



**May 2008**

## **Millions Meted Out For Mishandled Marketing**

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Faithful Readers know that full-power analog TV stations will go off the air for good on February 17, 2009, leaving only their digital counterparts. Sadly, though, not everyone is so well-informed. Come that Tuesday morning, a lot of people will turn on their trusty old TVs, ready to start the day with a little news or Gilligan's Island, and instead see . . . nothing. With a little advance warning, those folks can either upgrade to digital TVs or attach a government-subsidized adapter to the old one. But some people – many of them elderly, poor, or not fluent in English – will be caught short.

The FCC wants to keep the numbers of these unfortunates to a minimum. To that end it prohibited the manufacture and importation of analog-only TVs as of 2005-2007 (exact dates depended on screen size), and required that analog-only TVs offered for sale after last May carry a warning. It also mandated certain upgrades to the V-chip circuitry.

The FCC has lately enforced these rules with unaccustomed zeal. Recently it announced fines in three categories:

Seven retailers – Sears/K-Mart, Wal-Mart, Circuit City, Fry's, Target., Best Buy, and CompUSA – were fined a total of \$4 million for omitting the warning signs on displays of analog-only TVs.

Two importers were fined a total of \$1.6 million for bringing in analog-only TVs after the cut-off date.

Seven manufacturers entered into consent decrees costing \$3.4 million, and two other manufacturers were fined another \$1 million, in connection with alleged violations of the V-chip rules.

Putting signs on store displays may be one way to educate the public. But where the subject matter concerns changes to TV itself, and the people to be reached are (by definition) TV viewers, there must be some other way to get the word out. If you do not

think of the answer right way, don't worry – it's a hard problem. It took the FCC a long time, too. They did not require TV ads about the coming digital TV transition until March.