

The logo for the Tennessee Cable Telecommunications Association features a blue horizontal bar with the organization's name in white, bold, sans-serif capital letters. The bar is set against a background of a black, wavy, scribbled line that resembles a cable or a stylized wave.

## TENNESSEE CABLE TELECOMMUNICATIONS ASSOCIATION

### **CABLE DOES NOT ADVERTISE “OBSCENE” MATERIAL IT IS ALREADY AGAINST THE LAW**

#### **TCTA POSITION**

- Cable opposes legislation, which would prohibit a television station or cable television company from advertising or promoting material that it knows or should know to be obscene or harmful to minors.
- Cable providers should not be criminalized for “advertising” materials that have never been determined to be “obscene”.
- Cable is a pay service with channel blocking technology. Cable provides blocking technology (without charge) and the means to personalize your TV viewing experience (through detailed TV ratings, parental controls in set top boxes, and PVRs). Cable also provides free blocking for analog customers who do not get boxes as part of their service.
- Simply put – if a cable customer finds the content on cable objectionable, there are many options to block this programming.

#### **WHAT IS THE ISSUE?**

- Tennessee already has a strong statute outlawing obscene material. Tennessee is among the approximately 40 states that have an extensive criminal statute outlawing “obscenity” – T.C.A. 39-17-901 et seq.
- Materials advertised today have not been found to be “obscene”. The bill attempts to criminalize "advertising" of materials that have never been determined to be "obscene."
- The legislation is unconstitutionally overbroad and vague. The United States Supreme Court has ruled that the government should choose the least restrictive method available, when taking away first amendment rights. Censorship and content controls are inappropriate if blocking technologies are available.
- TN cable providers do not locally insert “*Girls Gone Wild*” ads. Girls Gone Wild ads are purchased nationally or as part of the programming. The programming is nationally inserted and local cable providers have no control.

