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The Television Code

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Television Code

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PREAMBLE

Television is seen and heard in nearly every American home. These homes include children and adults of all ages, embrace all races and all varieties of philosophic or religious conviction and reach those of every educational background. Television broadcasters must take this pluralistic audience into account in programming their stations. They are obligated to bring their positive responsibility for professionalism and reasoned judgment to bear upon all those involved in the development, production and selection of programs.

The free, competitive American system of broadcasting which offers programs of entertainment, news, general information, education and culture is supported and made possible by revenues from advertising. While television broadcasters are responsible for the programming and advertising on their stations, the advertisers who use television to convey their commercial messages also have a responsibility to the viewing audience. Their advertising messages should be presented in an honest, responsible and tasteful manner. Advertisers should also support the endeavors of broadcasters to offer a diversity of programs that meet the needs and expectations of the total viewing audience.

The viewer also has a responsibility to help broadcasters serve the public. All viewers should make their criticisms and positive suggestions about programming and advertising known to the broadcast licensee. Parents particularly should oversee the viewing habits of their children, encouraging them to watch programs that will enrich their experience and broaden their intellectual horizons.

PROGRAM STANDARDS

I. Principles Governing Program Content

It is in the interest of television as a vital medium to encourage programs that are innovative, reflect a high degree of creative skill, deal with significant moral and social issues and present challenging concepts and other subject matter that relate to the world in which the viewer lives.

Television programs should not only reflect the influence of the established institutions that shape our values and culture, but also expose the dynamics of social change which bear upon our lives.

To achieve these goals, television broadcasters should be conversant with the general and specific needs, interests and aspirations of all the segments of the communities they serve. They should affirmatively seek out responsible representatives of all parts of their communities so that they may structure a broad range of programs that will inform, enlighten, and entertain the total audience.

Broadcasters should also develop programs directed toward advancing the cultural and educational aspects of their communities.

To assure that broadcasters have the freedom to program fully and responsibly, none of the provisions of this Code should be construed as preventing or impeding broadcast of the broad range of material necessary to help broadcasters fulfill their obligations to operate in the public interest.

The challenge to the broadcaster is to determine how suitably to present the complexities of human behavior. For television, this requires exceptional awareness of considerations peculiar to the medium.

Accordingly, in selecting program subjects and themes, great care must be exercised to be sure that treatment and presentation are made in good faith and not for the purpose of sensationalism or to shock or exploit the audience or appeal to prurient interests or morbid curiosity.

Additionally, entertainment programming inappropriate for viewing by a general family

audience should not be broadcast during the first hour of network entertainment programming in prime time and in the immediately preceding hour. In the occasional case when an entertainment program in this time period is deemed to be inappropriate for such an audience, advisories should be used to alert viewers. Advisories should also be used when programs in later prime time periods contain material that might be disturbing to significant segments of the audience.

These advisories should be presented in audio and video form at the beginning of the program and when deemed appropriate at a later point in the program. Advisories should also be used responsibly in promotional material in advance of the program. When using an advisory, the broadcaster should attempt to notify publishers of television program listings.

Special care should be taken with respect to the content and treatment of audience advisories so that they do not disserve their intended purpose by containing material that is promotional, sensational or exploitative. Promotional announcements for programs that include advisories should be scheduled on a basis consistent with the purpose of the advisory. (*See Television Code Interpretation No. 5*)

II. Responsibility Toward Children

Broadcasters have a special responsibility to children. Programs designed primarily for children should take into account the range of interests and needs of children from instructional and cultural material to a wide variety of entertainment material. In their totality, programs should contribute to the sound, balanced development of children to help them achieve a sense of the world at large and informed adjustments to their society.

In the course of a child's development, numerous social factors and forces, including television, affect the ability of the child to make the transition to adult society.

The child's training and experience during the formative years should include positive

sets of values which will allow the child to become a responsible adult, capable of coping with the challenges of maturity.

Children should also be exposed, at the appropriate times, to a reasonable range of the realities which exist in the world sufficient to help them make the transition to adulthood.

Because children are allowed to watch programs designed primarily for adults, broadcasters should take this practice into account in the presentation of material in such programs when children may constitute a substantial segment of the audience.

All the standards set forth in this section apply to both program and commercial material designed and intended for viewing by children.

III. Community Responsibility

1. Television broadcasters and their staffs occupy positions of unique responsibility in their communities and should conscientiously endeavor to be acquainted fully with the community's needs and characteristics in order better to serve the welfare of its citizens.

2. Requests for time for the placement of public service announcements or programs should be carefully reviewed with respect to the character and reputation of the group, campaign or organization involved, the public interest content of the message, and the manner of its presentation.

IV. Special Program Standards

1. Violence, physical or psychological, may only be projected in responsibly handled contexts, not used exploitatively. Programs involving violence should present the consequences of it to its victims and perpetrators.

Presentation of the details of violence should avoid the excessive, the gratuitous and the instructional.

The use of violence for its own sake and the detailed dwelling upon brutality or physical agony, by sight or by sound, are not permissible.

The depiction of conflict, when presented in programs designed primarily for children,

should be handled with sensitivity.

2. The treatment of criminal activities should always convey their social and human effects.

The presentation of techniques of crime in such detail as to be instructional or invite imitation shall be avoided.

3. Narcotic addiction shall not be presented except as a destructive habit. The use of illegal drugs or the abuse of legal drugs shall not be encouraged or shown as socially acceptable.

