Messinger, Martin P

From: Sullivan, Jim
Sent: Wednesday, December 01, 2010 5:05 PM
To: Messinger, Martin P
Cc: Calabria, Joanne; Poser, Nicholas E; Siegel, Andrew J
Subject: Re: CBS Community Partnerships conference call

I am going to stay vigilant in reminding that all "community partnerships" be reviewed with Andy and Myself, to make sure we are consistent with our approach to sponsorable ID's

Sent from my iPhone

On Dec 1, 2010, at 3:56 PM, "Messinger, Martin P" <mpmessinger@cbs.com> wrote:

I am ok with your note.

My "sensitivity" with sponsorable campaigns relates to the issue of sponsorship ID, which sensitivity I know Sully shares. Accordingly, if sales "sits in" on your weekly calls, I would like Andy or Nick to also join the call.

Thanks for bringing this to my attention.

From: Calabria, Joanne
Sent: Wednesday, December 01, 2010 4:47 PM
To: Messinger, Martin P
Cc: Poser, Nicholas E
Subject: CBS Community Partnerships conference call

Marty -- here is a note I am hoping to send to the community relations folks at the stations. Jim Sullivan's staff has requested they "sit in" on this weekly conference call to help brainstorm about sponsorable campaigns. I know you are sensitive to this. I ran this by Nick and he is OK with it. Just wanted to make sure you are comfortable as well. -- Joanne

Attention: Public Affairs/Community Relations Directors

Hello all -- this is just a heads up to let you know that you will be getting an invitation from Becky Kip, director of community partnerships for our division, to participate in a weekly conference call across the stations to share information on community campaigns and social marketing efforts at our CBS-owned stations. Your ties to the community and nonprofit world could be very helpful in helping the division create and target media campaigns that bring about social change. Each station already has a team that calls on government, for-profit and non-profit entities and foundations. In many cases, you are probably already in touch with your station team, but, if not, this would be an excellent opportunity to start a conversation. Your involvement is voluntary as your schedule allows, but your expertise would be welcomed. Thanks, Joanne

Joanne Calabria ***vice president, public affairs***

p: 215.977.5610 f: 215.977.5313 calabria@cbs3.com
CBS 3 & The CW Philly cbsphilly.com cwphilly.com
1555 Hamilton St . Philadelphia . PA. 19130

Messinger, Martin P

rom:	Messinger, Martin P
Sent:	Monday, October 31, 2005 3:31 PM
To:	Doctor, Dianne; Goldberg, Joel D (WCBS-TV); Clack, Alan; Corsini, Don; McClenahan, Patrick; Kogel, Elisa M; Kincaid, Mike; Rangel, Marilyn R; Stoltzman, Andrea B; Ahern, Joseph J; Preston, Fran W; Sullivan, Jim; Colleran, Michael; Magyar, Robin L; Dunn, Charlie D; Longinotti, Ron; Poitras, Steven S; Rodrigues, Daniel C; Ackerman, Dan; Braun, John J; Marenghi, Julio; Kucharski, Angie; Kinkead, Andrew J; Turner, Al N; Wynyard, Helyn K; Mauldin, Steve; Schneider, Gary W; Levy, Adam; O'Hickey, Julia; Piette, Ed; Fabacher, Trey; Bourassa, Tom; Kennedy, Brien; Barber, Pam; Cury, Thomas B; DeHaven, Walt F; Dorsey, Kevin; Cohen, Bruno; Walsh, Kevin P; Aaron, Matthew D; Pike, Christopher; Cotugno, Chris; DeTillio, Thad J; Newman, Jay; Scott, Sara H; Phillips, Dave (KUTV- Gen. Mgr.); Crawford, Kent; Reed, Mike G; Kidder, R Perry; Stewart, Jackie M; Davis, Rich C
Cc:	Baader, Brent G; Bauer, Nancy; Bending, Gail; Charlier, Steve; Doerr, Tom; Fowler, Carol; Gardner, Tim G; High, Shannon; Hitter, Lee; Kiernan, Jeff A; Kucharski, Angie; Rosenheim, Dan; Schiller, Susan M - KYW; Street, Jennifer L; Vea, Tanya K; Verrilli, John; Wieland, Tim; Kane, Tom; Reynolds, Fred G; Guitano, Anton W; Remiszewski, Thomas; Cooper, Mark E; Siegel, Andrew J; Poser, Nicholas E; Jones, Beth (TVC); Jaeckel, Howard F; Altabef, Richard H; Sternberg, Jonathan I; Anschell, Jonathan; Briskman, Louis J; Lucey, Anne; Dunn, Peter; Ballard, Julie A; Kaplan, Bruce
Subject:	FW: WUSA Payola ------- PRIVILEGED AND CONFIDENTIAL ------ ATTORNEY/CLIENT COMMUNICATION

I know that in the past several months the law department has sent out a number of advisories concerning the FCC's heightened concern that broadcasters are overlooking, or ignoring, the requirement to disclose sponsored program material.

Recently, Commissioner Adelstein has urged the Commission to expand the scope of a New York radio payola scandal ito hidden commercialism in TV news.

Even where no specific FCC rules have been breached, long standing tenets of broadcast journalism are being blurred, or worse, ignored. Accordingly, I am circulating an article, that earlier today, Dianne shared with the News Directors. Please take the time to read the article and pass it on to those at the station you deem appropriate. Thanks.

From:	Doctor, Dianne
Sent:	Monday, October 31, 2005 2:26 PM
To:	Baader, Brent G; Bauer, Nancy; Bending, Gail; Charlier, Steve; Doerr, Tom; Fowler, Carol; Gardner, Tim G; High, Shannon; Hitter, Lee; Kiernan, Jeff A; Kucharski, Angie; Rosenheim, Dan; Schiller, Susan M - KYW; Street, Jennifer L; Vea, Tanya K; Verrilli, John; Wieland, Tim
Cc:	Reynolds, Fred G; Kane, Tom; Messinger, Martin P; Poser, Nicholas E; Dunn, Peter
Subject:	WUSA Payola

fyi

WUSA-TV (Channel 9) charged the D.C. government as much as $100,000 annually to promote breast cancer awareness during the TV station's newscasts, according to contracts The Washington Times has obtained.

For at least two years, from February 2002 to February 2004, news anchors at the Washington area's CBS affiliate were required under the contract with the city to encourage viewers to learn more about breast cancer by visiting the station's Web site. The reminders were designed to drive traffic to a banner ad on the Web site for the D.C. Department of Human Services, the contracts show.

WUSA also used one of its news anchors in commercials paid for by the D.C. government to promote literacy, according to the contracts, which The Times obtained through a Freedom of Information Act.

The announcements appeared to be helpful reminders from the anchors when, in fact, the city government was paying for publicity for one of its agencies without the station telling its viewers.

