found to be feasible) and that profits "would disappear if commercials were forbidden" (although Pearce's research turned up the first real data which suggested that institutional advertising and commercial underwriting would not be viable alternatives). The magazine concluded that it was not taking issue with Pearce's work but rather with his assignment, asserting that "the FCC has no business getting into profit and loss on children's programming" (even though broadcasters used economic arguments before the Commission to fight ACT's proposals). 58

The week following this FCC attack, Broadcasting devoted more editorial space to criticizing ACT. This offensive centered on a July 18 press release issued by the Boston group which announced that vitamin manufacturers had stopped their children's commercials. Broadcasting claimed

that the release "read as if ACT had choreographed the whole thing," which it asserted was not the case at all. Rather, according to the magazine, ACT had merely asked the companies recently what they were doing about this matter since ACT's monitoring studies had shown a drop in such advertising. The companies replied that the commercials directed to children were being withdrawn. That, said Broadcasting, was the whole story. The editorial failed to mention ACT's FTC petition and the resulting governmental pressure which presumably were factors of some importance in the firms' decisions. 59

The critical pendulum next swung back to the FCC in a column which followed the Commission's panel discussions in October, 1972. Broadcasting concluded that the Commission got what it deserved out of these discussions: "guff." As a case in point, the magazine summarized Evelyn Sarson's comments and concluded that the ACT critics "offer no sensible alternatives and are totally without positive suggestions to attain the improvements they only vaguely describe." No "guff" from the broadcast industry from the hearings was cited. The column concluded with yet another implicit call for the Commission to cease its Inquiry, asking if it did not have "more tangible and pressing

problems."60

The final Broadcasting editorial on children's TV during the period covered by this study was more defensive than offensive and was also the most reasonable and reasoned commentary of the nine. Appearing in the same issue as the special report on the controversy, the column took prideful note of the relatively large number of local programs which were attempting to both entertain and enlighten the child. The editorial expressed the hope that government officials would take note of these programs (contending that ACT would not). The column went on to subscribe to the networks' notion that the concept of "children's television" is somewhat absurd in that "children's television is as wide as the total television world" and maintained that that "is an incomparably larger world than pre-television generations were exposed to." Broadcasting also pointed out that public TV is a part of that world, a part which was "intended to perform an educational service that the commercial system was ill suited to supply." But, concluded the column, commercial broadcasters have their responsibilities as well:

At the very least they must avoid the exploitation of the immature. At best they ought to invest time and money in programs that provide helpful guidance while

60Broadcasting, Editorial: "Three days gone," October 9, 1972, p. 66.
engaging the attention of the young. And that, precisely, is what is being done, all over the country.\footnote{Broadcasting, Editorial: "Big world," November 20, 1972, p. 100.}

In this last editorial, \textit{Broadcasting} also noted that the dialogue concerning children's television had been "more characterized by bombast than reason." The statement does, indeed, apply to some of ACT's pronouncements as well as to most of \textit{Broadcasting}'s editorials concerning that group and its campaign. Other trade publications took a more reasoned approach, perhaps feeling less threatened than \textit{Broadcasting}.

\textit{Advertising Age}, for example, made its point on the issue of parental responsibility without resorting to name-calling. It began by noting that broadcasters and sponsors were "certainly not blameless" in the controversy and deserved some criticism. But, said the column, parents were getting away "scot free" in the debate, terming them "the most effective deterrent to the blandishments of kids' tv commercials." The editorial concluded with a call to the industry to continue its efforts to provide "more educational programs and less intensive and high-powered commercials" but coupled that with a call for recognition that "the final--and initial--arbiter of children's tastes and morality is the parent. This is one responsibility they
can't shun—or shunt on to others." 62

A second, more recent Advertising Age editorial illustrated a similar tone. It began by terming ACT's activity to keep ads away from children's TV "counter-productive," asking that efforts be devoted instead to improve both programs and commercials:

Being alive is to be alert, to encounter the world, and perhaps try to improve it. Isn't it better to get media, agencies, and advertisers to understand what their ads can become rather than to eliminate the ads? . . . We disagree with those who say that TV commercials aren't so bad; they're not causing any damage. . . . What about producing TV spots that do some good?

Observing that "too many commercials beamed at children" erode confidence in advertising, the editorial asked that sponsors take a lesson from "Sesame Street" and "try harder to produce informative and entertaining commercials, not just spots that sell" so that both the youngsters and the advertising community would benefit in the long run. The column made a number of specific suggestions (e.g. minute spots on relating to people, on animals, on remedial reading, on arithmetic, on how products are made, etc.) and noted efforts by Miles Laboratories and Kellogg's (see above, p. 244) in this general direction, concluding that

This is the way to go. Let's forget about banning any more commercials from tv and talk about encouraging this trend.63

If Broadcasting leaned more toward bombast and Advertising Age to reason, WCSC-TV's editorials on ACT's proposals seemed to approach paranoia. The Charleston, South Carolina station drew up ten editorials and aired them on both radio and television in a heavy campaign in late April, 1972 (15 airings in the space of 10 days on TV; 9 airings on 3 days on radio). During the same period, WCSC's Happy Raine (who the reader will remember from the FCC panel discussions) appeared on local newscasts and three other local programs to discuss her opposition to ACT. The editorials all made the same general points—that ACT's proposals would insure governmental control of children's programming and the end of "free" broadcasting in the United States and asked viewers to make their voices heard at the FCC. However, the paranoia came from how these disputable points were made. The most blatant example read:

Dr. Goebbels, propaganda minister for Nazi Germany understood and practiced well the principals of thought control. First gain control of the press and broadcasting, Dictate the flow of information particularly to the children and young people. Our press is protected by the first

amendment, but broadcasting is not. The FCC is considering a proposal to force TV stations to carry 14 hours a week of noncommercial children's programs. This would ruin many TV stations and the government could then step in to protect our children and assume control of children's programming. Commercials may be boring sometimes and may need improvement, but isn't our system of free commercial TV better and safer than government controlled TV? Thought control--think about it--react to ACT.64

In summary, then, how can these editorial responses be viewed? First of all, the bombast and the paranoia are indicative of the fact that segments of the industry were and are very much concerned over the possibility of governmental intervention in this area. The primary concern of both Broadcasting and WCSC seems to be self-interest, almost, but not quite, to the point of denying that a problem exists at all. Advertising Age's approach, by contrast, seems more sensible and moderate in that it points out responsibilities on both sides, urging each to do a better job of assuming them.

As for the issues discussed, Broadcasting seemed most interested in telling the FCC it had no legal foundation to support its proposed intervention (a prime topic in four of its nine editorials) and in criticizing ACT, its leaders, motives, statements, and proposals (a topic in five col-

64 WCSC editorial #10, copy sent to ACT by WCSC-TV in correspondence dated May 2, 1972. ACT was given reasonable reply time in late June, as FCC rules require.
umns). Parental responsibility and the large amount of good local programming were also highlighted. 