4. The use of gambling devices or scenes necessary to the development of plot or as appropriate background is acceptable only when presented with discretion and in moderation, and in a manner which would not excite interest in, or foster, betting nor be instructional in nature.

5. Telecasts of actual sports programs at which on-the-scene betting is permitted by law shall be presented in a manner in keeping with federal, state and local laws, and should concentrate on the subject as a public sporting event.

6. Special precautions must be taken to avoid demeaning or ridiculing members of the audience who suffer from physical or mental afflictions or deformities.

7. Special sensitivity is necessary in the use of material relating to sex, race, color, age, creed, religious functionaries or rites, or national or ethnic derivation.

8. Obscene, indecent or profane matter, as proscribed by law, is unacceptable.

9. The presentation of marriage, the family and similarly important human relationships, and material with sexual connotations, shall not be treated exploitatively or irresponsibly, but with sensitivity. Costuming and movements of all performers shall be handled in a similar fashion.

10. The use of liquor and the depiction of smoking in program content shall be de-emphasized. When shown, they should be consistent with plot and character development.

11. The creation of a state of hypnosis by act or detailed demonstration on camera is prohibited, and hypnosis as a form of "parlor

game'' antics to create humorous situations within a comedy setting is forbidden.

12. Program material pertaining to fortune-telling, occultism, astrology, phrenology, palm-reading, numerology, mind-reading, character-reading, and the like is unacceptable if it encourages people to regard such fields as providing commonly accepted appraisals of life.

13. Professional advice, diagnosis and treatment will be presented in conformity with law and recognized professional standards.

14. Any technique whereby an attempt is made to convey information to the viewer by transmitting messages below the threshold of normal awareness is not permitted.

15. The use of animals, consistent with plot and character delineation, shall be in conformity with accepted standards of humane treatment.

16. Quiz and similar programs that are presented as contests of knowledge, information, skill or luck must, in fact, be genuine contests; and the results must not be controlled by collusion with or between contestants, or by any other action which will favor one contestant against any other.

17. The broadcaster shall be constantly alert to prevent inclusion of elements within a program dictated by factors other than the requirements of the program itself. The acceptance of cash payments or other considerations in return for including scenic properties, the choice and identification of prizes, the selection of music and other creative program elements and inclusion of any identification of commercial products or services, their trade names or advertising slogan within the program are prohibited except in accordance with Sections 317 and 508 of the Communications Act.

18. Contests may not constitute a lottery.

19. No program shall be presented in a manner which through artifice or simulation would mislead the audience as to any material fact. Each broadcaster must exercise reasonable judgment to determine whether a particular method of presentation would constitute a material deception, or would be accepted by

the audience as normal theatrical illusion.

20. A television broadcaster should not present fictional events or other non-news material as authentic news telecasts or announcements, nor permit dramatizations in any program which would give the false impression that the dramatized material constitutes news.

21. The standards of this Code covering program content are also understood to include, wherever applicable, the standards contained in the advertising section of the Code.

V. Treatment of News and Public Events

General

Television Code standards relating to the treatment of news and public events are, because of constitutional considerations, intended to be exhortatory. The standards set forth hereunder encourage high standards of professionalism in broadcast journalism. They are not to be interpreted as turning over to others the broadcaster's responsibility as to judgments necessary in news and public events programming.

News

1. A television station's news schedule should be adequate and well-balanced.

2. News reporting should be factual, fair and without bias.

3. A television broadcaster should exercise particular discrimination in the acceptance, placement and presentation of advertising in news programs so that such advertising should be clearly distinguishable from the news content.

4. At all times, pictorial and verbal material for both news and comment should conform to other sections of these standards, wherever such sections are reasonably applicable.

5. Good taste should prevail in the selection and handling of news:

Morbid, sensational or alarming details not essential to the factual report, especially in connection with stories of crime or sex, should be avoided. News should be telecast in such a manner as to avoid panic and unnecessary alarm.

6. Commentary and analysis should be clearly identified as such.

7. Pictorial material should be chosen with care and not presented in a misleading manner.

8. All news interview programs should be governed by accepted standards of ethical journalism, under which the interviewer selects the questions to be asked. Where there is advance agreement materially restricting an important or newsworthy area of questioning, the interviewer will state on the program that such limitation has been agreed upon. Such disclosure should be made if the person being interviewed requires that questions be submitted in advance or participates in editing a recording of the interview prior to its use on the air.

9. A television broadcaster should exercise due care in the supervision of content, format, and presentation of newscasts originated by his/her station, and in the selection of newscasters, commentators, and analysts.

Public Events

1. A television broadcaster has an affirmative responsibility at all times to be informed of public events, and to provide coverage consonant with the ends of an informed and enlightened citizenry.

2. The treatment of such events by a television broadcaster should provide adequate and informed coverage.

VI. Controversial Public Issues

1. Television provides a valuable forum for the expression of responsible views on public issues of a controversial nature. The television broadcaster should seek out and develop with accountable individuals, groups and organizations, programs relating to controversial public issues of import to his/her fellow citizens; and to give fair representation to opposing sides of issues which materially affect the life or welfare of a substantial segment of the public.

2. Requests by individuals, groups or organizations for time to discuss their views on controversial public issues should be consid-

ered on the basis of their individual merits, and in the light of the contribution which the use requested would make to the public interest, and to a well-balanced program structure.

3. Programs devoted to the discussion of controversial public issues should be identified as such. They should not be presented in a manner which would mislead listeners or viewers to believe that the program is purely of an entertainment, news, or other character.