The deals between WUSA and the government violate two commonly held tenets of broadcast journalism: TV stations should not use their newscasts to advertise products and services, and news anchors should not

appear in paid commercials.
WUSA is not alone. Other stations around the nation, including some of WUSA's competitors in the Washington area, for years have been engaged in deals that journalism ethicists call questionable.
The practice isn't limited to television. For years, media critics have pointed out unusual alliances between advertisers and newspapers and radio stations.
The broadcast arrangements soon could come under the Federal Communications Commission's scrutiny.
In August, the FCC announced plans to investigate the "pay-for-play" scandal that forced Sony BMG to pay $10 million to settle payola charges in New York. According to documents the state released after the settlement, Sony executives bribed radio station managers with expensive gifts to entice them to play songs by such performers as Jennifer Lopez and Jessica Simpson.
FCC Commissioner Jonathan S. Adelstein, a Democrat, has urged the agency to expand the scope of that probe into hidden commercialism in TV news.
"Some will tell you that if broadcasters and cable companies insist on further commercializing news and other shows alike, that is their business. But if they do so without disclosing it to the viewing public, that is payola, and that is the FCC's business," Mr. Adelstein said in a speech to the Media Institute, a nonpartisan journalism think tank.
Buddy Check imbroglio
Darryll J. Green, WUSA's president and general manager, declined to discuss the D.C. government's role in his station's long-standing Buddy Check 9 program, which encourages female viewers to remind friends to conduct breast cancer self exams on the ninth day of the month.
In an e-mail, Mr. Green wrote, "I can tell you that the D.C. Department of Human Services is no longer a sponsor of Buddy Check 9. Our Buddy Check 9 reports refer our viewers to our own website wusatv9.com."
The contracts The Times obtained indicate WUSA charged D.C. government $121,380 from Feb. 6, 2002, to Feb. 5, 2003, and $211,382.25 from Feb. 6, 2003, to Feb. 5, 2004, to become a "co-sponsor" of Buddy Check 9.
In both contracts, $100,000 was earmarked for the cost of "on-air messages," including "on-air mentions by news anchors within newscasts of the Buddy Check 9 program informing viewers of the WUSA TV-9 website for the Department of Human Services' banner."
A spokeswoman for the D.C. Office of Contracting and Procurement, which writes contracts for D.C. agencies, said she was unable to determine how much the city government actually paid Channel 9 during those two years.
An October 2001 letter from Christina D. Eaglin, WUSA's director of integrated marketing, to a procurement specialist at the D.C. Department of Human Services states the station gave the District a 15 percent discount for its participation in the Buddy Check 9 program.
"[T]he investment you will be making will only be $121,380," Ms. Eaglin wrote.
In an interview earlier this year, Andrea Roane, who is the station's chief spokeswoman for Buddy Check 9, said she was unaware of the terms of any deals between WUSA and its advertisers.
"TV stations do an awful lot of good through their community service. What they don't talk about is how much money they make," said Scott M. Libin, a professor who specializes in ethics at the Poynter Institute for Media Studies, a journalism school in St. Petersburg, Fla.
"In many of the worthy causes, there is actual revenue attached, and they don't tend to talk about that. Where it gets tricky is in the relationship between the TV station, which is a news organization, and the District government, where editorial independence always has to be preserved," Mr. Libin said.
The Washington Times asked the D.C. government for copies of advertising contracts and other related documents involving the four major TV stations in the Washington area and NewsChannel 8, a regional cable news network, but the search yielded documents between the city and only WUSA.

Blurring the line
TV stations have been making questionable deals with advertisers for many years, although the practice appears to have become more common in the past decade.
A Washington Post investigation in 2003 found the NBC affiliate in Tampa Bay, Fla., charged advertisers

$2,500 to be interviewed on "Daytime," a weekday talk show the station produces.
Gannett Co. Inc., the McLean, Va., media giant that owns WUSA, began selling five-minute appearances for about $2,500 on a talk show on the NBC affiliate it owns in Atlanta.
"We make it very clear after each segment if a segment is paid for," said WXIA general manager Bob Walker of the talk show that began last month.
An announcer says if a product company paid to appear on the talk show, which is not produced by the news department, Mr. Walker said.
In the D.C. area, George Washington University Hospital has sponsored a regular "High Tech Health" segment on the 10 p.m. newscast WTTG-TV (Channel 5) airs. Managers at the Fox station said the deal has never influenced editorial content.
At WRC-TV (Channel 4), technology reporter I.J. Hudson appeared in 30-second segments in August to promote the NBC station's annual Digital Edge Expo, which was held Aug. 27 and 28 at the Washington Convention Center.
The segments aired during commercial breaks on the station. In one spot, Mr. Hudson, standing near a bank of TV monitors, tells viewers "there's something for everyone at the NBC 4 Digital Edge Expo." Next, an unseen announcer urges viewers to "stop by the Comcast booth and try out America's No. 1 high-speed Internet service," then ticks off a list of Comcast services. As the narrator speaks, viewers see images of children typing on a keyboard at a Comcast trade show booth and the words "6 MPBS!" flash on the screen.
WRC declined to comment.
WRC and WJLA-TV (Channel 7) also have devoted time on their newscasts to promote activities sponsored by the stations.
Mr. Hudson delivered as many as six live reports from the floor of the convention center on the day before the Digital Edge Expo, interviewing exhibitors and encouraging viewers to visit the show.
In May, WJLA reported on the Family Caregiver Expo, a two-day event the station co-sponsored with a trade group that represents drug stores.
Managers at WRC and WJLA said their expos are primarily community events, although they acknowledge the events are expected to generate revenue.
"What [WRC and WJLA] are doing is not unusual," said Tom Rosenstiel, director of the Project for Excellence in Journalism, a nonpartisan think tank that monitors the news media.
As cable television and the Internet have emerged as new choices for news, ratings for local TV stations have steadily declined, he said. Stations have responded by creating new revenue sources, such as community events and other "partnerships," he said.
Mr. Hudson's appearances in the Digital Edge segments could be seen an "implied endorsement" of Comcast from a trusted journalist, Mr. Rosenstiel said.
"There's a risk where you sort of erode your brand," he said.