Advertising Age's main thrust was to propose fairly specific suggestions which could lead to real improvement of the situation. WCSC, on the other hand, preferred to harp on the issue of government control of programming (this and government subsidy were equated) and the false issue of free television. The former point was undocumented (does the government control the content of "Sesame Street?") and the latter "issue" is nonsense. The consumer eventually pays for the programming whether through the advertiser or via a direct tax.

Thus, with the exception of the Advertising Age columns and perhaps a couple of Broadcasting's less vitriolic pieces, the editorials described above offered little of constructive value to the debate, and, in several cases, served only to muddy the already troubled waters with emotion-laden and often unsubstantiated tirades.

Other Responses

Changes in programming, increased self regulatory efforts and trade press editorials were not the only types of industry response to the controversy which emerged outside of the FCC Inquiry. The children's TV issue also became a part of broadcasters' public opinion polling activity. Three examples of this type of response are outlined
below.

In October, 1971, a San Francisco area station, KTVU-TV, conducted a poll among students in some twenty-one elementary schools and also surveyed teachers and parents in the area as to their preferences among a list of fifteen children's programs. Results showed that parents and teachers liked the educational/informational programs on the list while the kids preferred the cartoons and situation comedy reruns which were named. The children ranked "Gilligan's Island," "The Flintstones," "I Dream of Jeannie," and "Speed Racer" as their favorites, while the adults preferred "National Geographic," "Sesame Street," "Captain Kangaroo," and "Misterogers Neighborhood." Conversely, "Sesame Street," "Misterogers," "Captain Kangaroo," and "Romper Room" ranked twelfth through fifteenth respectively on the youths' lists. Parents and teachers gave their lowest marks to "Lost in Space," "Johnny Quest," "Gilligan's Island," and "Three Stooges."\(^6^5\)

Despite the impressive nature of the almost inverse correlation, one must take substantial issue with the survey. Four of the five programs classed as educational/informational ("Romper Room," "Kangaroo," "Misterogers," and "Sesame Street") are fairly age specific shows aimed at the

preschool audience. Thus the older children who were surveyed may have felt "too grown up" for them, thus accounting for their low rankings. The only other "quality" show ("National Geographic")—picked first by both parents and teachers—was ranked eighth by the youngsters, a far more respectable showing.

A second example of polling activity prompted by the controversy was a survey conducted for ABC in November, 1971. The survey showed that 65 per cent of the adults polled were satisfied with weekend children's programming, 60 per cent felt it had improved over the past five years (vs. 13 per cent who thought it had worsened), and 57 per cent thought that TV was good for children (vs. 12 per cent who thought it to be harmful). Again, a possible contamination factor should be mentioned, although it is not nearly as serious as the one pointed out above. The 1971-72 season was the "prestige" season at the networks and as such it received a lot of publicity and promotion. Some of the respondents may have been reacting to this rather than to the programs themselves.

The final polling example has already been noted in Chapter 3 (see pp. 143-44). This was the 1971 poll conducted for the NAB by the Burns Roper organization. The

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reader will recall that this poll purported to show that ACT's views were representative of only a very small minority of the citizenry (18 per cent) and that a large majority (74 per cent) of those surveyed felt it was all right to have commercials in children's shows. The manner in which those results were obtained, however, is highly questionable. Indeed, a source close to the FCC has termed the survey "fraudulent," in that the question is phrased in such a manner so as to elicit the desired response.

The question first presents the respondent with the "no commercial" alternative. In contrast, it then suggests the more moderate stance with such qualifying phrases as "while perhaps objecting to certain commercials" and "by and large see no harm." The question then restates the two choices and, while restating the more moderate position, deftly slips in as a given that which ACT and others are disputing—that commercials are all right "if they don't take unfair advantage of children." ACT, of course, maintains that commercials, no matter how factual and complete, do take unfair advantage of children's limited powers of reasoning and thus ought to be banned.

Thus, these polls and the manner in which they were conducted (with the possible exception of ABC's survey) also tend to indicate that broadcasters were "running scared," presuming that the polling firms knew what they
were doing. This assumption seems especially safe in the NAB's case. As ACT wrote concerning that poll,

Mr. Roper ... knows how to ask a fair question if he wants to. ... Such an outrageously argumentative question would [not] have been used unless more balanced questions had been tested and had failed to produce the desired answer. 67

So again, as in the case of the editorials, the polls generally seemed to contribute little of value to the debate. Rather than providing clarity, they served largely only as distractions from the issue of just how much public support ACT actually has.

Conclusion

Broadcasters seem to view ACT as a group which represents a small minority of viewers, a view which may well be accurate in terms of the total TV audience. However, ACT is nothing if not vocal. The attention it was able to direct to its concerns was substantial, as noted in Chapter 2. The industry was thus faced with a public relations problem of sizable proportions. Motivated by this concern, the concern of possible governmental intervention, and a sincere desire to serve its young audience, the industry made numerous genuine efforts to improve its programming and to curb questionable advertising practices.

In the programming area, ABC and NBC took particularly

notable risks, both in their 1971-72 Saturday schedules and in their efforts to provide other innovative programs (the "After-School Specials" and the "Watch Your Child" series, respectively). CBS took fewer risks, perhaps, but it also had its "prestige" offerings, its innovative effort ("In the News"), and, of course, continued its five weekday "Captain Kangaroo" programs. In return for these efforts, they received very little. Financially, the network which took the biggest risks was not rewarded, the one which took the fewest was. And although ACT handed out program awards to some of the new shows (see Chapter 2), it did not discern much difference between the efforts of any of the networks and continued its criticism of program practices unabated. Indeed, some of its criticism now centered on the fact that some of the "quality" series were programmed against each other.

While the networks' conclusion that "quality" can't compete with cartoon comedy does seem a bit premature (especially since they have had much less experience in producing the former than they have with the latter), ACT evidently failed to recognize the precarious situation in which the children's programming chiefs found themselves, particularly NBC's George Heinemann. Faced with sharply declining audiences and profits coupled with absolutely no

68 Sarson interview.
partially compensating rise in favorable public opinion, it is not surprising that he reasoned, in effect, "Damn the small minority of critics. The kids evidently don't like my best attempts to educate and inform them. Their parents are not concerned enough to encourage them to watch my "quality" programs. Let's go back to the shows which the kids and the sponsors like and make some money in the process." Hence, we see the continuing trend toward programs which put heavy emphasis on entertainment, shows which redouble ACT's anger and frustration.

ACT will also continue to be unimpressed with attempts to self regulate advertising practices, since it is convinced (with some reason) that self regulation will not be effective, at least as presently constituted. Others share that belief, including at least one who has worked for the NAB in this area.\(^{69}\) However, at the network level, at least, the new provisions have been effective. And it is unlikely that the grumbling in the industry would be as severe if the effects of the new self regulatory edicts were not at least fairly widespread. Of course, self regulatory measures will never ban advertising from children's shows entirely, which may be the main reason ACT has little

\(^{69}\) See, for example, the oral argument and other statements of Stephen Bluestone, a former NAB Code Authority employee, "Official Report," v. III, pp. 468-544 and v. IV, pp. 715-26.
faith in the process at the moment.