4. Broadcasts in which stations express their own opinions about issues of general public interest should be clearly identified as editorials. They should be unmistakably identified as statements of station opinion and should be appropriately distinguished from news and other program material.

VII. Political Telecasts

1. Political telecasts should be clearly identified as such. They should not be presented by a television broadcaster in a manner which would mislead listeners or viewers to believe that the program is of any other character.

(Ref.: Communications Act of 1934, as amended, Secs. 315 and 317, and FCC Rules and Regulations, Secs. 3.654, 3.657, 3.663, as discussed in NAB's "Political Broadcast Catechism & The Fairness Doctrine.")

VIII. Religious Programs

1. It is the responsibility of a television broadcaster to make available to the community appropriate opportunity for religious presentations.

2. Programs reach audiences of all creeds simultaneously. Therefore, both the advocates of broad or ecumenical religious precepts, and the exponents of specific doctrines, are urged to present their positions in a manner conducive to viewer enlightenment on the role of religion in society.

3. In the allocation of time for telecasts of religious programs the television station should use its best efforts to apportion such time fairly among responsible individuals, groups and organizations.

ADVERTISING STANDARDS

IX. General Advertising Standards

1. This Code establishes basic standards for all television broadcasting. The principles of acceptability and good taste within the Program Standards section govern the presentation of advertising where applicable. In addition, the Code establishes in this section special standards which apply to television advertising.

2. Commercial television broadcasters make their facilities available for the advertising of products and services and accept commercial presentations for such advertising. However, television broadcasters should, in recognition of their responsibility to the public, refuse the facilities of their stations to an advertiser where they have good reason to doubt the integrity of the advertiser, the truth of the advertising representations, or the compliance of the advertiser with the spirit and purpose of all applicable legal requirements.

3. Identification of sponsorship must be made in all sponsored programs in accordance with the requirements of the Communications Act of 1934, as amended, and the Rules and Regulations of the Federal Communications Commission.

4. Representations which disregard normal safety precautions shall be avoided.

Children shall not be represented, except under proper adult supervision, as being in contact with or demonstrating a product recognized as potentially dangerous to them.

5. In consideration of the customs and attitudes of the communities served, each television broadcaster should refuse his/her facilities to the advertisement of products and services, or the use of advertising scripts, which the station has good reason to believe would be objectionable to a substantial and responsible segment of the community. These standards should be applied with judgment and flexibility, taking into consideration the characteristics of the medium, its home and family audience, and the form and content of the particular presentation.

6. The advertising of hard liquor (distilled spirits) is not acceptable.

7. The advertising of beer and wines is acceptable only when presented in the best of good taste and discretion, and is acceptable only subject to federal and local laws. (*See Television Code Interpretation No. 4*)

8. Advertising by institutions or enterprises which in their offers of instruction imply promises of employment or make exaggerated claims for the opportunities awaiting those who enroll for courses is generally unacceptable.

9. The advertising of firearms/ammunition is acceptable provided it promotes the product only as sporting equipment and conforms to recognized standards of safety as well as all applicable laws and regulations. Advertisements of firearms/ammunition by mail order are unacceptable. The advertising of fireworks is unacceptable.

10. The advertising of fortune-telling, occultism, astrology, phrenology, palm-reading, numerology, mind-reading, character-reading or subjects of a like nature is not permitted.

11. Because all products of a personal nature create special problems, acceptability of such products should be determined with especial emphasis on ethics and the canons of good taste. Such advertising of personal products as is accepted must be presented in a restrained and obviously inoffensive manner.

12. The advertising of tip sheets and other publications seeking to advertise for the purpose of giving odds or promoting betting is unacceptable.

The lawful advertising of government organizations which conduct legalized lotteries is acceptable provided such advertising does not unduly exhort the public to bet.

The advertising of private or governmental organizations which conduct legalized betting on sporting contests is acceptable provided such advertising is limited to institutional type announcements which do not exhort the public to bet.

13. An advertiser who markets more than one product should not be permitted to use advertising copy devoted to an acceptable

product for purposes of publicizing the brand name or other identification of a product which is not acceptable.

14. "Bait-switch" advertising, whereby goods or services which the advertiser has no intention of selling are offered merely to lure the customer into purchasing higher-priced substitutes, is not acceptable.

15. Personal endorsements (testimonials) shall be genuine and reflect personal experience. They shall contain no statement that cannot be supported if presented in the advertiser's own words.

X. Presentation of Advertising

1. Advertising messages should be presented with courtesy and good taste; disturbing or annoying material should be avoided; every effort should be made to keep the advertising message in harmony with the content and general tone of the program in which it appears.

2. The role and capability of television to market sponsors' products are well recognized. In turn, this fact dictates that great care be exercised by the broadcaster to prevent the presentation of false, misleading or deceptive advertising. While it is entirely appropriate to present a product in a favorable light and atmosphere, the presentation must not, by copy or demonstration, involve a material deception as to the characteristics, performance or appearance of the product.

Broadcast advertisers are responsible for making available, at the request of the Code Authority, documentation adequate to support the validity and truthfulness of claims, demonstrations and testimonials contained in their commercial messages.

3. The broadcaster and the advertiser should exercise special caution with the content and presentation of television commercials placed in or near programs designed for children. Exploitation of children should be avoided. Commercials directed to children should in no way mislead as to the product's performance and usefulness.

Commercials, whether live, film or tape,

within programs initially designed primarily for children under 12 years of age shall be clearly separated from program material by an appropriate device.

Trade name identification or other merchandising practices involving the gratuitous naming of products is discouraged in programs designed primarily for children.