Implied endorsements
WUSA also has inserted its reporters and anchors into commercials paid for by advertisers.
In 2002, WUSA charged the D.C. government $55,000 to participate from Aug. 1 to Oct. 20 in a "9 Booking for Literacy" walk, according to the contracts The Times obtained.
The contract earmarked $35,750 to air segments featuring Gurvir Dhindsa, then an anchor at the station, promoting the walk.
It also charged the D.C. government $89,675 for its participation in fall 2004, again featuring Ms. Dhindsa in the promos. However, she left the station in July of that year.
Earlier this year, WUSA reporter Peggy Fox appeared in spots to promote "Lighten Up, Washington," an anti-obesity campaign organized by the TV station and the Inova Heart and Vascular Institute in Fairfax.
The 30-second segments appeared to be public service announcements, but an investigation by The Times revealed Inova had paid for the spots, which featured shots of the hospital and the Inova logo and telephone number.
Columbia Journalism Review, in its August edition, criticized WUSA for airing the segments, calling the hospital's relationship with WUSA "generally salubrious."

Viewers should remember that many TV newsrooms are part of major media conglomerates such as Gannett that strive to return value to their shareholders, said Lee Wilkins, a professor at the Missouri School of Journalism.
"The notion that TV stations form these partnerships for the good of the community is an incomplete one," she said.

Joel Goldberg
VP, Station Operations
WCBS-TV
212-975-8014

Messinger, Martin P

From:	Messinger, Martin P
Sent:	Tuesday, December 27, 2005 2:59 PM
To:	Dunn, Peter; Clack, Alan; Doctor, Dianne; Corsini, Don; McClenahan, Patrick; Stoltzman, Andrea B; Rangel, Marilyn R; Kincaid, Mike; Ahern, Joseph J; Preston, Fran W; Sullivan, Jim; Fowler, Carol; Colleran, Michael; Magyar, Robin L; Braun, John J; Schiller, Susan M - KYW; Longinotti, Ron; Poitras, Steven S; Rodrigues, Daniel C; Ackerman, Dan; Rosenheim, Dan; Marenghi, Julio; Kucharski, Angie; Kinkead, Andrew J; Turner, Al N; Street, Jennifer L; Wynyard, Helyn K; Mauldin, Steve; Schneider, Gary W; Levy, Adam; Doerr, Tom; O'Hickey, Julia; LaVigne, Meg M; Canedo, Tom P; McDonald, Shaun A; Michell, Michael; Donnelly, Patrick J; Shreeve, Anna; Steckler, John; Piette, Ed; Fabacher, Trey; Bourassa, Tom; Kiernan, Jeff A; DeTillio, Frank S; Caruso, Laura L; Kennedy, Brien; Barber, Pam; High, Shannon; Cury, Thomas B; DeHaven, Walt F; Dorsey, Kevin; Wieland, Tim; Cohen, Bruno; Aaron, Matthew D; Walsh, Kevin P; Charlier, Steve; Baader, Brent G; Waldon, Lori; Pike, Christopher; Cotugno, Chris; Verrilli, John; DeTillio, Thad J; Newman, Jay; Scott, Sara H; Bending, Gail; Phillips, Dave (KUTV- Gen. Mgr.); Crawford, Kent; Vea, Tanya K; Burrell, Michael J; Smedley, Paul C; Soldinger, Steven; Erkenbrack, Jon S; Wordlaw, Gary C; Bergeron, Pam A; Reed, Mike G; Villarreal, Amy S; Gardner, Tim G; Kidder, R Perry; Stewart, Jackie M; Hitter, Lee
Cc:	Kane, Tom - VTSG; Guitano, Anton W; Reynolds, Fred G; Remiszewski, Thomas; Cooper, Mark E; Briskman, Louis J; Siegel, Andrew J; Poser, Nicholas E; Jones, Beth (TVC); Jaeckel, Howard F; Altabef, Richard H; Sternberg, Jonathan I; Kaplan, Bob; Ballard, Julie A; Franks, Martin D; Lucey, Anne; McClintock, Dana L
Subject:	FW: FCC Investigation into Sponsored Charity Drives ---PRIVILEGED AND CONFIDENTIAL / ATTORNEY/CLIENT COMMUNICATION

Some of you may have seen the article below in the "Washington Post" or on "ShopTalk". I know all of you have received numerous advisories from me and my colleagues in the law department this year on the FCC's rules on Sponsorship ID and payola, particularly in light of the FCC's renewed vigilance in these areas. The practice detailed in the article involves local stations soliciting paying sponsors for the stations' charitable efforts. The sponsors pay the stations for commercials promoting themselves and the charity, but then, THE SPONSORS ARE FEATURED IN THE STATION'S NEWS COVERAGE, WITHOUT ANY DISCLOSURE TO THE VIEWER. Not only does this practice violate journalistic ethics by blurring the distinction between advertising and news, but it may be an illegal practice in which a station receives money for air time (their news programming) without disclosing the receipt and source of compensation. To give advertisers news coverage or air time simply because they have made commercial payments without the requisite disclosure may be deemed a serious breach of the public trust.

As always, the bona fide newsworthiness of an event should be determined solely in the good faith discretion of your news management.

Of course, if you have any questions or comments, please contact your station lawyer. Thanks and happy holidays to all !!

From:	Siegel, Andrew J
Sent:	Tuesday, December 27, 2005 10:24 AM
To:	Messinger, Martin P
Cc:	Poser, Nicholas E
Subject:	FCC Investigation into Sponsored Charity Drives

FCC Commissioner: TV Charity Drives Could Mean Payola

By Paul Farhi
Washington Post Staff Writer

An official of the Federal Communications Commission yesterday proposed an investigation into "sponsored" charitable drives by TV stations, saying such campaigns are "a serious breach of the public's trust" and potentially illegal.

Local stations, including WRC (Channel 4) and WUSA (Channel 9), regularly solicit paying sponsors for the stations' charitable efforts, such as a toy or food drive. As detailed in a story in The Washington Post on Wednesday, the sponsors pay the stations for commercials promoting themselves and the charity, and then are featured in the stations' news coverage. The stations typically don't disclose these arrangements to viewers, which critics say violates journalistic ethics by blurring the distinction between advertising and news.

FCC Commissioner Jonathan Adelstein, a Democrat and one of five members, said the practices outlined in the story should be investigated by the agency as part of a series of ongoing probes concerning payola, an illegal practice in which a TV or radio station receives money for air time without disclosing the source of the compensation.

"There appears to be a lot of smoke here, and we need to find out if there's a fire beneath it," Adelstein said in an interview yesterday. In a statement, he added, "A broadcaster's failure to fully disclose to the public that it receives financial benefits from the employer of an on-air 'expert' guest is not just corrupt journalism, it's potentially illegal.

"To give certain companies air time simply because they have made undisclosed payments to the broadcaster is a serious breach of the public's trust. The FCC needs to investigate all potential violations of our payola and sponsorship identification laws. We need to get to the bottom of this."

Separately, Free Press, a media-reform advocacy group, said it would file a complaint today with the FCC over the same issues. The group, based in Massachusetts, helped spur an FCC investigation into the Bush administration's payments to pundit Armstrong Williams to promote secretly the No Child Left Behind Act in radio and TV appearances.

