

# How to Create PBS Underwriting Messages

An underwriting message must identify the program sponsor -- but cannot promote the underwriter, its products or services. The FCC has specifically warned noncommercial broadcasters to avoid certain promotional elements, such as (1) calls to action, (2) price or value information, (3) superlative descriptions or qualitative claims, (4) direct comparisons with other companies, their products or services, (5) inducements to purchase, and (6) endorsements. These are some of the most readily identifiable flaws that cause noncommercial broadcasters to fall on the wrong side of federal law when it comes to sponsorship messages.

The FCC list is not, however, intended to be complete or exhaustive. Because other promotional elements may be harder to anticipate and to articulate, PBS reserves what it calls the "Rule One" right to determine whether, in each case, the overall appearance and effect of the on-air credit and credit sequence is in keeping with the noncommercial nature of public television. Whenever necessary and appropriate, PBS will suggest revisions to bring a proposed underwriting announcement into compliance. The decision of PBS is final.

You can follow the recipe below to create an enhanced underwriting message that noncommercial television is best equipped to incorporate into an underwriting credit sequence. These sponsorship disclosures are typically placed for broadcast at the top and bottom of a program.<sup>1</sup> The closer a proposed credit is to this approach, the more easily and quickly it can be reviewed and accepted for national distribution to PBS member stations.

## **Start with the Basics**

Start with a clear visual identification of the funding organization by name or logo. For audio, either incorporate a "preamble" introducing the funder (e.g., "This program is made possible in part by ...") or begin with the funder name so it can follow such a statement.

A brand or product can be an underwriter. In such a case, the brand or product owner or manufacturer must be clearly identified in video, e.g., by lower third fonting of at least :03, accompanying the funder name or logo at any point in the underwriting credit.

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<sup>1</sup>A sponsor's on-air acknowledgment can be up to 15 seconds long. This maximum is reserved for major contributions. When less time must be allocated for other or minor sponsors, some adjustments may be required.

## **Add a Pinch of Additional Verbals**

To the extent there is additional identifying language, it consists of 20 words or less (whether voiced or fonted).

In value-neutral language, terms, tones, and inflections, without singing, it conveys:

a business purpose (e.g., "Ortho-Clinical Diagnostics. Providing professional diagnostic products to hospitals, labs, and blood donor centers.")

an organizational structure (e.g., "Ortho-Clinical Diagnostics, a member of the Johnson & Johnson family of companies")

an organizational mission (e.g., something specific, as in "Ortho-Clinical Diagnostics, working with hospitals, labs, and donor centers to help ensure the safety of the world's blood supply"; or something more general, as embodied in the corporate slogan, "Pfizer... Life is our life's work.")

Location information (e.g., web address or phone number) is presented in video only and accompanies the funder name or logo, for a maximum of :05. Voice is off-camera unless explicit expression of support for public television.

## **. . . And Visuals to Taste**

To the extent there is additional identifying visual information, it follows a clear video identification of the funder by name or logo.

If an underwriter identifies itself by the brands or products it makes or provides, the presentation does not emphasize the comparative qualities and benefits of the products. To this end, demonstration is minimal in relation to the number of brands or products depicted.

To avoid implying customer use or satisfaction, an underwriter that chooses to identify itself by the people who represent its target market, does not depict products (other than a single product appearing briefly at the end of the spot with the funder name or logo, and not in the immediate presence of people).

If an underwriter identifies itself by depicting its employees, owners, or executives, there are no consumers, clients, or celebrities who appear to be interacting with approbation or satisfaction so as to constitute an endorsement.

## **Adding Healthy Ingredients**

As an alternative approach, or in some combination with the information described above, an underwriter's message states its support for PBS or public broadcasting, or aligns itself in a general way with the kind of programming it is here sponsoring. (E.g., "brought to you by a grant from the ExxonMobil Corporation, because we value creative energy in all its forms.")

## **Experimenting with the Recipe**

Other creative approaches may be acceptable as well. Deviations from these guidelines will be evaluated by PBS Program Underwriting Policy staff to determine whether proposed tone, format, visual presentation, and other elements can coexist with a noncommercial purpose. Note, however, that promotional language cannot be accommodated, no matter how benign and value-neutral the proposed visuals may be. Scripts and other voiced or non-voiced verbal elements will be carefully scrutinized for compliance with FCC requirements and for overall impact together with other proposed elements.<sup>2</sup>

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<sup>2</sup>On request, PBS can provide examples of promotional words and phrases taken from FCC enforcement decisions, as well as examples of non-standard approaches found acceptable, and unacceptable, for PBS underwriting messages.