Appeals involving matters of health which should be determined by physicians should not be directed primarily to children.

4. No children's program personality or cartoon character shall be utilized to deliver commercial messages within or adjacent to the programs in which such a personality or cartoon character regularly appears. 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 personalities or cartoon characters.

5. Appeals to help fictitious characters in television programs by purchasing the advertiser's product or service or sending for a premium should not be permitted, and such fictitious characters should not be introduced into the advertising message for such purposes.

6. Commercials for services or over-the-counter products involving health considerations are of intimate and far-reaching importance to the consumer. The following principles should apply to such advertising:

a. Physicians, dentists or nurses or actors representing physicians, dentists or nurses, shall not be employed directly or by implication. These restrictions also apply to persons professionally engaged in medical services (e.g., physical therapists, pharmacists, dental assistants, nurses' aides).

b. Visual representations of laboratory settings may be employed, provided they bear a direct relationship to bona fide research which has been conducted for the product or service. (*See Television Code, X, 11*) In such cases, laboratory technicians shall be identified as such and shall not be employed as spokespersons or in any other way speak on behalf of the product.

c. Institutional announcements not in-

tended to sell a specific product or service to the consumer and public service announcements by non-profit organizations may be presented by accredited physicians, dentists or nurses, subject to approval by the broadcaster. An accredited professional is one who has met required qualifications and has been licensed in his/her resident state.

7. Advertising should offer a product or service on its positive merits and refrain from discrediting, disparaging or unfairly attacking competitors, competing products, other industries, professions or institutions.

8. A sponsor's advertising messages should be confined within the framework of the sponsor's program structure. A television broadcaster should avoid the use of commercial announcements which are divorced from the program either by preceding the introduction of the program (as in the case of so-called "cow-catcher" announcements) or by following the apparent sign-off of the program (as in the case of so-called trailer or "hitch-hike" announcements). To this end, the program itself should be announced and clearly identified, both audio and video, before the sponsor's advertising material is first used, and should be signed off, both audio and video, after the sponsor's advertising material is last used.

9. Since advertising by television is a dynamic technique, a television broadcaster should keep under surveillance new advertising devices so that the spirit and purpose of these standards are fulfilled.

10. A charge for television time to churches and religious bodies is not recommended.

11. Reference to the results of bona fide research, surveys or tests relating to the product to be advertised shall not be presented in a manner so as to create an impression of fact beyond that established by the work that has been conducted.

XI. Advertising of Medical Products

1. The advertising of medical products presents considerations of intimate and far-

reaching importance to consumers because of the direct bearing on their health.

2. Because of the personal nature of the advertising of medical products, claims that a product will effect a cure and the indiscriminate use of such words as "safe," "without risk," "harmless," or terms of similar meaning should not be accepted in the advertising of medical products on television stations.

3. A television broadcaster should not accept advertising material which in his/her opinion offensively describes or dramatizes distress or morbid situations involving ailments, by spoken word, sound or visual effects.

XII. Contests

1. Contests shall be conducted with fairness to all entrants, and shall comply with all pertinent laws and regulations. Care should be taken to avoid the concurrent use of the three elements which together constitute a lottery—prize, chance and consideration.

2. All contest details, including rules, eligibility requirements, opening and termination dates should be clearly and completely announced and/or shown, or easily accessible to the viewing public, and the winners' names should be released and prizes awarded as soon as possible after the close of the contest.

3. When advertising is accepted which requests contestants to submit items of product identification or other evidence of purchase of products, reasonable facsimiles thereof should be made acceptable unless the award is based upon skill and not upon chance.

4. All copy pertaining to any contest (except that which is required by law) associated with the exploitation or sale of the sponsor's product or service, and all references to prizes or gifts offered in such connection should be considered a part of and included in the total time allowances as herein provided. (*See Television Code, XIV*)

XIII. Premiums and Offers

1. Full details of proposed offers should be required by the television broadcaster for investigation and approved before the first an-

nouncement of the offer is made to the public.

2. A final date for the termination of an offer should be announced as far in advance as possible.

3. Before accepting for telecast offers involving a monetary consideration, a television broadcaster should be satisfied as to the integrity of the advertiser and the advertiser's willingness to honor complaints indicating dissatisfaction with the premium by returning the monetary consideration.

4. There should be no misleading descriptions or visual representations of any premiums or gifts which would distort or enlarge their value in the minds of the viewers.

5. Assurances should be obtained from the advertiser that premiums offered are not harmful to person or property.

6. Premiums should not be approved which appeal to superstition on the basis of "luck-bearing" powers or otherwise.

XIV. Time Standards for Non-Program Material*

In order that the time for non-program material and its placement shall best serve the viewer, the following standards are set forth in accordance with sound television practice:

1. Non-Program Material Definition:

Non-program material, in both prime time and all other time, includes billboards, commercials, promotional announcements and all credits in excess of 30 seconds per program, except in feature films. In no event should credits exceed 40 seconds per program. The 40-second limitation on credits shall not apply, however, in any situation governed by a contract entered into before October 1, 1971. Public service announcements and promotional announcements for the same program are excluded from this definition.

2. Allowable Time for Non-Program Material:

a. In prime time on network affiliated stations, non-program material shall not exceed nine minutes 30 seconds in any 60-minute period.

*See Time Standards for Independent Stations, p. 20.