Editorial and polling responses (with the above-noted exceptions) tend to reveal the seamier side of the industry, reflecting rather blatant self-interest and highly questionable techniques. But they are also indicative of the compelling concern within the industry over possible government intervention and of the contempt with which Broadcasting, at least, regards ACT, suggesting again that the industry views the group as representative of only a very small minority. However, in general, the editorials and polls have not served to contribute anything useful to the debate, but rather have helped to widen the already vast gulf between the opposing factions.

In short, then, these responses outside the framework of the FCC Inquiry had much the same result as those inside that framework: more debate, little resolution. The industry's answers did little to mollify the critics, nor will continuation of the present trends in programming and advertising be likely to do so, proving once again that if areas of agreement are to be found, the search will not be an easy one.
CHAPTER 6: SUMMARY AND CONCLUSIONS

I believe that television is going to be the test of the modern world, and that in this new opportunity to see beyond the range of our vision we shall discover either a new and unbearable disturbance of the general peace or a saving radiance in the sky. We shall stand or fall by television—of that I am quite sure.1

E. B. White, 1938

Three years ago . . . I laid down a blanket critique of children's programming and children's network programming in particular. . . . Three years, many petitions, and several Commission proceedings later, my judgment is that not very much has really changed. . . . The problems remain and so do the deficiencies.2

Dean Burch, before the NAB, March, 1973

In the final chapter of this study, an attempt will be


made first to give the reader an overview of the evidence presented in detail in the preceding pages which relates to the three groups of research questions posed in the introduction. As the summary moves into the third group, i.e., the questions concerning the responses of the various parties to the debate, the chapter will also subject the issues involved in that debate to a final analysis, pointing out the strengths and weaknesses in ACT's arguments.

Having thus delineated and analyzed the problem, the chapter will move on to consider the utility of the various solutions to it which have been advanced by the various groups involved. This section attempts to evaluate proposed solutions in the programming and advertising areas separately, as well as ACT's solution, which ties the two together.

The chapter next tries to assess the impact which ACT has had in terms of (1) the amount of attention it has focused on the problem, (2) the amount of change it has affected in the advertising sphere, and (3) the amount of change it has caused in the area of programming. Hopefully this section will give the reader a clearer measure of the success of ACT's overall campaign.

At this point, the chapter will have brought the reader along to the present time insofar as this study's topic is concerned. The next section will attempt to project what
may be expected to occur in the near future in the areas of (1) regulation, (2) children's advertising practices, and (3) children's programming practices. The study will conclude with a section outlining suggested topics of future research in this area.

In sum, this final chapter will hopefully give the reader a clearer understanding of the meaning of all that has preceded it, of the problem, its constituent issues, how its solution may best be approached, how successful ACT has been in encouraging both its consideration and solution, and the future implications of the present situation.

Research Questions and the Issues

The reader will recall that, in the introduction to the study, seven research questions were posed:

**Background:**
1. How did ACT first define the problem and its key issues?
2. What were the reasons for developing the proposal?
3. What strategies were developed for achieving adoption?

**Activities:**
4. What activities have been engaged in as a part of that strategy?
5. What changes, if any, have occurred over the past three years in the definition of the problem and/or in the strategy for solving it?

**Responses:**
6. What responses have been generated from what groups by ACT's proposals and actions?
7. How do these responses compare as to definition of the problem and proposed action?

In the background area, as seen in Chapter 1, ACT's definition of the problem grew out of the realization that TV's influence on kids is substantial, that children spend a lot of time in front of the small screen, and that much of the programming designed for them took the form of violent, almost interchangeable, cartoons. From that point, the group educated itself as to the way the broadcasting system functioned in this country, decided that violence or even the general content of children's shows was very difficult to attack directly, and came to the basic conclusion that children's TV was as it was largely because of commercial pressures (e.g., the need to attract and hold the attention of a large portion of the two to twelve year-old "market"). Thus, ACT initially defined the problem in terms of program content and saw advertising to children as the prime factor adversely affecting that content.

The ACT guidelines grew out of this general definition, asking for a ban on advertising in all children's programs, while at the same time requiring fourteen hours of those programs per week on every TV station, programs aimed at more narrow age groups and aired at times when those age groups were most likely to be watching. The other requirement contained in the proposal evidently emerged from ACT's monitoring of "Romper Room" in 1969 and re-
flected the beginnings of a growing bias on the group's part that advertising to children was a bad idea in and of itself. This third requirement, of course, requested a ban on host selling. These guidelines were initially developed for use in a promotional brochure to recruit public support for ACT, not for specific use before the FCC, as might be supposed.

ACT's strategies for adoption of their goals first concentrated on quiet persuasion of broadcasters coupled with public education. However, when the former strategy largely failed in Boston in the "Captain Kangaroo" and "Romper Room" cases, ACT became convinced that (1) more activist strategies were required to move broadcasters (which eventually happened in both of the above cases) and (2) regulatory action by some outside agency was needed to insure lasting improvement. Their extreme position on advertising to children proved to be an asset in the regulatory arena, even though it was quite unrealistic. It attracted attention from broadcasters, the press, and the general public, with considerable assistance from Dean Burch and the FCC. A milder proposal might not have created such an uproar.

Under the activities heading, as seen in Chapter 2, ACT's efforts have been many and varied, but generally classifiable into the two areas of either promoting regula-
tory action or raising the public consciousness concerning children's television. Its activities in the former area have been concentrated largely before the FCC, which ACT initially thought was the only agency which could likely change the practices to which it was objecting. However, as the Newton women became increasingly disturbed about advertising to children per se and as Markle Foundation funds became available, they expanded the regulatory campaign to include the FTC. That agency, of course, has no authority whatsoever over programming, but could restrict or ban advertising to children if it found that that practice to be inherently unfair and misleading. Also, from the start of the regulatory campaign, ACT has repeatedly raised the questions of children's programming and advertising before the Congress as a means of (1) keeping up the pressure on the FCC and the FTC to act and (2) establishing ties which might prove useful in the future should the group decide that legislation is needed to solve the problem.

As for changes in definition of the problem or the strategy for attacking it, there have been remarkably few since the change from quiet persuasion to more activist methods in the late sixties. As indicated above, both the definition and the strategy have been enlarged somewhat over the past three years; the former to encompass the
notion that advertising to children per se is bad and the latter to include an expanded regulatory campaign and a more vigorous public education campaign. As to the future, Evelyn Sarson has said,

\[\ldots I \text{ think ACT has to continue what it's doing as an organization } \ldots \]
There is a need for this kind of group, obviously, in the fact that we're getting as much mail as we're getting, in the fact that there is this incredible need for people to find out about children's television. I think, in fact, what it does need is a permanent kind of establishment that would coordinate all the things that are going on in children and media in a sort of national center.

\[\ldots I \text{ think that's definitely what needs to be done, whether ACT does it or somebody else.}^3\]

There have been two general types of response to ACT's activities: (1) oral and written responses before the FCC and the other regulatory agencies and (2) "action responses" within the industry in the form of changes in children's programming and advertising practices.

