



Federal Communications Commission
Washington, D.C. 20554

October 15, 2014

DA 14-1493

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Channel 33, Inc.
c/o Cliff Harrington, Esq.
Pillsbury Winthrop Shaw Pittman
2300 N Street, N.W.
Washington, D.C. 20037-1128

Re: KVCW(TV)
Las Vegas, Nevada
Facility ID No. 10195
FRN: 0001589498

Dear Licensee:

This letter refers to the license renewal application for KVCW(TV), Las Vegas, Nevada (the "Station"),¹ licensed to Channel 33, Inc. (the Licensee") and hereby admonishes the Station for its failure to comply with the limits on commercial matter in children's programming.

In the Children's Television Act of 1990, Pub. L. No. 101-437, 104 Stat. 996-1000, *codified at* 47 U.S.C. Sections 303a, 303b and 394, Congress directed the Commission to adopt rules, *inter alia*, limiting the number of minutes of commercial matter that television stations may air during children's programming, and to consider in its review of television license renewals the extent to which the licensee has complied with such commercial limits. Pursuant to this statutory mandate, the Commission adopted Section 73.670 of the Commission's Rules (the "Rules"), 47 C.F.R. § 73.670, which limits the amount of commercial matter which may be aired during children's programming to 10.5 minutes per hour on weekends and 12 minutes per hour on weekdays. The Commission also reaffirmed and clarified its long-standing policy against "program-length commercials." The Commission defined a "program-length commercial" as "a program associated with a product, in which commercials for that product are aired," and stated that the entire duration of any program-length commercial would be counted as commercial matter for the purpose of the children's television commercial limits.² The commercial limitations became effective on January 1, 1992.³

On June 2, 2014, the Licensee filed a renewal application for the Station. In response to Section IV, Question 5 of that application, the Licensee certified that, during the previous license term, the Station failed to comply with the limitations on commercial matter in children's programming, specified in Section 73.670 of the Rules. Exhibit 22 of the license renewal application states that, on December 23, 2006, the Station aired a commercial (for Post Cereal Cocoa Pebbles) during the "Xiaolin Showdown"

¹ File No. BRC DT-20140602AVN ("KVCW Renewal")

² *Children's Television Programming*, MM Docket Nos. 90-570 and 83-670, Report and Order, 6 FCC Rcd 2111, 2118, ¶ 44, *recon. granted in part*, 6 FCC Rcd 5093, 5098, ¶ 28 (1991).

³ *Children's Television Programming*, MM Docket Nos. 90-570 and 83-670, Order, 6 FCC Rcd 5529 (1991).

program that "included fleeting images of Xiaolin Showdown characters c
screen."⁴


Based on the description in the Station's license renewal application, th
"Xiaolin Showdown" is an example of "host-selling." Host-selling involves
promoting any product during the program in question and is a practice
denounced because it takes unfair advantage of the trust that children place in
regard, the Commission has stated that "host-selling encompasses any charac
direct vocal appeals - that has the effect of confusing a child viewer from distin
and non-program material."⁶ For example, the Commission has determi
featuring the same type of animation that is regularly featured in the accompa
host-selling."⁷ Based on the information before us, we believe the commerci
23, 2006, violated the Commission's host-selling policy.

The fact that the commercial was inserted into the program by the St
(CW) does not relieve the Licensee of responsibility for the violation. In this r
consistently held that a licensee's reliance on a program's source or produce
children's television rules and policies will not excuse or mitigate viol
Furthermore, while corrective actions may have been taken to prevent futur
relieve the Licensee of the violations which have occurred.⁹

Although we consider any violation of our rules limiting the amount
children's programming to be significant, the violations described in the rene
have been an isolated occurrence. Although we do not rule out more severe s
this nature in the future, we have determined that an admonition is appropriat
based upon the facts and circumstances before us, we **ADMONISH** the Stat
children's television commercial limits rule and policies described in the licens
remind the Licensee that the Commission expects all commercial television lic
limits on commercial matter in children's programming.

Accordingly, IT IS ORDERED that, a copy of this Letter shall be
Certified Mail, Return Receipt Requested to the licensee at the

Sincerely,


Barbara A. Kr
Chief, Video I
Media Bureau

⁴ KVCW Renewal at Exhibit 22. This violation was not reported, as it should have beer
commercial limit certification for fourth quarter 2006.

⁵ *WVTV Licensee, Inc.*, Forfeiture Order, 25 FCC Rcd 3741, 3743 (Vid. Div. 2010).

⁶ *WHYY, Inc.*, Admonishment Letter, 7 FCC Rcd 7123 (MMB 1992).

⁷ *Id.* at ¶ 2 (citing *KCOP Television, Inc.*, Admonishment Letter (MMB rel. May 15, 19

⁸ *See, e.g., WTXN, Inc.*, Admonishment Letter, 22 FCC Rcd 11968 (Vid. Div. 2007);
L.P., Notice of Apparent Liability for Forfeiture, 10 FCC Rcd 8905 (MMB 1995).

⁹ *See International Broadcasting Corp.*, Memorandum Opinion and Order, 19 FCC 2d 7
mitigation as an excuse based upon corrective action following a violation would "tend
than preventive action.").

small portion of the

mercial aired during
am-related characters
the Commission has
characters.⁵ In this
endorsement - not just
ing between program
that "advertisements
program constitutes
podcast on December

's television network
the Commission has
compliance with our
s which do occur.⁸
lations, this does not

commercial matter in
pplication appears to
ons for a violation of
his time. Therefore,
this violation of the
ewal application. We
es to comply with the

by First Class and
dress listed above.

ie Station's

Television of Syracuse,

94 (1969) (permitting
ourage remedial rather