Prime time is a continuous period of not less than three consecutive hours per broadcast day as designated by the station between the hours of 6:00 PM and midnight.

b. In all other time, non-program material shall not exceed 16 minutes in any 60-minute period.

c. Children's Programming Time—Defined as those hours other than prime time in which programs initially designed primarily for children under 12 years of age are scheduled.

Within this time period on Saturday and Sunday, non-program material shall not exceed nine minutes 30 seconds in any 60-minute period.

Within this time period on Monday through Friday, non-program material shall not exceed 12 minutes in any 60-minute period.

3. Program Interruptions:

a. Definition: A program interruption is any occurrence of non-program material within the main body of the program.

b. In prime time, the number of program interruptions shall not exceed two within any 30-minute program, or four within any 60-minute program.

Programs longer than 60 minutes shall be prorated at two interruptions per half-hour.

The number of interruptions in 60-minute variety shows shall not exceed five.

c. In all other time, the number of interruptions shall not exceed four within any 30-minute program period.

d. In children's weekend programming 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.

e. In both prime time and all other time, the following interruption standard shall apply within programs of 15 minutes or less in length:

5-minute program—1 interruption;
10-minute program—2 interruptions;
15-minute program—2 interruptions.

f. News, weather, sports and special events programs are exempt from the interruption standard because of the nature of such programs.

4. No more than four non-program material announcements shall be scheduled consecutively within programs, and no more than three non-program material announcements shall be scheduled consecutively during station breaks. The consecutive non-program material limitation shall not apply to a single sponsor who wishes to further reduce the number of interruptions in the program.

5. A multiple product announcement is one in which two or more products or services are presented within the framework of a single announcement. A multiple product announcement shall not be scheduled in a unit of time less than 60 seconds, except where integrated so as to appear to the viewer as a single message. A multiple product announcement shall be considered integrated and counted as a single announcement if:

a. the products or services are related and interwoven within the framework of the announcement (related products or services shall be defined as those having a common character, purpose and use); and

b. the voice(s), setting, background and continuity are used consistently throughout so as to appear to the viewer as a single message.

Multiple product announcements of 60 seconds in length or longer not meeting this definition of integration shall be counted as two or more announcements under this section of the Code. This provision shall not apply to retail or service establishments.

6. The use of billboards, in prime time and all other time, shall be confined to programs sponsored by a single or alternate week advertiser and shall be limited to the products advertised in the program.

7. Reasonable and limited identification of prizes and donors' names where the presentation of contest awards or prizes is a necessary part of program content shall not be included as non-program material as defined above.

8. Programs presenting women's/men's service features, shopping guides, fashion shows, demonstrations and similar material provide a special service to the public in which certain material normally classified as non-program is an informative and necessary part of the program content. Because of this, the time standards may be waived by the Code Authority to a reasonable extent on a case-by-case basis.

9. Gratuitous references in a program to a non-sponsor's product or service should be avoided except for normal guest identification.

10. Stationary backdrops or properties in television presentations showing the sponsor's name or product, the name of the sponsor's product, trade-mark or slogan should be used only incidentally and should not obtrude on program interest or entertainment.

Note: From time to time the Code Authority issues advertising guidelines and clarifications expanding on provisions of the Code. Among areas covered are acne, alcoholic beverages, arthritis and rheumatism remedies, bronchitis, comparative advertising, children's premiums and offers, children's TV advertising, disparagement, hallucinogens, hypnosis, lotteries, men-in-white, non-prescription medications, personal products, testimonials, time standards, toys, vegetable oils and margarines, and weight reducing products/services. Copies may be obtained from any NAB Code Authority office.

Time Standards for Independent Stations

1. Non-program elements shall be considered as all-inclusive, with the exception of required credits, legally required station identifications, and "bumpers." Promotion spots and public service announcements, as well as commercials, are to be considered non-program elements.

2. The allowed time for non-program elements, as defined above, shall not exceed seven minutes in a 30-minute period or multiples thereof in prime time (prime time is defined as any three contiguous hours between 6:00 PM and midnight, local time), or eight minutes in a 30-minute period or multiples thereof during all other times.

3. Where a station does not carry a commercial in a station break between programs, the number of program interruptions shall not exceed four within any 30-minute program, or seven within any 60-minute program, or 10 within any 90-minute program, or 13 in any 120-minute program. Stations which do carry commercials in station breaks between programs shall limit the number of program interruptions to three within any 30-minute program, or six within any 60-minute program, or nine within any 90-minute program, or 12 in any 120-minute program. News, weather, sports, and special events are exempted because of format.

4. Not more than four non-program material announcements as defined above shall be scheduled consecutively. An exception may be made only in the case of a program 60 minutes or more in length, when no more than seven non-program elements may be scheduled consecutively by stations who wish to reduce the number of program interruptions.

5. The conditions of paragraphs three and four shall not apply to live sports programs where the program format dictates and limits the number of program interruptions.

INTERPRETATIONS

Interpretation No. 1

June 7, 1956, Revised June 9, 1958

"Pitch" Programs

The "pitchman" technique of advertising on television is inconsistent with good broadcast practice and generally damages the reputation of the industry and the advertising profession.

Sponsored program-length segments consisting substantially of continuous demonstrations or sales presentation, violate not only the time standards established in the Code but the broad philosophy of improvement implicit in the voluntary Code operation and are not acceptable.

Interpretation No. 2

June 7, 1956

Hollywood Film Promotion

The presentation of commentary or film excerpts from current theatrical releases in some instances may constitute commercial material under the Time Standards for Non-Program Material. Specifically, for example, when such presentation, directly or by inference, urges viewers to attend, it shall be counted against the commercial allowance for the program of which it is a part.