Non-commercial radio is required to acknowledge contributions from our funders on the air. We refer to these announcements as enhanced underwriting credits which serve to identify businesses and organizations that support our mission. These 15-second announcements include our required preamble, "Support for KSTX/KPAC comes from..." plus a value-neutral description of the company, their product or service. No additional costs are incurred for production of these pre-recorded messages.

### **Sample Underwriting Messages:**

Support for KSTX comes from Ballet Conservatory of South Texas, kicking off the upcoming performance of Synergy 2012 with a benefit, "Swan Lake Ballet Tea Party," February twenty fifth from two to four. More at Ballet South Texas dot org.

Support for KSTX comes from the Barshop Jewish Community Center, presenting the San Antonio debut of Augus, "Osage\* County," at the Sheldon Vexler Theatre, August twenty-third through September sixteenth. Tickets at three zero two, six eight three five.

Sponsored nonprofit messages are designed to offer non-profit organizations an expanded vehicle for educating the public radio listener about their mission, initiatives and special opportunities. These messages differ from traditional underwriting messages in their format, length and funding options. They may be purchased by the non-profit organization itself or by a sponsoring for-profit entity that would like community to know they support your specific institution or organization. The message reads much like a public service announcement and ends in the following fashion: "This non-profit message was underwritten by..." The content should appeal to the Texas Public Radio audience and/or provide a benefit or service to the community at large.

### **Sample Sponsored Non-Profit Message:**

Registration is still open for Any Baby Can's 8th Annual Walk for Autism benefitting their Reaching Families Facing Autism program April 14th at the AT&T Center. Children's activities and entertainment will be spaced throughout the two-mile, Autism-friendly course, which will include a fifty plus exhibitor resource fair. Details and registration are at Walk For Autism SA dot com. This non-profit message was underwritten by H-E-B.

# Underwriting Guidelines

## Texas Public Radio

In the world of public radio, we use a little different jargon than that of the commercial radio industry. The Federal Communications Commission (FCC) has articulated specific guidelines emphasizing the difference between these permissible donor and underwriter announcements and commercial advertising. In order to maintain compliance with the Commission's regulations, Texas Public Radio observes the following rules taken from our published "Underwriting Policies and Practices":

### **Permissible language:**

- a value-neutral description of the product/service/initiative
- location, phone number or web address for more details about the funder
- brand or trade names that help identify the underwriter, but do not promote the underwriter's well-established corporate slogan, identified as such, as long as it complies with other standards

### **Language that is NOT permissible:**

- pricing info (such as "5% interest rates available")
- an inducement to buy, which is promotional by nature (such as "special gift for first fifty callers" or "inviting you to pick up a free gift")
- audio logos, jingles, sound effects or pre-recorded creative production elements
- language that speaks directly to the listener (you, your, we, understood you, etc.)
- expression of personal views, subjective, comparative or qualitative language (such as "the first name in Fords" or "the best BBQ in town")
- any language comparing your business to that of another or suggesting your business is better than another (such as "award winning" or "recognized by")
- calls to action ("visit," "call," "go to," "join," etc.)

Support for WUOT comes from the Knoxville Jazz Orchestra, featuring alto saxophonist Tim Green in "Bird and Beyond," a concert showcasing the music of artists including Charlie "Bird" Parker. November 1st at 8 at the Square Room. [knox jazz dot org](http://knoxjazz.org).

Support for WUOT comes from Resource Advisory Services, providing fiduciary personal financial planning and wealth management. Resource Advisory Services: "There is more to money than money." [Resource a-d-v dot com](http://Resource-a-d-v.com).

Support for WUOT comes from The Antique Market in historic downtown Clinton, offering American primitives and period furnishings from the late 1800s and early 1900s, English and French period pieces, and vintage collectibles. [The antique market dot com](http://TheAntiqueMarket.com).