In the former area, during the petition phase of the FCC campaign, ACT raised the issues of amount of programming, age specificity, diversity, responsive scheduling, amount of advertising, misrepresentation, a child's perception of commercials, family stress, overpricing of products, and host selling. Broadcasters virtually brushed aside these issues in their initial written responses, raising

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^3Sarson interview.
instead a set of their own issues directed at the impracticality of the ACT petition. The industry's issues concerned legality, FCC policy, definition of "children's programs," the self-defeating nature of the proposal, its effect on marginal stations, self regulation, and parental control.

As mentioned in Chapter 2, broadcasters evidently hoped to persuade the FCC during this period in 1970 that the problems in children's TV were quite minor ones that the industry could cope with on its own and that the FCC should abandon the proceeding for this reason and also because of the numerous substantive issues which mediated against adoption of the ACT petition. This strategy was quite ill-advised, given Dean Burch's and Congress' substantial interest in the area, evidence of which was not hard to come by in 1970. Had broadcasters projected a somewhat less intransigent picture of themselves during this initial phase, it is by no means inconceivable that the FCC would have dropped the matter. The vote to proceed to the Inquiry-Rule Making stage was very close, even given that picture of broadcaster intransigence.

The Inquiry-Rule Making stage of the FCC proceeding was characterized by a wide-ranging debate of the issues enumerated above, with little agreement emerging on any of them. In the programming area, ACT's case was very strong
and was generally supported by child professionals, other citizen groups, advertisers, and the general public, leaving broadcasters to defend their then current programming practices (see Chapters 3 and 4).

Broadcasters' "action responses" in this area belied their claim that no problem existed, particularly in the 1971-72 season when the networks' big push to upgrade their entertainment programming with more educational/informational content seemed to reach its zenith. And the financial beating which NBC took that year seemed to call into question the depth of commitment of at least some advertisers who were giving lip service to ACT's programming issues (i.e. amount, diversity, age specificity, and responsive scheduling). Given that lack of sponsor commitment (due to lack of audience), it is not too surprising that the networks returned in subsequent seasons to a more purely entertainment orientation, as was shown in Chapter 5.

Thus, the area where ACT's case appears to be the strongest (see Burch quotation, p. 267), backed as it is by research data and by professional opinion, has seen very little change, on the network level, at least. Some of the violence has been removed, but the upgrading of what was left has been minimal, over the period with which we are concerned, with but few exceptions. The network
children's programming chiefs seem quite sincere in their desire to improve, but they are restricted by directives from their superiors in the network hierarchy and by sponsors' less than total commitment to "quality" programming. Local stations' efforts in this regard are somewhat more impressive to date, at least in terms of longevity of commitment.

In the advertising area, ACT's case before the FCC and PTC was somewhat weaker, notably on the issues of perception and overpricing. On the perception issue, its arguments were reasonably persuasive in regard to preschoolers, backed as they were, by near unanimity of opinion from child experts and, to a lesser extent, by Ward's research data on the youngest children in his sample (see Chapters 1 and 4). Although extensive research data is largely lacking, it would appear that very young children do have difficulty distinguishing the commercial from the program and have not yet developed the mental processes necessary to intelligently evaluate the appeals in a commercial. For the older child, however, ACT's arguments on the perception issue are less sound. Child professionals are more prone to disagree on the vulnerability of the six to twelve year-old. And Ward's data here suggests that (1) these children are more sophisticated than adults give them credit for being and (2) that advertising may actually
serve a positive educational role for children in this age
group. The need for more research on the effects of ad-
vertising on both age groups is clear. But in the absence
of that research, ACT's case for protecting the preschooler
through a ban of commercials in shows designed for him
seems quite persuasive, while its case for such a ban on
shows designed for older children does not.

ACT's contentions on the overpricing issue appear to
make sense. There is no denying the facts that some toys
are quite expensive and that huge amounts of money are
spent to advertise them extensively on TV. It is indeed
quite tempting to conclude that the large advertising bud-
gets are a prime factor in pushing up the cost to the con-
sumer and that if advertising were eliminated or cut back
substantially, this cost would drop accordingly. However
tempting it is to accept this common sense theory, it is
not at all valid, according to evidence recently presented
by economist Robert L. Steiner. Speaking at a workshop on
children's TV, Steiner pointed out that before the advent
of television toy advertising, consumers paid about double
the average toy's wholesale price, whereas now they pay only
about one and a half times that price, a fact which re-
flects a drop in the average distribution margin over the
past twenty years from 49 to 33 per cent. He also pre-
sented data showing that that margin is lowest on the best
selling toys (i.e., those advertised heavily on TV).
Steiner also reviewed data showing that production economies made possible by the mass marketing of toys via TV more than paid for the TV advertising, and, conversely, that if TV toy advertising were to be banned, increased production costs would exceed savings in advertising by about $860 million, of which the consumer would be forced to absorb about $500 million in the form of higher prices. In the light of these data, ACT's common sense theory seems questionable indeed.

In addition, at the same conference, Bernard Loomis, president of Kenner Products, a toy manufacturer, suggested a reason for retailer hostility toward TV toys not mentioned by ACT in its filings. Loomis pointed out that the mass marketing of toys through TV advertising has deprived the retailer of much of the power he once had to choose the toys which he will sell and the markup which he would impose on those toys. Under the present scheme, the manufacturer largely determines the toys which will be promoted on television, which the retailer then almost has to stock. Mass marketing has also given rise to the discount store which means that a smaller retailer's markup is also largely pre-determined if he hopes to compete and thus to

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4 Robert L. Steiner, speaking before a children's television workshop held in Cincinnati, Ohio, June 5, 1973.
stay in business. In view of these facts, ACT's citations of retailer hostility due solely to the allegedly inferior quality of TV toys lose some of their impact.

But ACT also had its strengths in the advertising area. Its strongest points besides preschoolers' perception centered on amount of advertising and host selling. The industry's vulnerability on these two issues was quite apparent. As Pearce pointed out (see Chapter 2), Dean Burch was convinced quite early in the debate that the practice of allowing more commercials during children's prime time (i.e. Saturday morning) than in adult prime time was unfair. Thus, it wasn't too surprising that one of the NAB's chief "action responses" was devoted to rectifying that situation, at least insofar as the networks and NAB Code subscriber stations (theoretically, at least) are concerned. Another primary NAB "action response" took steps to prohibit host selling, although it did not go as far as ACT wished in either case. The time reduction applied only to weekends and reduced the maximum limit to 12 minutes per hour vs. 10 minutes per hour in adult prime time. And the host selling ban applied only to hosts' selling products on or adjacent to their own shows. Of course, non-subscribers (about 40 per cent of all TV sta-

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5 Bernard Loomis, speaking before a children's television workshop held in Cincinnati, Ohio, June 5, 1973.
tions) are not affected at all (but national advertisers would have to devise two separate advertising campaigns to take advantage of this fact) and enforcement of the regulations on local station subscribers is spotty at best.