Free Press campaign director Timothy Karr said his group wants the FCC to strengthen its sponsor identification rules, which require broadcasters to announce when they have received compensation for an editorial segment. "The FCC has not determined clear guidelines," he said.

In addition to WRC and WUSA, another local station, WJLA (Channel 7), also has produced news stories pegged to a paying sponsor. WJLA airs personal finance reports called "Choose to Save" that are linked http://choosetosave.org/ , an advertiser on WJLA and its Web site. Choose to Save, created by the Employee Benefits Research Institute of Washington, is a nonprofit concern that promotes saving and retirement planning.

Choose to Save's director, Variny Paladino, said that her organization buys time on Channel 7, but does not determine its news coverage. "WJLA is very serious about the division between news and advertising," she said. Asked why it is the only station in Washington that airs reports using the "Choose to Save" slogan, and why the station interviewed EBRI's chief executive, Dallas Salisbury, in a Sept. 26 news report, she said, "They have really taken our mission to heart."

WJLA officials did not return phone calls seeking comment.

Other local TV executives continued to defend their melding of public service, paid advertising and news coverage.

"I think what we're doing is a service to the community," said Darryll Green, president and general manager of WUSA. If sponsors "can increase the message" about a charity by buying additional advertising on the station, "I don't see what's wrong for that. It would be a shame if we didn't help those charitable organizations."

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Messinger, Martin P

From:	Messinger, Martin P
Sent:	Monday, December 04, 2006 1:47 PM
To:	Dunn, Peter; Friend, David; Corsini, Don; McClenahan, Patrick; Van Laningham, Elisa; Bauer, Nancy; Button, Paul K; Hattendorf, Jim; Ahern, Joseph J; Preston, Fran W; Fowler, Carol; Colleran, Michael; Magyar, Robin L; Schiller, Susan M - KYW; Longinotti, Ron; Poitras, Steven S; Rosenheim, Dan; Piette, Ed; Kucharski, Angie; Street, Jennifer L; Mauldin, Steve; Schneider, Gary W; LaVigne, Meg M; Fabacher, Trey; Gahler, Steve; Loyd, Susan A (WCCO-TV); Kiernan, Jeff A; DeTillio, Frank S; McDonald, Shaun A; High, Shannon; Doerr, Tom; DeHaven, Walt F; Wieland, Tim; Cohen, Bruno; Charlier, Steve; Waldon, Lori; Pike, Christopher; Davis, Rich C; Verrilli, John; Newman, Jay; Bending, Gail; Phillips, Dave (KUTV-Gen. Mgr.); Vea, Tanya K; Burrell, Michael J; Soldinger, Steven; ErkenBrack, Jon S; Wordlaw, Gary C; Villarreal, Amy S; Gardner, Tim G; Kidder, R Perry; Hitter, Lee
Cc:	Kane, Tom - CTS; Guitano, Anton W; Remiszewski, Thomas; Cooper, Mark E; Nelson, Michael J; Calabria, Joanne; Marenghi, Julio; Sullivan, Jim; McClintock, Dana L; Birch, Jeffrey; Wittman, Mike; Cohen, Patti; Bona, Robin M; Poser, Nicholas E; Siegel, Andrew J; Jaeckel, Howard F; Jones, Beth (TVC); Altabef, Richard H; Sternberg, Jonathan I; Bonelli, Joan; Hutchinson, Wayne; Lucey, Anne; Orlando, John S; Franks, Martin D; Anschell, Jonathan; Briskman, Louis J
Subject:	MILITARY HOLIDAY GREETINGS ----- A REMINDER ------ PRIVILEGED AND CONFIDENTIAL

With the holiday season in full swing, some of you will be broadcasting holiday greetings from our soldiers overseas. These greetings are provided by the Army & Air Force Hometown News Service, which is funded by the U.S. Government.

Consistent with CTS Policy, RTNDA Guidelines and **best journalistic practice**, as video from an outside source, these spots should include an identification. This can be as simple as "Courtesy of Army & Air Force Home Town News Service." We are told that the television stations in Washington D.C. carry the simple identifier "Courtesy of U.S. Military." Whichever you choose, please make sure these "greetings" spots are all identified. **Video only is sufficient.**

Please distribute this e-mail to your Community Affairs Director and anyone else at the Station involved with these military holiday greetings. Thank you.

Of course, if you have any questions, please do not hesitate to contact Andy, Nick or me.

Messinger, Martin P

From: Messinger, Martin P
Sent: Friday, November 09, 2007 3:05 PM
To: Dunn, Peter; Corsini, Don; McClenahan, Patrick; Van Laningham, Elisa; Ahern, Joseph J; Preston, Fran W; Colleran, Michael; Magyar, Robin L; Longinotti, Ron; Poitras, Steven S; Piette, Ed; Mauldin, Steve; Schneider, Gary W; Canedo, Tom P; Fabacher, Trey; Michell, Michael; Gahler, Steve; Loyd, Susan A (WCCO-TV); Caruso, Laura L; McDonald, Shaun A; Doerr, Tom; DeHaven, Walt F; Cohen, Bruno; Pike, Christopher; Davis, Rich C; Newman, Jay; Soldinger, Steven; ErkenBrack, Jon S; Friend, David; Feder, Valerie; Bauer, Nancy; Button, Paul K; Fowler, Carol; Schiller, Susan M - KYW; Rosenheim, Dan; Kiernan, Jeff A; Diener, Scott; Garza, Sarah F; Roark, Adrienne; Wieland, Tim; Charlier, Steve; Verrilli, John; Bending, Gail; Goldberg, Joel D (WCBS-TV); Hunt, Virginia M; Casciato, Perry J; Foote, Ken; Spitz, Tom R; Ferrara, Christine M; Prange, Paul A; Kasel, Jennifer J; Letize, Tracy; Holmes, Wendy; Gazitano, Rita S; Karas, Mike; Dowd-Wood, Michelle; Wolf, Chris; Bertling, Donna; McMahon, Wendy A; Sliger, Will W; McFarlane, Terry L; Cushing, Ed J; Van Cleve, Tadd; Hites, Marshall; Wiener, Larry; Wooldridge, Scott D; Brauer, Bruce E; Ballantyne, Todd; Hinkle, Leanne M; Veon, Tina; Braddock, Dan; Fowler, Andrew T; Joyce, Dee; Genolio, Rob; Poor, Dean B
Cc: Kane, Tom - CTS; Guitano, Anton W; Remiszewski, Thomas; Cooper, Mark E; Kucharski, Angie; Marenghi, Julio; Sullivan, Jim; Wittman, Mike; Birch, Jeffrey; Nelson, Michael J - CTS; Cohen, Patti; Bona, Robin M; Calabria, Joanne; Leess, Jonathan; Bonelli, Joan; Hutchinson, Wayne; Gaudreau, Irene A; Siegel, Andrew J; Poser, Nicholas E; Jaeckel, Howard F; Jones, Beth (TVC); Altabef, Richard H; Sternberg, Jonathan I; Franks, Martin D; Orlando, John S; Lucey, Anne; Anschell, Jonathan; Briskman, Louis J; Mayers, Hazel-Ann
Subject: FCC Issues Significant Fines for Failure to Comply with Sponsorship Identification Rules