Interpretation No. 3

January 23, 1959

Prize Identification

Aural and/or visual prize identification of up to 10 seconds duration may be deemed "reasonable and limited" under the language of Paragraph 7 of the Time Standards for Non-Program Material. Where such identification is longer than 10 seconds, the entire announcement or visual presentation will be charged against the total commercial time for the program period.

Interpretation No. 4

March 4, 1965

Drinking on Camera

Paragraph 7, Section IX, General Advertising Standards, states that the "advertising of beer and wine is acceptable only when presented in the best of good taste and discretion." This requires that commercials involving beer and wine avoid any representation of on-camera drinking.

Interpretation No. 5

April 8, 1975

The scheduling provisions of Section I (Principles Governing Program Content) shall not apply to programs under contract to a station as of April 8, 1975, all episodes of which were then in existence, if such station is unable, despite reasonable good faith efforts, to edit such programs to make them appropriate for family viewing or to reschedule them so as not to occupy family viewing periods. This exception shall in no event apply after September 1, 1977. Any such programs excepted from scheduling provisions shall, of course, bear the required advisory notices.

REGULATIONS AND PROCEDURES

The following Regulations and Procedures shall obtain as an integral part of the Television Code of the National Association of Broadcasters:

I. Name

The name of this Code shall be *The Television Code of the National Association of Broadcasters*.*

II. Purpose of the Code

The purpose of this Code is cooperatively to maintain a level of television programming which gives full consideration to the educational, informational, cultural, economic, moral and entertainment needs of the American public to the end that more and more people will be better served.

III. Subscribers

Section 1. Eligibility

Any individual, firm or corporation which is engaged in the operation of a television broadcast station or network, or which holds a construction permit for a television broadcast station within the United States or its dependencies, shall, subject to the approval of the Television Board of Directors as hereinafter provided, be eligible to subscribe to the Television Code of the NAB to the extent of one subscription for each such station and/or network which it operates or for which it holds a construction permit; provided, that a non-television member of NAB shall not become eligible via Code subscription to receive any of the member services or to exercise any of the voting privileges of a member.

*By-Laws of the National Association of Broadcasters, Article VI, Section 8, C: "Television Board. The Television Board is hereby authorized:—(4) to enact, amend and promulgate standards of practice or codes for its Television members, and to establish such methods to secure observance thereof as it may deem advisable:—."

Section 2. Certification of Subscription

Upon subscribing to the Code, subject to the approval of the Television Board of Directors, there shall be granted forthwith to each such subscribing station authority to use the "NAB Television Seal of Good Practice," a copyrighted and registered seal to be provided in the form of a certificate, a slide and/or a film, signifying that the recipient thereof is a subscriber in good standing to the Television Code of the NAB. The seal and its significance shall be appropriately publicized by the NAB.

Section 3. Duration of Subscription

Subscription shall continue in full force and effect until 30 days after the first of the month following receipt of notice of written resignation. Subscription to the Code shall be effective from the date of application subject to the approval of the Television Board of Directors; provided, that the subscription of a television station going on the air for the first time shall, for the first six months of such subscription, be probationary, during which time its subscription can be summarily revoked by an affirmative two-thirds vote of the Television Board of Directors without the usual processes specified below.

Section 4. Suspension of Subscription

Any subscription, and/or the authority to utilize and show the above-noted seal, may be voided, revoked or temporarily suspended for television programming, including commercial copy, which, by theme, treatment or incident, in the judgment of the Television Board constitutes a continuing, willful or gross violation of any of the provisions of the Television Code, by an affirmative two-thirds vote of the Television Board of Directors at a regular or special meeting; provided, however, that the following conditions and procedures shall apply:

A. Preferring of Charges—Conditions Precedent:

Prior to the preferring of charges to the Television Board of Directors concerning violation of the Code by a subscriber, the Television Code Review Board (hereinafter provided

for) (1) Shall have appropriately, and in good time, informed and advised such subscriber of any and all complaints and information coming to the attention of the Television Code Review Board and relating to the programming of said subscriber, (2) Shall have reported to, and advised, said subscriber by analysis, interpretation, recommendation or otherwise, of the possibility of a violation or breach of the Television Code by the subscriber, and (3) Shall have served upon the subscriber, by Registered Mail a Notice of Intent to prefer charges, at least 20 days prior to the filing of any such charges with the Television Board of Directors. During this period the Television Code Review Board may, within its sole discretion, reconsider its proposed action based upon such written reply as the subscriber may care to make, or upon such action as the subscriber may care to take program-wise, in conformance with the analysis, interpretation, or recommendation of the Television Code Review Board.

(i) Notice of Intent

The Notice of Intent shall include a statement of the grounds and reasons for the proposed charges, including appropriate references to the Television Code.

(ii) Time

In the event that the nature of the program in question is such that time is of the essence, the Television Code Review Board may prefer charges within less than the 20 days above specified, provided that a time certain in which reply may be made is included in its Notice of Intent, and provided that its reasons therefor must be specified in its statement of charges preferred.

B. The Charges:

The subscriber shall be advised in writing by Registered Mail of the charges preferred. The charges preferred by the Television Code Review Board to the Television Board of Directors shall include the grounds and reasons therefor, together with specific references to the Television Code. The charges shall contain a statement that the conditions precedent, herein before described, have been met.

C. Hearing:

The subscriber shall have the right to a hearing and may exercise same by filing an answer within 10 days of the date of such notification.