The other ACT advertising issues (family stress and misrepresentation) fall somewhere in the middle of the strong-weak continuum. Given the FTC's recent activism in policing misleading ads coupled with ACT's alertness, misrepresentation in children's commercials is likely to be less of a problem than it has been, particularly when joined by the NAB's tightened guidelines. This issue was never really documented by ACT in that its references to it before the FCC, at least, were quite general, with the exception of its Fairness Doctrine brief regarding the two Mattel and one Topper spots which were the object of an FTC complaint (see Chapter 2). A more substantive case could have been made, perhaps, but ACT tended to concentrate its attention in the advertising area on the perception issue and generally mentioned the misrepresentation issue only very briefly. Respondents similarly gave it very little attention in their written and oral comments. The threat of a ban, however, was evidently sufficient to prompt action on this issue from both the NAB and the ANA in the form of new guidelines.
The family stress issue, on the other hand, was repeatedly raised by ACT before both the FCC and the FTC. It was mentioned by industry respondents primarily in relation to the parental control issue. On ACT's side, the most impressive aspect of the issue was the assertion, backed by expert testimony, that advertising to children creates serious problems in low income families, reinforcing parental feelings of inadequacy and children's feelings of deprivation, of being somehow "different" from more affluent children. This is, indeed, a serious problem and one that most advertisers would probably like to avoid as well. Obviously sponsors would like to reach only those customers who can afford to buy their products and to exclude those who can't. Unfortunately, there seems to be no solution to this problem short of a total ban on advertising to children, a solution which is both unrealistic and ill-advised (see below).

Beyond the low-income family, however, the family stress argument weakens substantially. There is no question but that some parents (if not most) are upset by a child's attempts to influence purchase decisions and common sense would indicate that those attempts would decrease in number given an advertising ban. However, Ward's data indicate that this does not happen when TV viewing is restricted. Of course it may be that, for any number of
reasons, Ward's data are invalid. However, it may also be that "desiring and wanting" without discretion are inherent characteristics in children, as the NAB claimed (see Chapter 3), and that an advertising ban would do nothing to alleviate family stress. Again more research needs to be done, but in the meantime the existing data contradict ACT's hypothesis.

In the advertising area in general, ACT built a strong case for (1) reducing the amount of advertising on children's shows, (2) banning host selling, and (3) applying strict criteria to children's spots to insure their truthfulness and completeness, for as Howard and Hulbert's staff report to the FTC pointed out, "Truthful ads can contribute to developing a child's ability to make good consumer decisions; untruthful ones, cannot." The NAB has taken action on all three of these points, but a substantial question remains as to whether the broadcaster group went far enough on each point and whether NAB action on them is sufficient in terms of enforcement power. On the other side, although ACT's arguments on these three points were strong, its arguments for a total children's advertising ban were not sufficient, for the reasons discussed in the next section.

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Utility of Proposed Solutions

The written and oral responses of broadcasters to the proposals of ACT were largely characterized by a "let us do it ourselves" solution to the programming problem. Since the question of appropriate children's program content has been under periodic discussion in the public forum for some eighteen years now, this solution seems to offer little hope of success.

The solution proposed by ACT at the other extreme also seems unrealistic (and perhaps deliberately so). First of all, as indicated above, it is questionable whether an advertising ban is necessary to protect older children. Its only real virtue was that it did attract much needed attention from broadcasters and the general public. Beyond that, however, its utility, except in the case of preschoolers, is suspect.

The haziest areas of ACT's proposals are (1) how an advertising ban would automatically result in better programming and (2) how funding for that programming would be achieved.

Within a very limited area such as preschool programming, the latter problem would be difficult, but perhaps not impossible, to overcome. But in the larger context of all children's programming, funds in the large amounts required would probably not be forthcoming if Pearce's data and reasoning are accurate. Melody, on the other hand,
offers absolutely no data to support his phased withdrawal approach (see Chapter 4). There is no great barrier to trying it, but it could easily be subverted at any stage by broadcasters and/or advertisers, who, given their substantial vested interest, would be sorely tempted to do so. Thus, no matter how the plan was implemented, it would seem doomed to failure. And given a lack of funds, better quality programming could hardly result.

If neither leaving broadcasters to their own devices nor banning all advertising to children is a viable solution to the problem of developing a sufficient amount of children's programming which is responsively scheduled, age specific, and diverse as to content, technique, and source, what solutions are left? The only other substantive proposals made in the programming area involved the creation of an independent programming production house staffed with a talented production staff and child development consultants and funded by industry and/or government. While such a unit might indeed appear to be desirable, the barriers to its establishment would appear to be substantial. Similar implementation problems exist with any other major undertaking. The only road which would assure the implementation of such a plan or to otherwise affect the nature of children's commercial programming is, as Dean Burch has written, "incessant public pressure" for such
change;

... if the men and women of ACT really mean business, and if the inhibitions against government action [In the programming area] are appropriate (as I believe they are), then ACT simply will not disband until the job is done. And that day will never come. I can well understand ACT's sense of frustration. I can only hope that ACT's sense of commitment is greater still. 7

In short, major, lasting change in the programming area is likely only if ACT is able to arouse the public consciousness to such an extent that ratings of "quality" shows improve dramatically and if networks, stations, and sponsors are subjected to a barrage of protest which they can't afford to ignore.

In the advertising area, "definitive action" by the FCC and/or FTC seems more appropriate to insure that advertising is reduced in amount on all children's shows, that host selling is banned, and that strict evaluative criteria are applied to all children's TV commercials. In countries where television advertising is permitted, such restrictions are not uncommon (e.g. in Great Britain) and, for the reasons discussed above, their adoption here seems to be warranted. Their implementation could be insured either by an existing Federal agency or by a board of industry and public representatives working in concert with

such an agency. Relying on the NAB in this regard does seem to be a less than totally satisfactory solution.

**ACT's Impact**

In terms of drawing attention to the problems in children's TV programming and advertising from the industry, government, and public, ACT's impact has been enormous, as the unprecedented outpouring of comments to the FCC demonstrates. It is indeed remarkable what four women have been able to accomplish in these terms within the past five years. In meeting and talking with them, one cannot help but be impressed by their sincere concern and almost incredible sense of dedication. Those traits must be credited as one of the prime reasons for ACT's rise to prominence.

But their success in terms of consciousness-raising also has been due to a sizable measure of good fortune. Had Dean Burch (or someone equally as sympathetic) not been heading the FCC in early 1970, ACT probably would not have achieved that prominence. For as Alan Pearce points out, broadcasters say they are responding to pressure from the FCC, which, in turn, is responding to ACT's pressure.⁸ If ACT had not had the Commission acting as middleman, the industry probably would have continued to ignore the group,

⁸Pearce interview.
for the most part, especially since ACT would not have been able to generate as much publicity, in all likelihood, without as much governmental interest. In such a case, the networks' public relations problem would not have been as severe, there would not have been the direct threat of government intervention, and it is thus unlikely that broadcasters would have reacted as strongly as they did.