PRIVILEGED & CONFIDENTIAL. ATTORNEY/CLIENT COMMUNICATION

As you may have read, the FCC recently issued Notices of Apparent Liability for Forfeiture ("NALs") to Sonshine Family Television, Inc. ("Sonshine") and Sinclair Broadcast Group, Inc. ("Sinclair") for violations of the FCC's sponsorship identification rules. The sponsorship identification rules require that a broadcast station air a sponsorship identification announcement if it broadcasts matter in exchange for money, services, or other valuable consideration. The rule also requires that a sponsorship identification be broadcast any time a station is provided with material for use in political or controversial issue programming regardless of whether the material was provided at no charge or at a nominal charge. Program material of five minutes or less requires one sponsorship identification, either at the beginning or end of the program, while program material that is longer than five minutes requires a sponsorship identification at the beginning and end of the program.

The FCC received complaints that Armstrong Williams was paid by the Department of Education ("DoED") to promote the "No Child Left Behind Act," and that Williams failed to disclose to viewers or the broadcast stations involved the fact that he was paid. The FCC's Enforcement Bureau issued letters of inquiry to several parties, including certain broadcast licensees that broadcast program episodes in which Williams discussed "No Child Left Behind." Ultimately, the FCC terminated all of the investigations except those involving Sonshine and Sinclair.

Sonshine admitted that one of its stations aired the program episodes during which Williams discussed the "No Child Left Behind Act" on ten occasions between January 4, 2004 and July 5, 2004, that it likely did not include any sponsorship identifications and that it was paid $100 per episode. Sonshine argued that no sponsorship identification was required because the consideration it received was "nominal." The FCC disagreed because, as noted above, sponsorship identification is required if *any* money is exchanged for airtime, no matter how "nominal."

Sonshine also argued that no sponsorship announcement was required because its overall presentation of the programs, which included identification of the program title, participants and production, made clear that the program was sponsored by Williams' firm. The FCC disagreed, stating that the only phrases that may be used to identify sponsored programming are "sponsored by" and "paid for."

Sinclair admitted that nine of its stations aired program episodes furnished by Williams that were more than 5 minutes in length that included dialogue about central campaign issues, clips of the presidential candidates making political statements, and Williams' discussion of "No Child Left Behind," but argued that no sponsorship identification was required because it did not receive any consideration in exchange for the broadcasts.

The FCC held that the programs furnished by Williams consisted of "partisan representatives and commentators analyzing and debating various issues central to the presidential election," and therefore constituted political broadcast matter under the sponsorship identification rules. Therefore, Sinclair was obligated to air sponsorship identification announcements at the beginning and end of each broadcast that identified Williams as the sponsor, even though the program was provided to Sinclair at no charge.

The FCC fined Sonshine $40,000, and fined Sinclair $36,000.

In a related decision, the FCC issued a citation to William's media firm for violating Section 507(c) of the Communications Act of 1934, as amended, for failing to disclose to the broadcast stations to which it provided programming material that it had received more than nominal consideration from the DoED to include particular material within that programming.

These recent enforcement actions underscore the importance of complying with the FCC's sponsorship identification rules. As FCC Commissioners Adelstein and Copps stated in a joint statement concerning the NALS, "Today, the Commission places broadcasters, producers and distributors on notice. Each and every individual has a duty to report the real source of any programming on television or radio. Employers and employees must ensure the audience knows where the programming they are watching originated or who paid for it."

Should you have any questions concerning these decisions or the sponsorship identification rules in general, please contact your station lawyer. Thank you.

Messinger, Martin P

From: Kucharski, Angie
Sent: Monday, November 24, 2008 8:50 PM
To: Poser, Nicholas E; Siegel, Andrew J; Messinger, Martin P
Cc: Kane, Tom - CTS
Subject: Sponsorship ID rules

RTNDA: Current Sponsorship Rules OK

By Staff
TVNEWSDAY, Nov 24 2008, 6:44 PM ET
The Radio-Television News Directors Association has submitted comments to the FCC opposing more onerous sponsorship identification rules for radio and television stations.

RTNDA argues that existing rules and disclosure requirements are sufficient to inform viewers about broadcast content that has been paid for, including embedded advertising, and that the proposals advanced by certain advocates would represent an unconstitutional intrusion into broadcast newsrooms.

RTNDA's pleading was filed in response to a notice of inquiry and notice of proposed rulemaking issued by the FCC last summer, in which the agency solicited comment on how its existing sponsorship identification rules should be applied to advertising techniques increasingly utilized by the industry, such as product placement. Certain public interest groups have called for far tougher rules, including repeated and ongoing disclosures.

As it did in a similar proceeding concerning the use of video news releases, RTNDA cautioned the FCC not to open the door to, or otherwise legitimize, government regulation of the content of newscasts because of misplaced concerns about commercialism. RTNDA maintains that existing sponsorship rules serve to inform the public when material that is broadcast has been paid for or otherwise sponsored by a third party.

In addition, the RTNDA code of ethics states that "professional electronic journalists should defend the independence of all journalists from those seeking influence or control over news content" and resist undue influence from any outside forces."

RTNDA's comments focus specifically on allegations made that suggest that so-called hidden commercials are a routine part of local news programming, and question the validity of a study submitted to support this contention.

Ed Esposito, RTNDA chairman, noted: "The FCC's sponsorship identification rules are clear and have been working appropriately to inform viewers and listeners for many years. Yet there are some who insist that the FCC should engage in heavy-handed regulation, even in the absence of a problem. Broadcast journalists have a keen interest in protecting their credibility with viewers. The FCC should flatly reject any suggestion that it has an appropriate role in overseeing program content to the extent some advocacy groups propose, particularly content over which broadcasters have exercised independent editorial control."

RTNDA asks the FCC to reject the imposition of new sponsorship identification requirements and government scrutiny of news content, and to end the current inquiry.