D. Waiver:

Failure to request a hearing shall be deemed a waiver of the subscriber's right thereto.

E. Designation:

If a hearing is requested by the subscriber, it shall be designated as promptly as possible and at such time and place as the Television Board may specify.

F. Confidential Status:

Hearings shall be closed; and all correspondence between a subscriber and the Television Code Review Board and/or the Television Board of Directors concerning specific programming shall be confidential; provided, however, that the confidential status of these procedures may be waived by a subscriber.

G. Presentation; Representation:

A subscriber against whom charges have been preferred, and who has exercised his/her right to a hearing, shall be entitled to effect presentation of his/her case personally, by agent, by attorney, or by deposition and interrogatory.

H. Intervention:

Upon request by the subscriber-respondent or the Television Code Review Board, the Television Board of Directors, in its discretion, may permit the intervention of one or more other subscribers as parties-in-interest.

I. Transcript:

A stenographic transcript record shall be taken and shall be certified by the Chairperson of the Television Board of Directors to the office of the Secretary of the National Association of Broadcasters, where it shall be maintained. The transcript shall not be open to inspection unless otherwise provided by the party respondent in the proceeding.

J. Television Code Review Board; Counsel:

The Television Code Review Board may, at its discretion, utilize the services of an attor-

ney from the staff of the NAB for the purpose of effecting its presentation in a hearing matter.

K. Order of Procedure:

At hearings the Television Code Review Board shall open and close.

L. Cross-Examination:

The right of cross-examination shall specifically obtain. Where procedure has been by deposition or interrogatory, the use of cross-interrogatories shall satisfy this right.

M. Presentation:

Oral and written evidence may be introduced by the subscriber and by the Television Code Review Board. Oral argument may be had at the hearing and written memoranda or briefs may be submitted by the subscriber and by the Television Code Review Board. The Television Board of Directors may admit such evidence as it deems relevant, material and competent, and may determine the nature and length of the oral argument and the written argument or briefs.

N. Authority of Presiding Officer; of Television Board of Directors:

The Presiding Officer shall rule upon all interlocutory matters, such as, but not limited to, the admissibility of evidence, the qualifications of witnesses, etc. On all other matters, authority to act shall be vested in a majority of the Television Board unless otherwise provided.

O. Films, Transcriptions, etc.:

Films, kinescopes, records, transcriptions, or other mechanical reproductions of television programs, properly identified, shall be accepted into evidence when relevant.

P. Continuances and Extensions:

Continuance and extension of any proceeding or for the time of filing or performing any act required or allowed to be done within a specific time may be granted upon request, for a good cause shown. The Board or the Presiding Officer may recess or adjourn a hearing for such time as may be deemed necessary, and may change the place thereof.

Q. Findings and Conclusions:

The Television Board of Directors shall decide the case as expeditiously as possible and shall notify the subscriber and the Television Code Review Board, in writing, of the decision. The decision of the Television Board of Directors shall contain findings of fact with conclusions, as well as the reasons or bases therefor. Findings of fact shall set out in detail and with particularity all basic evidentiary facts developed on the record (with appropriate citations to the transcript of record or exhibit relied on for each evidentiary fact) supporting the conclusion reached.

R. Reconsideration or Rehearing:

A request for reconsideration or rehearing may be filed by parties to the hearing. Requests for reconsideration or rehearing shall state with particularity in what respect the decision or any matter determined therein is claimed to be unjust, unwarranted, or erroneous, and with respect to any finding of fact shall specify the pages of record relied on. If the existence of any newly discovered evidence is claimed, the request shall be accompanied by a verified statement of the facts together with the facts relied on to show that the party, with due diligence, could not have known or discovered such facts at the time of the hearing.

The request for rehearing may seek:

- a. Reconsideration
- b. Additional oral argument
- c. Reopening of the proceedings
- d. Amendment of any findings, or
- e. Other relief.

S. Time for Filing:

Requests for reconsideration or rehearing shall be filed within 10 days after receipt by the respondent of the decision. Opposition thereto may be filed within five days after the filing of the request.

T. Penalty, Suspension of:

At the discretion of the Television Board, application of any penalty provided for in the decision may be suspended until the Board

makes final disposition of the request for reconsideration or rehearing.

U. Disqualification:

Any member of the Television Board may disqualify himself/herself, or upon good cause shown by any interested party, may be disqualified by a majority vote of the Television Board.

Section 5. Additional Procedures

When necessary to the proper administration of the Code, additional rules of procedure will be established from time to time as authorized by the By-Laws of the NAB; in keeping therewith, special consideration shall be given to the procedures for receipt and processing of complaints and to necessary rules to be adopted from time to time, taking into account the source and nature of such complaints; such rules to include precautionary measures such as the posting of bonds to cover costs and expenses of processing same; and further provided that special consideration will be given to procedures insuring the confidential status of proceedings relating to Code observance.

Section 6. Amendment and Review

Because of the new and dynamic aspects inherent in television broadcast, the Television Code, as a living, flexible and continuing document, may be amended from time to time by the Television Board of Directors; provided that said Board is specifically charged with review and reconsideration of the entire Code, its appendices and procedures, at least once each year.

Section 7. Termination of Contracts

All subscribers on the air at the time of subscription to the Code shall be permitted that period prior to and including the earliest legal cancellation date to terminate any contracts, then outstanding, calling for program presentations which would not be in conformity with the Television Code, provided, however, that in no event shall such period be longer than 52 weeks.