Support for WXXI comes from our contributing listeners and from LifeSpan ... Providing information, guidance and more than thirty services to help older adults and caregivers take on longer life. Learn more at [Lifespan DASH R-O-C-H dot org](http://LifespanDASHR-0-C-H.org). Take it on with LifeSpan.

Support for your public radio station comes from our members ... and from the Shaw Festival in Niagra-on-the-Lake ... Ontario. Eleven plays on four stages from April to October. Including Ragtime, Present Laughter, His Girl Friday, and Come Back Little Sheeba. Tickets at 1 - 800 - 511 - SHAW.

Support for your public radio station comes from our members ... and from SoundSource. Providing Rochester with new and used PA and recording gear, guitars, bases, keyboards, and a selection of accessories for over twenty years. Information available at [SoundSource dot com](http://SoundSource.com).

Support for your public radio station comes from our members ... and from Sticky Lips Juke Joint on Jefferson Road in Henrietta. Presenting rock band Tim Heron Corporation and celebrating the release of their DVD. Thursday, May 17<sup>th</sup>, at 9PM. [Sticky Lips BBQ dot com](http://StickyLipsBBQ.com).

## Underwriting Air Checks

Program support for 88 point five, W-Y-S-U, comes from Harrington, Hoppe and Mitchell ... which recently welcomed business attorney Denise Glinatsis Bayer to the firm. Miss Bayer has practiced law for 9 years and is director of the Legal Creative ... an advisory service for local artists. More information at H-H-M LAW dot com. Harrington, Hoppe and Mitchell ... legal solutions for business and life.

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Support for NPR comes from Barnes and Noble, with hits for the holidays. Featuring Saint Paul and the Broken Bones ... Lucinda Williams ... Trampled by Turtles ... and more. Available now.

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The NPR shop has clothing, books and music for public radio fans of all ages. Support the programming you love with a purchase at Shop-dot-N-P-R-dot-org.

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# Crafting Legal Underwriting Scripts

## From the Blogosphere

Crafting legal underwriting scripts is as much an art as it is a science. If you want to get into it, read up extensively at the FCC's site on the issue and also listen a lot to your local NPR affiliate to get a feel for what the national spots (mostly voiced in Frank Tavares' distinctively neutral voice) say in their scripts.

For reference, here are the key tenets:

The biggest and most vague is that underwriting cannot be promotional, merely informative. Exactly what this means is roundly up for debate, but a good place to start is to avoid superlatives at all costs. Also remember that saying something factual is still considered promotional if it's to distinguish the sponsor from other sponsors in the same field and imply that the sponsor is better. For example, a grocery store that says its been in business for 30 years is to imply that its longevity makes it better than other grocery stores. Thus, it is considered promotional.

If no consideration is involved, it's not underwriting and thus exempt from these rules. However, consideration can take many, many forms other than money. This is why it's virtually impossible for a non-commercial station to broadcast live from a for-profit venue like a restaurant, nightclub or music hall.

If the organization involved is a non-profit, then the underwriting rules do not apply. However, as a station is it unwise to have different rules for non-profits and for-profits . . . it's confusing to your listeners and to your sponsors.

The FCC has stated, in a roundabout way, that they don't see how an underwriting spot that's longer than 30 seconds could not be promotional. So your spots must be less than 30 seconds.

In underwriting, there can never be a call to action. This is the biggie, and leads to the most "verbal gymnastics." This rule is why you hear the phrase "more info at" instead of "call this number" or "visit us online at."

In underwriting, there cannot be any inducement to buy, sell or lease. This means no information about sales/discounts, special offers, free giveaways, etc.

In underwriting, there can never be any mention of prices. This includes interest rates, savings, value or related info to price.

One big issue with underwriting is slogans. The prime example is “Get Met, It Pays.” That’s clearly a call to action, but it’s also a long-time identifying slogan for Met Life insurance. The FCC has been somewhat unclear on this — they’ve nailed people for violating the rules in situations like this, but a lot of stations have also done it for years and not been hassled.

More huge potential non-profit categories . . . where the underwriting restrictions don’t apply.

State/regional/local convention & visitors bureaus, symphony orchestras, opera organizations, community theatre, festivals, concerts presented by civic organizations, state/county/municipal governments, school districts, (most) hospitals, clinics, chambers of commerce, (many) nursing homes... public TV stations (for radio underwriting)... public radio stations (for TV underwriting)...