Messinger, Martin P

From:	Poser, Nicholas E
Sent:	Tuesday, February 10, 2009 6:06 PM
To:	Caruso, Laura L; Cohen, Bruno; Colleran, Michael; DeHaven, Walt F; Doerr, Tom; Dunn, Peter; ErkenBrack, Jon S; Fabacher, Trey; Gahler, Steve; Longinotti, Ron; Loyd, Susan A (WCCO-TV); Magyar, Robin L; Mauldin, Steve; McClenahan, Patrick; McDonald, Shaun A; Newman, Jay; Piette, Ed; Pike, Christopher; Schneider, Gary W; Soldinger, Steven; Walsh, Kevin P; Baader, Brent G; Bauer, Nancy; Beck, Cameryn; Bending, Gail; Button, Paul K; Diener, Scott; Feder, Valerie; Friend, David; Kiernan, Jeff A; Libin, Scott M; Linaberger, Anne; Roark, Adrienne; Rosenheim, Dan; Schiller, Susan M - KYW; Verrilli, John; Wieland, Tim; Woolman, Todd T; Rodrigues, Daniel C; Argall, Kevin C; Canedo, Tom P; Clack, Alan; Cotugno, Chris; Cury, Thomas B; DePaola, Dennis R; Dorsey, Kevin; Fein, Robert; Levy, Adam; Purtan, Jennifer L; Rangel, Marilyn R; Rash, David W; Rodrigues, Daniel C; Scott, Sara H; Stoltzman, Andrea B; Wynyard, Helyn K
Cc:	Kane, Tom - CTS; Baran, Rick; Wittman, Mike; Sullivan, Jim; Kaplan, Bob; Birch, Jeffrey; Nelson, Mike - CTS; Calabria, Joanne; Messinger, Martin P; Jaeckel, Howard F; Siegel, Andrew J; Jones, Beth (STC); Bonelli, Joan; Hutchinson, Wayne; Anschell, Jonathan; Briskman, Louis J; Lucey, Anne
Subject:	Sponsorship ID reminder -- attorney/client communication -- privileged and confidential
Attachments:	dailynews.pdf

The attached New York Daily News article published today provides a timely reminder of the critical importance of ensuring that in your efforts to innovate in your newscasts you both stay on the right side of the FCC's sponsorship identification rules and also protect the integrity of your news product. As described in the article, a local station -- not one of ours -- reportedly received gift coupons, which it sold on its website, from restaurants that received exposure in cooking segments in the station's newscasts. There was no mention of the commercial arrangement in the newscasts.

FCC regulations require stations to identify any person or entity who directly or indirectly provides consideration in return for the broadcast of any program or other material. A station may violate the sponsorship identification rules if it fails to announce in the broadcast the receipt of something valuable in return for the inclusion of material in that broadcast.

dailynews.pdf (60 KB)

Please call your station lawyer if you have any questions.

Inside dish on WPIX's 'Dining' spot

BY RICHARD HUFF
DAILY NEWS TV EDITOR

Updated Tuesday, February 10th 2009, 11:10 AM

Every Thursday, WPIX/Ch. 11's "Pix Morning News" features a local restaurant chef whipping up a meal and often an anchor talking about a chance for viewers to purchase discounted coupons to the restaurant.

What's not said, however, is that some of those appearances are part of a marketing agreement in which the restaurant gives the station 100 $100 gift certificates and gets a guarantee of on-air time during the "Pix Morning News."

The coupons, worth $10,000 altogether, are sold on WPIX/Ch. 11's Web site for half their face value, with the revenue going to Ch. 11 and a corporation that handles the coupon distribution.

One marketing plan obtained by the Daily News clearly stated to the restaurant being pitched that in exchange for the coupons, the customer got on-air time - not a commercial - during the weekly "Dining Pix" segment. There was also mention of a $5,000 payment, but a source said that although initially there was talk of a cash component to the program, no client ever paid it.

The on-air segments are not labeled commercials, but rather pitched as something the restaurants are doing to give diners a discount on food in hard times.

But since Ch. 11 keeps some of the money from the coupon sales, in a way, the ad-sales department is selling part of the program to a client.

"What we participated in was a promotional package," said Shelley Clark, a spokeswoman for Tavern on the Green, which was featured in a cooking segment.

Clark said no cash changed hands, just the gift certificates.

As with every other participant, there was no mention of the deal when a Tavern on the Green chef was on to talk about a recipe for viewers.

In each case, the restaurant trades something of value for space on the news, not around it.

"This is a step beyond selling a logo on the weather map," said Tom Rosenstiel, director of the Project for Excellence in Journalism. "This is selling part of a newscast."

The key, Rosenstiel said, is how the segments are framed. Newspapers, he noted, have special sections, usually labeled as "advertorials," to tell readers they are different from the main news section.

"If money is changing hands, that should be acknowledged," he said. "You need to level with your audience."

There's also concern that these deals could break FCC rules about commercial clients within news programs.

WPIX officials did not return repeated calls for comment yesterday.

The WPIX package, while not a huge windfall, comes at a time when all stations are trying to deal with a massive decline in local advertising. Station executives say the local market was down 15% in 2008, representing upward of $250 million in lost ad revenue.

To combat the losses, stations have sold spots once unheard of. For example, WNBC/Ch. 4 has Verizon FiOS as an on-air sponsor for its sportscasts by placing the Verizon logo on the screen.

While that's the most blatant example, others have let some on-air staffers do commercials. WCBS/Ch. 2 has let food correspondent Tony Tantillo, who is a subcontractor and not a staffer per se, do commercials for Buick that air next to newscasts.

"They spend a lot of money to promote and build the trust of local anchors in local TV," Rosenstiel said of Ch. 11. "You shouldn't destroy that trust for a few shekels in a cooking segment."

rhuff@nydailynews.com

From: Poser, Nicholas E
Sent: Thursday, February 12, 2009 2:06 PM
To: Caruso, Laura L; Cohen, Bruno; Colleran, Michael; DeHaven, Walt F; Doerr, Tom; Dunn, Peter; ErkenBrack, Jon S; Fabacher, Trey; Gahler, Steve; Longinotti, Ron; Loyd, Susan A (WCCO-TV); Magyar, Robin L; Mauldin, Steve; McClenahan, Patrick; McDonald, Shaun A; Newman, Jay; Piette, Ed; Pike, Christopher; Schneider, Gary W; Soldinger, Steven; Walsh, Kevin P; Baader, Brent G; Bauer, Nancy; Beck, Cameryn; Bending, Gail; Button, Paul K; Diener, Scott; Feder, Valerie; Friend, David; Kiernan, Jeff A; Libin, Scott M; Linaberger, Anne; Roark, Adrienne; Rosenheim, Dan; Schiller, Susan M - KYW; Verrilli, John; Wieland, Tim; Woolman, Todd T; Rodrigues, Daniel C; Argall, Kevin C; Canedo, Tom P; Clack, Alan; Cotugno, Chris; Cury, Thomas B; DePaola, Dennis R; Dorsey, Kevin; Fein, Robert; Levy, Adam; Purtan, Jennifer L; Rangel, Marilyn R; Rash, David W; Rodrigues, Daniel C; Scott, Sara H; Stoltzman, Andrea B; Wynyard, Helyn K
Cc: Kane, Tom - CTS; Baran, Rick; Wittman, Mike; Sullivan, Jim; Kaplan, Bob; Birch, Jeffrey; Nelson, Mike - CTS; Calabria, Joanne; Messinger, Martin P; Jaeckel, Howard F; Siegel, Andrew J; Jones, Beth (STC); Bonelli, Joan; Hutchinson, Wayne; Anschell, Jonathan; Briskman, Louis J; Lucey, Anne
Subject: Sponsorship ID follow-up -- attorney/client communication -- privileged and confidential

Attachments: WPIXdining.pdf

Deciding that it was already in the frying pan and apparently hoping not to be in the fire, the local station that received gift coupons from restaurants featured in its news has decided to add sponsorship IDs.