IV. Affiliate Subscribers

Section 1. Eligibility

Any individual, firm or corporation, which is engaged in the production or distribution, lease, or sale of recorded programs for television presentation, subject to the approval of the Television Code Review Board as hereinafter provided, shall be eligible to become an affiliate subscriber to the Television Code of the NAB.

Section 2. Certification of Subscription

Upon becoming an affiliate subscriber to the Code, subject to the approval of the Television Code Review Board, there shall be granted forthwith to each such affiliate subscriber authority to use a copyrighted and registered seal and declaration, in a manner approved by the Television Code Review Board, identifying the individual firm or corporation as an affiliate subscriber to the Television Code of the NAB. Such authority shall not constitute formal clearance or approval by the Television Code Review Board of specific film programs or other recorded material.

Section 3. Duration of Affiliate Subscription

The affiliate subscription shall continue in full force and effect until 30 days after the first of the month following receipt of a written notice of resignation. The affiliate subscription of the Code shall be effective from the date of application subject to the approval of the Television Code Review Board.

Section 4. Suspension of Affiliate Subscription

Any affiliate subscription and the authority to utilize and show the above-noted seal may be voided, revoked, or temporarily suspended for the sale or distribution for television presentation of any film or other recorded material which by theme, treatment, or incident, in the judgment of the Television Code Review Board, constitutes a continuing, willful or gross violation of any of the provisions of the Television Code, by a majority vote of the Television Code Review Board at any regular or special meeting. The conditions and procedures applicable to subscribers shall not apply to affiliate subscribers.

Section 5. Representation of Affiliate Subscribers

Any affiliate subscriber or group of affiliate subscribers may authorize an individual or association to act for them in connection with their relations with the Television Code Review Board by filing a written notice of such representation with the Board. Such representation, however, in no way will limit the right of the Television Code Review Board to suspend individual affiliate subscribers in accordance with the provisions of Section 4.

V. Rates

Each subscriber and affiliate subscriber shall pay "administrative" rates in accordance with such schedule, at such time, and under such conditions as may be determined from time to time by the Television Board (*See Article VI, Section 8, C. Television Board (3) and (4), By-Laws of the NAB*); provided, that appropriate credit shall be afforded to a television member of the NAB against the regular dues paid to NAB.

VI. The Television Code Review Board

Section I. Composition

There shall be a continuing committee entitled the Television Code Review Board to be composed of not more than nine members, all of whom shall be from subscribers to the Television Code. They shall be appointed by the President of NAB, subject to confirmation by the Television Board, and may include one member from each of the subscribing nationwide television networks. Members of the Television Board shall not be eligible to serve on the Review Board. Due consideration shall be given, in making the appointments, to factors of diversification of geographical location, market size, company representation and network affiliation.

No person shall continue as a member of the Television Code Review Board if the station or entity he/she represents ceases to subscribe to the Television Code. In such case a vacancy

occurs in the office immediately, and a successor may be appointed to serve out the unexpired term.

All terms shall be for two years, commencing at the close of the annual meeting of the membership following appointment.

A. Limitation of Service:

No person shall serve for more than two terms of two years each, consecutively, as a member of the Television Code Review Board; provided, however, this limitation shall not apply to network representatives.

Serving out the unexpired term of a former member shall not constitute a term within the meaning of this section.

B. Meetings:

The Television Code Review Board shall meet at least twice in each calendar year on a date to be determined by the Chairperson. The Chairperson, or the Code Authority Director, may, at any time, on at least five days written notice, call a special meeting of the Board.

C. Quorum:

For all purposes, a majority of the members of the Television Code Review Board shall constitute a quorum.

Section 2. Authority and Responsibilities

The Television Code Review Board is authorized and directed:

(1) To recommend to the Television Board of Directors amendments to the Television Code; (2) to consider, in its discretion, any appeal from any decision made by the Code Authority Director with respect to any matter which has arisen under the Code, and to suspend, reverse, or modify any such decision; (3) to prefer formal charges, looking toward the suspension or revocation of the authority to show the Code seal, to the Television Board of Directors concerning violations and breaches of the Television Code by a subscriber; (4) to be available to the Code Authority Director for consultation on any and all matters affecting the Television Code.

VII. Code Authority Director

Section 1. Director

There shall be a position designated as the Code Authority Director. This position shall be filled by appointment of the President of NAB, subject to the approval of the Board of Directors.

Section 2. Authority and Responsibilities

The Code Authority Director is authorized and directed: (1) To maintain a continuing review of all programming and advertising material presented over television, especially that of subscribers to the Television Code of NAB; (2) to receive, screen and clear complaints concerning television programming; (3) to define and interpret words and phrases in the Television Code; (4) to develop and maintain appropriate liaison with governmental agencies and with responsible and accountable organizations and institutions; (5) to inform, expeditiously and properly, a subscriber to the Television Code of complaints or commendations, as well as to advise all subscribers concerning the attitudes and desires program-wise of accountable organizations and institutions, and of the American public in general; (6) to review and monitor, if necessary, any certain series of programs, daily programming, or any other program presentations of a subscriber, as well as to request recorded material, or script and copy, with regard to any certain program presented by a subscriber; (7) to reach conclusions and make recommendations or prefer charges to the Television Code Review Board concerning violations and breaches of the Television Code by a subscriber; (8) to recommend to the Code Review Board amendments to the Television Code.

A. Delegation of Powers and Responsibilities:

The Code Authority Director shall appoint such executive staff as is needed, consistent with resources, to carry out the above described functions, and may delegate to this staff such responsibilities as he/she may deem necessary.

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