ACT's impact in the area of advertising has been quite substantial as well and likely will become even greater in the future (see below). Its arguments before the FCC and FTC on the issues of amount of advertising, perception, and host selling combined with the resultant governmental pressure have caused significant reform including much stricter industry commercial standards, a self regulated reduction in the number of permissible commercial minutes on weekend children's shows, a self regulated ban on host selling, and the voluntary withdrawal of children's vitamin spots. While ACT may be disappointed that the reform has not been more extensive, the present record is, nonetheless, impressive.

In the programming area, however, ACT's impact has been less substantial. As noted above and in Chapter 5, network programming reform efforts seemed to peak during the 1971-72 season. Having tried to design shows to educate and inform their audience and having lost a good part
of that audience in the process, the networks now seem to be returning to the concept that entertainment comes first.

The reasons for ACT's relative lack of lasting impact in this area are likely several. The most important one concerns issues raised by the broadcasters during the petition phase—the legal and FCC policy questions involved in ACT's guidelines (see Chapter 2). Those issues were the industry's strongest, especially given Burch's bias against even remotely regulating in the area of program content. Given that the industry is convinced that the FCC either cannot or will not regulate in this sphere, ACT's pressure for reform loses much of its power.

Another reason for ACT's less substantial impact on programming is the lack of audience response to several of the "quality" programs which were aired. If the Newton women are to achieve lasting impact in this area, they must not only persuade broadcasters to air diversified, age specific programs in substantial numbers, but they must also help to insure that those shows have an audience of sufficient size to attract sponsors and to impress broadcasters.

Admittedly, the ideal would be to change the system (e.g., eliminate ratings of children's shows, place spots randomly in shows designed for the age group desired by the sponsor) so that audience size is not the all-important
success criterion. However, as indicated above, such a change would require enormous public pressure (more than has been evidenced to date) and most likely a greater effort on ACT's part than would be required to start large scale letter-writing campaigns to the networks, to inform concerned parents of "quality" shows, and thus save some of them from cancellation and replacement with cartoon series.

In short, ACT has been able to direct a large amount of attention from all sectors to the problem with which it is concerned and has been able to affect substantial movement in the advertising area, but only minimal change in the programming area. Overall, its impact by any standard has been considerable; the prospects for "a change in the nature of television for children" (a phrase from an early ACT brochure) have never been brighter. But this does not necessarily mean that they are very bright in the programming area.

Projected Future Trends

In this section, an attempt will be made to forecast future trends in the three areas of regulation, children's advertising, and children's programming. Since the likely trends in the latter two areas hinge in part on what emerges from the former, let us consider the regulatory sphere first.
According to FCC staff members Pearce and Roberts, commission action on the ACT matter is likely to be forthcoming within the next few months, i.e. sometime before the end of 1973. The FCC's options range from doing nothing to full adoption of ACT's proposed rules. Given Burch's interest in the proceeding and his conservative regulatory philosophy, both of these extremes are most unlikely.

In between the extremes, the options are numerous. The next mildest step would be a public notice stressing in general terms what broadcasters should do in this area. The problem with such a statement is that no enforcement is possible short of license revocation, a drastic penalty which the Commission rarely uses. With so little strength behind it, such a public notice would likely have little effect; broadcasters would probably do no more in this area than they have already done. Roberts has stated her belief that the Commission will do something beyond issuing such a notice.9

As to what that "something" might be, there are but the smallest clues. The Commission has already revised its TV license renewal forms to include a section requesting a description of programs carried during the composite week

that were primarily directed to children aged twelve and under.\textsuperscript{10} And \emph{Broadcasting} has reported some sentiment among the Commissioners and/or staff members favoring a cutback in commercial time in all children's programs to adult prime time levels as well as clearer separation of program content from advertising, especially in shows for preschoolers. The staff was also reportedly in favor of a statement urging broadcasters to carry a specified minimum amount of children's programming during the week and urging them to treat children as a special audience whose needs should be ascertained.\textsuperscript{11}

Given these clues, it seems certain that the FCC will at least issue a strong public notice setting down fairly specific criteria as to what is expected in terms of ascertainment of children's needs, maximum commercial limits, clear program-advertising separation, responsive scheduling, and perhaps even mentioning amount and diversity of programming, combined with indication of a strong continuing concern in the area and a mechanism for surveying how broadcasters are responding to that concern, with the door left open to future government intervention if that response is deemed to be inadequate.


That concern may likely be further manifested by rules aimed at enforcing maximum commercial limits (1) equally in all children's programs, (2) just in preschool programs, or (3) in all children's programs with tighter restrictions on preschool shows. Rules may also be forthcoming which would require commercial clustering on preschool programs or which would otherwise specify a commercial separation procedure. In view of the NAB's action, a rule banning host selling is somewhat less likely, but, nonetheless, a possibility, again especially for preschool shows.

Specific rules have the advantage of giving the Commission the power to penalize non-conforming stations with a fine rather than license revocation. This less drastic penalty is used much more frequently by the FCC and thus would perhaps have the effect of demonstrating to broadcasters the depth of its concern over children's TV. For this reason, it is likely that at least one of the above-mentioned rules will be enacted in addition to the strong and fairly specific public notice and the establishment of a surveying mechanism. But for the reasons mentioned above, while the notice may mention programming matters, the Commission will not issue rules which infringe at all on program decision-making (i.e. concerning amount, diversity of any type, or responsive scheduling).
It is also possible that the FTC and/or Congress may decide to regulate in this area, but such action will probably not be taken before the FCC acts. The FTC, of course, has a set of fairly specific recommendations before it in the Howard and Hulbert staff report (see Chapter 2). And newly-appointed FTC Chairman Lewis Engman has very recently indicated a deep concern with children's advertising. In a speech to the young lawyers section of the American Bar Association on August 6, 1973, Engman asked that the advertising and broadcasting industries band together with consumer groups and government in order to develop voluntary guidelines for children's advertising. He also threatened FTC action unless such guidelines were agreed upon.\footnote{12}{\textit{"FTC's Engman, in policy debut, sets out to effect voluntary codes for children's advertising--but keeps club in reserve,"} \textit{Broadcasting}, August 6, 1973, p. 6.}

So it seems likely that if the opposing factions cannot agree and if the FCC action does not include provisions insuring truthful and complete children's commercials, clearer program-commercial separation, and at least a suggestion that host selling is a questionable practice, the FTC well may promulgate its own set of rules on these matters. It is less likely that a rotating non-commercial programming scheme along the lines suggested in the staff report would be set up, however, because of the legal questions involved.
Congressional action, on the other hand, is virtually impossible to forecast. Its likelihood would depend on the relative amounts of pressure which could be applied by ACT as opposed to that applied by the very strong industry lobby on Capitol Hill. In any event, Congress would probably not act until the effects of any new FCC and/or FTC regulations could be ascertained.

Given this picture of likely developments in the regulatory sphere in the near future, prospects for further reform of children’s advertising practices appear quite good. Reforms of the type already passed by the NAB Code Authority (i.e. relating to amount, commercial content, and host selling) will probably be extended to include all stations and the enforcement of those provisions is likely to be fairly stringent, whether handled by the industry, Engman’s panel, or a government agency. In addition, it is quite possible that new reforms will also be instituted resulting in fewer commercials on all children’s shows as well as clearer separation procedures. In short, new regulations coupled with continuing vigilance and minimal pressure from ACT should insure continued progress in this area.