WPIXdining.pdf (52 KB)

From: Poser, Nicholas E
Sent: Tuesday, February 10, 2009 6:06 PM
To: Caruso, Laura L; Cohen, Bruno; Colleran, Michael; DeHaven, Walt F; Doerr, Tom; Dunn, Peter; ErkenBrack, Jon S; Fabacher, Trey; Gahler, Steve; Longinotti, Ron; Loyd, Susan A (WCCO-TV); Magyar, Robin L; Mauldin, Steve; McClenahan, Patrick; McDonald, Shaun A; Newman, Jay; Piette, Ed; Pike, Christopher; Schneider, Gary W; Soldinger, Steven; Walsh, Kevin P; Baader, Brent G; Bauer, Nancy; Beck, Cameryn; Bending, Gail; Button, Paul K; Diener, Scott; Feder, Valerie; Friend, David; Kiernan, Jeff A; Libin, Scott M; Linaberger, Anne; Roark, Adrienne; Rosenheim, Dan; Schiller, Susan M - KYW; Verrilli, John; Wieland, Tim; Woolman, Todd T; Ackerman, Dan; Argall, Kevin C; Canedo, Tom P; Clack, Alan; Cotugno, Chris; Cury, Thomas B; DePaola, Dennis R; Dorsey, Kevin; Fein, Robert; Levy, Adam; Purtan, Jennifer L; Rangel, Marilyn R; Rash, David W; Rodrigues, Daniel C; Scott, Sara H; Stoltzman, Andrea B; Wynyard, Helyn K
Cc: Kane, Tom - CTS; Baran, Rick; Wittman, Mike; Sullivan, Jim; Kaplan, Bob; Birch, Jeffrey; Nelson, Mike - CTS; Calabria, Joanne; Messinger, Martin P; Jaeckel, Howard F; Siegel, Andrew J; Jones, Beth (STC); Bonelli, Joan; Hutchinson, Wayne; Anschell, Jonathan; Briskman, Louis J; Lucey, Anne
Subject: Sponsorship ID reminder -- attorney/client communication -- privileged and confidential

The attached New York Daily News article published today provides a timely reminder of the critical importance of ensuring that in your efforts to innovate in your newscasts you both stay on the right side of the FCC's sponsorship identification rules and also protect the integrity of your news product. As described in the article, a local station -- not one of ours -- reportedly received gift coupons, which it sold on its website, from restaurants that received exposure in cooking segments in the station's newscasts. There was no mention of the commercial arrangement in the newscasts.

FCC regulations require stations to identify any person or entity who directly or indirectly provides consideration in return for the broadcast of any program or other material. A station may violate the sponsorship identification rules if it fails to announce in the broadcast the receipt of something valuable in return for the inclusion of material in that broadcast.

Please call your station lawyer if you have any questions. << File: dailynews.pdf >>

WPIX's 'Dining Pix' segment serves up disclaimer over gift certificates

By Richard Huff
DAILY NEWS TV EDITOR

Thursday, February 12th 2009, 4:00 AM

WPIX/CH. 11 has decided to come clean with viewers about its series "Dining Pix," in which restaurants have been trading upward of $10,000 in gift certificates for airtime on its morning news and other promotions.

Until now, the series' weekly chef appearances were treated like part of the newscast. But the appearances actually have been linked to advertising deals in which the restaurant paid Ch. 11 in gift certificates in return for airtime.

That's a major no-no in the news business and skirted FCC disclosure rules.

Now WPIX is hoping to regain some credibility for its newscasts by acknowledging to viewers that it has sold news time to restaurants in the program.

The station, after the deals were revealed by the Daily News earlier this week, has changed a reference to the program online to note that participants are "Dining Pix Sponsor Restaurants." It is expected to clearly state that connection this morning, when the next "Dining Pix" segment is scheduled.

Station officials have declined repeated requests for comment on the gift-certificate program or the change in policy.

But based on a document obtained by the Daily News, Ch. 11's sales team was pitching the "Dining Pix" program to restaurants as a "marketing agreement." To participate, restaurants had to give the station 100 gift certificates worth $100.

In the document's outline, "In exchange for the Gift Certificates, Client Advertiser will receive," among other things, a "cooking segment on your 'Dining Pix' day on the 'CW11 Morning News.'"

The deal also included provisions for a spot on the station's Web site as well. At one point, there was a discussion of an additional cash payment, which seems to have been scrapped.

Under the terms of the deals, Ch. 11 sells the gift certificates for half-price and splits the money with a fulfillment company running the coupon program.

The deal appears to violate FCC rules that require viewers to be notified when something gets on-air that is tied to a payment, be it in cash or goods. The FCC requires disclosure to viewers, in some way, for such deals.

For instance, in a game show or a reality series like "Survivor," at the end there will be a scroll mentioning companies that were shown on screen who paid a promotional fee to be there.

Ch. 11, until now, had not mentioned such support. Instead, its anchors, including Sukanya Krishnan and Tiffany McElroy, told viewers it was a great deal to get the certificates at half-off.

But starting Thursday, the station will make it clear that although the certificates are a good deal, the segment is one that brings in revenue, at a time when all stations are struggling for every dollar.

With the new approach, the station hopes to repair a short-term solution that may have caused long-term credibility problems.