In the programming area, however, the prospects for changes such as ACT desires are not as bright. In the absence of an even greater avalanche of public protest directed at broadcasters, effective product boycotts, and/
or substantially higher ratings for "quality" programs, we are likely to see a continuation of the current trends to which ACT has been objecting. These include a heavy reliance on animated material, a substantial emphasis on entertainment with insertion of some educational/informational material where possible, a continuing lack of network children's programs in the late afternoon, a continuing concentration of such shows on Saturday morning, and, if ratings for "Emergency Plus 4," "The Brady Kids," "Star Trek," and "I Dream of Jeannie" are favorable, a continuation of the trend to resurrect old prime time series in animated form on Saturday mornings. Mighty Mouse won't return to raping and pillaging (see p. 218), at least in the near future, but neither will we see such substantial attempts to upgrade programming as were evidenced in 1971-72. And what attempts are made along those lines will most likely be programmed against each other at the end of the Saturday schedule after hours of animated comedies which seek primarily to entertain and only minimally, if at all, to inform or uplift.

Elizabeth Roberts, director of the FCC's children's TV task force, has mentioned that children's programs are classified by the networks, the FCC, and other bodies as being either entertaining or educational. Indeed, as

Evelyn Sarson has pointed out (see Chapter 1), "Sesame Street" has shown that a children's program can be both highly entertaining and educational. However, such an effort requires large amounts of research, a dedicated crew of supremely creative talent, and a highly skilled production staff, all of which costs money. As much as the network programming chiefs would like to develop a show that, like "Sesame Street," is both a critical and a popular success, we are not likely to see such efforts being made on a large scale in the near future due to the lack of success of the prestige efforts in the past few years.

In conclusion, the networks have become convinced through their ratings data, if by no other means, that ACT represents a small minority of parents in this country today. They are also convinced that while 100,000 people may take the time to write letters in general support of ACT's views, a significant number of them are not so concerned about the problem as to prohibit their child from viewing traditional Saturday morning fare or to encourage him to view the "quality" offerings. As previously stated, as long as the audience continues to watch the more traditional programming in preference to the "quality" shows, the networks will continue to focus their attention on the former area, for there are few, if any, powerful incentives to do otherwise. And in order to create those incentives,
ACT must either stir the public in greater numbers to demand action, to stop watching the traditional offerings, and to start watching the "quality" shows or it must get regulations passed to create such incentives, something that adoption of its current proposal would not do. Even given ACT's substantial resources, the likelihood of success from such a campaign, in the short term, at least, would appear to be doubtful.

Suggested Topics for Future Research

This study has repeatedly noted the widely expressed need for more research on the effects of advertising on youngsters of all ages (i.e. two to twelve), including a special need for such research focusing on preschoolers (i.e. those under the age of six). The scope of this research should include such topics as how children perceive commercials, how well they are able to evaluate the information presented in them, how well they are able to distinguish between program and commercial, the effects of host selling, and how exposure to commercials effects children's attempts to influence purchasing decisions.

The almost total lack of research in this area is indicative of two problems which Howard and Hulbert mention: the methodological difficulties inherent in studies involving young children and the "academic unrespectability of
advertising as a research topic."\(^{14}\) It may well be, as Howard and Hulbert also suggest, that a governmental unit such as that suggested by Senator Moss (see Chapter 2) should be created so that the necessary funding and impetus to overcome these problems will be available.

The need for research on other topics is perhaps less acute, but of some importance, nonetheless. For example, a future study might identify, compare, and contrast children's programming and advertising trends in the period from 1968 to 1973 with those during the period from 1973 to 1978 in order to attempt to assess the effectiveness of the forthcoming FCC regulatory action as well as its effect on the continuing impact of ACT and its campaign.

Since citizen's groups involved with broadcasting are a relatively recent phenomenon, relatively little is known about their activities, strategies, or impact. As the consumerism movement shows every sign of continuing and in view of the technological upheaval likely to be brought on by the advent of cable TV in the near future, such groups are likely to continue to exert a sixable influence on the industry and thus constitute worthy topics for scholarly inquiry. Future studies might thus attempt to examine the activities of such groups as the NCCB, Black

\(^{14}\) FTC, "Advertising and the Public Interest," by Howard and Hulbert, pp. IX34 and IX38.
Efforts for Soul in Television (BEST), the National Association for Better Broadcasting (NABB), the Children's Committee on Television (an ACT Contact group that has been quite active in the San Francisco Bay area), or similar bodies in an effort to determine the effectiveness of those activities in achieving the groups' stated goals.

Given ACT's lack of confidence in self regulation as a means of curbing questionable advertising practices in the broadcast media, a future study might try to ascertain the effectiveness of the new NAB regulations on children's advertising, for example. The methodology would involve selecting a representative sample of stations (or markets) and surveying their children's programming over a selected period of time in order to determine whether Code subscribers do, indeed, adhere to the new rules, and if not, whether any action is taken against them by the NAB. Other studies in this area might compare and contrast advertising practices at subscribing vs. non-subscribing stations in order to see what differences exist (some non-subscribing stations, e.g. Group W, have requirements of their own which are more strict than the NAB's) or contrast practices found during the spring or other "non-peak demand period" with those found during the pre-Christmas season.

Finally, there would appear to be room for studies
aimed at assessing, in a detailed fashion, the feasibility of implementing any of the numerous proposals concerning children's programming and advertising which have evolved from the FCC proceeding. For example, one study might examine the suggestion that an independent children's program production house be established. The study would look at such issues as the amount of funding which would be necessary, the availability of those funds from private and public sources, whether broadcasters would be willing to air the unit's programs, the amount of enthusiasm for such a concept within the industry, government, and the professional community, the possible effects of such a scheme on existing groups such as the Children's Television Workshop, and, overall, the chances for such a proposal's success. As mentioned above, there would appear to be substantial barriers to the implementation of such schemes, but a detailed investigation might unearth data to the contrary. Similar studies might look at the proposal concerning an advertising code board with public and professional participants or at the various propositions aimed at lessening the importance of audience ratings as a success criterion for children's programs.
Conclusion

Section 309a of the Communications Act of 1934 requires that the FCC grant or renew a broadcaster's license to operate his station only if the "public interest, convenience, and necessity would be served..." And, in their book, Four Theories of the Press, Siebert, Peterson, and Schramm contend that American media in the twentieth century are operating under the theory of social responsibility. This theory requires that the "media must assume the obligation of social responsibility; and if they do not, someone must see that they do."\(^{16}\)

ACT has succeeded in raising the question as to whether broadcasters and advertisers have been living up to these responsibilities in the area of children's television. The women have also raised the more basic question (see pp. 173-74) of whether it is possible for the industry to fully assume those responsibilities in this area within the present commercial framework.

Some contend that the changes in programming which the debate of these questions has fostered are not at all for the better. TV Guide's Edith Efron, for example, argues that the Saturday morning cartoons are the television

\(^{15}\) 48 Stat. 1064.

equivalent of the Sunday newspaper funnies, that the shows are harmless, and that "in capitulating to the pressures of the antiviolence campaigners, the networks gutted the basic nucleus of storytelling" and thus ruined the funnies. 17

Perhaps, but unlike newspaper funnies, television is both theoretically and legally charged with social obligations, as outlined above. And if E. B. White is right (see p. 267), if television is going to be the test of the modern world, then we all have a stake in seeing that the broadcasting industry recognizes and successfully discharges those responsibilities. As this study has hopefully shown, ACT has made the most extensive effort to date to insure that television comes to represent "a saving radiance in the sky," to insure that the modern world passes White's test.

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APPENDIX I

Presented below is a list of the participants in the official proceedings before the FCC on the ACT matter held on October 2-4, 1972 and on January 8-10, 1973. If the participants were officially representing some organization, that affiliation is also given.

PUBLIC PANEL DISCUSSIONS — October 2, 1972

Panel I  Content Diversification

Dr. Rene Cardenas, Bilingual Children's Television
David Connell, Children's Television Workshop
Harry Francis, Meredith Broadcasting
Dr. Frederick Greene, Department of HEW
Christopher Sarson, WGBH-TV, Boston, Mass.
Fred Silverman, CBS-TV
Robert Thurston, Quaker Oats
Lee Polk, Moderator

Panel II  Age Specificity

Eugene Accas, Leo Burnett Co.
Fred Calvert, Fred Calvert Productions
Dr. Joseph Coleman, Education and Public Affairs
Eliot Daley, Family Communications
Michael Eisner, ABC-TV
George Koehler, Triangle Broadcasting
Neil Morse, Children's Committee on Television
Lee Polk, Moderator
PUBLIC PANEL DISCUSSIONS — October 3, 1972

Panel III  Responsive Scheduling

Richard C. Block, Kaiser Broadcasting
Dr. John Condry, Cornell University
Arch O. Knowlton, General Foods Corp.
E. Weaks McKinney-Smith, WDXR-TV, Paducah, Ky.
Evelyn Sarson, Action for Children's Television
Les Towne, Helfgott & Partners
Lee Polk, Moderator

Panel IVA  Children's Television and Advertising Practices

Peggy Charren, Action for Children's Television
Ray Hubbard, WTOP-TV, Washington, D.C.
F. Kent Mitchell, General Foods Corp.
Jeanette Neff, Children's Television Workshop
Dr. Scott Ward, Harvard University
Lee Polk, Moderator

Panel IVB  Children's Television and Advertising Practices (Host Selling)

Larry Harmon, Larry Harmon Pictures Corp.
Sherman K. Headley, WCCO-TV, Minneapolis, Minn.
Robert Keeshan, "Captain Kangaroo," CBS-TV
Lorraine P. Lee-Benner, WCSC-TV, Charleston, S.C.
Wanda Lesser, Charleston, S.C.
Katherine Lustman, Yale University Child Study Center
Lee Polk, Moderator

PUBLIC PANEL DISCUSSIONS — October 4, 1972

Panel V  Alternative Methods of Financing

Joan Ganz Cooney, Children's Television Workshop
Al Fields, Health-Tex
Dr. William Melody, University of Pennsylvania
Fred Pierce, ABC-TV
Ward L. Quaal, WGN-TV, Chicago, Ill.
Edmund Smarden, Carson-Roberts Advertising
Lee Polk, Moderator
Panel VI  Self Regulation

Steven Bluestone
Dr. Ithiel de Sola Pool, MIT
Ruth Handler, Mattel
Stockton Hellfrich, National Association of Broadcasters
Donald McGannon, Westinghouse Broadcasting
Dr. Everett Parker, United Church of Christ
Hermineo Traviesis, NBC-TV

ORAL ARGUMENTS — January 8, 1973

Mary Ellen Hilliard
Dr. Carolyn B. Block, Bay Area Association of Black Psychologists
Rev. Edward A. Powers, United Church of Christ
Michael J. Goldey, CBS-TV
Peggy Charren, Action for Children's Television
Evelyn Sarson, Action for Children's Television
Earl K. Moore, Action for Children's Television
Dr. Juan Aragon, Bilingual Children's Television
Dr. Seymour Banks, American Association of Advertising Agencies
John B. Summers, National Association of Broadcasters
Stockton Hellfrich, National Association of Broadcasters
Stephen Bluestone
Dr. William Kelody, University of Pennsylvania
Robert E. O'Brien, O'Brien Communications
Thomas N. Frohock, ABC-TV
Janis Marvin, American Women in Radio and Television
Howard Monderer, NBC-TV
Philip C. Chin, Office of Asian-American Affairs, HEW

ORAL ARGUMENTS — January 9, 1973

Sister Leo Vincent Short, National Catholic Education Assn.
Paul J. Mundie, Committee on Children's Television
Lorraine F. Lee-Bennet, WCSC-TV, Charleston, S.C.
Richard Burdick, WCVB-TV, Boston, Mass.
Jerome S. Boros, on behalf of five licensees
Richard Marks, on behalf of three licensees
Anne Hanley, National Cable Television Association
Warren Braren, National Citizens Committee for Broadcasting, the Consumer Federation of America and Consumers Union
Arthur Weinburg, on behalf of four stations
ORAL ARGUMENTS — January 9, 1973 (continued)

Rick Bacigalupo, Viewers Intent on Listing Violent Episodes on Nationwide Television
Rosemary Galli, American Federation of State, County, and Municipal Employees, AFI-CIO
Richard D. Heffner, Richard Heffner Associates
Aaron Locker, Toy Manufacturers of America
Peter W. Allport, Association of National Advertisers
Robert B. Choate, Council on Children, Media and Merchandizing
Marilyn Smith, National Association for Education of Young Children

ORAL ARGUMENTS — January 10, 1973

Katheryn M. Fong, Chinese Media Committee of Chinese for Affirmative Action
Carol K. Kimmel, National PTA
Robert Jay Stein, Citizen's Communication Center
Manuel Larez, League of United Latin American Citizens
Lillian Ambrosino
James Freeman, on behalf of five licensees
Larry Harmon, Larry Harmon Pictures Corp.
Dr. Frederick Greene, Office of Child Development, HEW
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"Children's TV draft on way to President." *Broadcasting*, March 22, 1971, p. 36.

"Children's TV gets research center." *Broadcasting*, July 17, 1972, p. 46.

"Children's TV hearings on delayed timetable." *Broadcasting*, November 1, 1971, p. 34.


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"Getting it both FTC ways." Broadcasting, January 31, 1972, pp. 18-19.


"Give and take in television code." Broadcasting, January 24, 1972, p. 39.

"Gray days at Boca Raton." Broadcasting, March 20, 1972, p. 28.


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"Heeding the word." Broadcasting, January 18, 1971, p. 5.

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"It's not all over yet." Broadcasting, January 24, 1972, pp. 22-23.


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