Messinger, Martin P

From: Messinger, Martin P

Sent: Friday, October 09, 2009 1:39 PM

To: Dunn, Peter; Clack, Alan; Friend, David; McClenahan, Patrick; Stoltzman, Andrea B; Bauer, Nancy; Rangel, Marilyn R; Cohen, Bruno; DePaola, Dennis R; Kiernan, Jeff A; Hitchcock, Jon; Fein, Robert; Schiller, Susan M - KYW; Longinotti, Ron; Rodrigues, Daniel C; Rosenheim, Dan; Piette, Ed; Wynyard, Helyn K; Verrilli, John; Mauldin, Steve; Schneider, Gary W; Levy, Adam; Diener, Scott; Canedo, Tom P; Fabacher, Trey; Purtan, Jennifer L; Gahler, Steve; Loyd, Susan A (WCCO-TV); Argall, Kevin C; Libin, Scott M; Caruso, Laura L; McDonald, Shaun A; Cury, Thomas B; Roark, Adrienne; DeHaven, Walt F; Rash, David W; Wieland, Tim; Walsh, Kevin P; Beck, Cameryn; Baader, Brent G; Pike, Christopher; Cotugno, Chris; Marren, Coleen; Newman, Jay; Scott, Sara H; Bending, Gail; Soldinger, Steven; ErkenBrack, Jon S; Sullivan, Jim; Kaplan, Bob; Dorsey, Kevin; Sheingold, Robin H

Cc: Kane, Tom - CTS; Baran, Rick; Wittman, Mike; Kucharski, Angie; Nelson, Mike - CTS; Cohen, Patti; Calabria, Joanne; Birch, Jeffrey; Bona, Robin M; Siegel, Andrew J; Poser, Nicholas E; Jaeckel, Howard F; Jones, Beth (STC); Lowy, Susanna M; Haller, Jo Ann; Anschell, Jonathan; Briskman, Louis J; Bonelli, Joan; Hutchinson, Wayne

Subject: KVBC Alleges Competitors Sold News ------ PRIVILEGED AND CONFIDENTIAL/ ATTORNEY-CLIENT COMMUNICATION

I know that over the years, the law department has sent out numerous advisories and reminders concerning the FCC's Sponsorship Identification Rules ("S/I Rules"). Certain of said advisories have dealt directly with the issues involved with agreeing to, or guaranteeing, to supply news coverage of an event as part of an ad buy without disclosing that fact pursuant to the FCC's S/I Rules.

It is important to remember that the article below only involves allegations at this point and, as you will read, certain of the parties accused of violating FCC Rules, have already vigorously denied having done so. Nonetheless, I thought the article provides a vivid object lesson and reminder of the risks and dangers of ad buys that are contingent on a guarantee of news coverage of an event. **Put another way, inserting ads that look like bona fide news interviews into your newscasts ---paid for by the advertiser --- without any notification to viewers that they were paid placements, could violate the FCC's S/I Rules.**

If you have any questions or comments concerning this e-mail, or the article below, please do not hesitate to contact your station lawyer. As always, thank you.

KVBC Alleges Competitors Sold News

Station says three competitors agreed to supply coverage of dealership liquidation as part of ad buy without disclosing it per FCC rules

By John Eggerton -- Broadcasting & Cable, 10/8/2009 9:01:23 PM

Valley Broadcasting-owned KVBC TV Las Vegas has asked the FCC to investigate three of its competitors, alleging they agreed to supply news coverage of a liquidation sale at an auto dealership as part of an ad buy but did not disclose that per FCC rules.

Auto dealers are one of local stations', and particularly local news', largest advertisers.

Representatives from two of the stations and the media buyer cited in the complaint, which handled the buy on all three stations, vigorously denied the allegations. The other stations could not be reached for comment at press time.

In the complaint, a copy of which was supplied to *B&C* by the station's lawyer, KVBC alleged that back in May and June, when a local Dodge dealer, United Dodge Chrysler Jeep, was advertising liquidation sales related to the closing of dealership, network affiliate competitors KLAS (CBS), KTNV (ABC) and KVVU (Fox) inserted ads that looked like interviews into their newscasts--paid for by United--without any notification to viewers that they were paid placements.

If so, that would violate FCC sponsorship identification rules.

A KVBC account executive, whose affidavit was included in the complaint, says that she was contacted by a media buyer with Arrowhead Advertising, which wanted to buy spots for the dealer liquidation. The buyer said that ad buy was contingent on a guarantee of news coverage of the event, according to the sworn statement. The account executive refused, saying that would violate station policies on payola/plugola. She said she would give a copy of the press release to the news department, but could not guarantee they would get the coverage.

KVBC decided to file the complaint after noting that the three competitors cited in the complaint all got the Arrowhead ad buy and all had on-site dealer interviews in their newscasts showing the cars being sold at discount prices. Following that campaign, said KVBC in its complaint, the Arrowhead media buyer approached KVBC again for a similar buy, pointing out that it did not get the first buy "because of the news coverage stipulation."

The complaint includes a copy of an e-mail allegedly from the media buyer that does use that language to explain why the station did not get the ads.

"For stations to purposely contract and agree to include lengthy promotional clips and pass it off as legitimate news is an egregious breach of their obligation to the viewing public as well as a blatant violation of the sponsorship identification law and rules," read the complaint, which asks the FCC for an investigation and "immediate corrective action."

"It's just a straightforward allegation that they have violated sponsorship ID by carrying stories within their news programming that were part of a commercial buy," says KVBC lawyer Dom Monahan.
"That's why we asked the commission to open up the investigation," he said. "Our evidence is [that] we were offered the same package."

Arrowhead President Kyle Eng told *B&C* that the allegations were "completely false and without merit." He said that all the media buys it put together for the dealership were about one thing: ratings. "That is why KVBC was left out of the buy, not some grassy knoll theory."

"Given the closing of 788 Dodge dealerships, it was already a big news story," said Eng. "I had news directors calling me left and right asking me if someone from the dealership would comment on the closures. There was no need to look for coverage."

He also "categorically denied" there was any understanding with the stations there would be an interview as part of a spot buy. "We buy based on ratings."

Emily Nielson, the GM of KLAS, one of the stations named in the complaint, also said the complaint was baseless. "News coverage on channel eight is determined solely by news management. Our agreements with advertisers never include guarantees of news coverage despite what an overzealous media buyer seemed to imply."

"Our sales department knows very clearly that if anybody ever tries to get compensation for news coverage that

that is a major violation of our ethics policy and its a violation of FCC rules," she said, adding that every employee of the station gets a copy of the FCC's payola rules on their first day on the job and has to sign it.

"We have a very strict policy, None of our [sales] agreements include news coverage, ever. If they do, [the salesperson] faces termination. We have zero tolerance. we are the strictest in the market."

She said the station interviewed representatives of three of the four local dealerships and tried to interview the fourth. She also told *B&C* she has talked to the reporter and photojournalist who did the interview and the manager who approved the story. "None of them had any contact with anybody about the story from any other part of the building."

Nielson said the station intended "to vigorously fight these false claims," calling the charges "extraordinarily damaging to a reputation of journalistic excellence we have built over 50 years."
A spokeswoman for KVVU parent Meredith Broadcasting said the allegations were baseless.