



Obscene, Indecent and Profane Broadcasts

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Federal law prohibits obscene, indecent and profane content from being broadcast on the radio or TV. That may seem clear enough, but determining what obscene, indecent and profane mean can be difficult, depending on who you talk to.

In the Supreme Court's 1964 landmark case on obscenity and pornography, Justice Potter Stewart famously wrote: "I know it when I see it." That case still influences FCC rules today, and complaints from the public about broadcasting objectionable content drive the enforcement of those rules.

In other words, if you "know it when you see it" and find it objectionable, you can tell the FCC and ask us to check into it.

Deciding what's obscene, indecent or profane

Each type of content has a distinct definition:

Obscene content does not have protection by the First Amendment. For content to be ruled obscene, it must meet a three-pronged test established by the Supreme Court: It must appeal to an average person's prurient interest; depict or describe sexual conduct in a "patently offensive" way; and, taken as a whole, lack serious literary, artistic, political or scientific value.

Indecent content portrays sexual or excretory organs or activities in a way that is patently offensive but does not meet the three-prong test for obscenity.

Profane content includes "grossly offensive" language that is considered a public nuisance.

Factors in determining how FCC rules apply include the specific nature of the content, the time of day it was broadcast and the context in which the broadcast took place.

Broadcasting obscene content is prohibited by law at all times of the day. Indecent and profane content are prohibited on broadcast TV and radio between 6 a.m. and 10 p.m., when there is a reasonable risk that children may be in the audience.

What about cable, satellite TV and satellite radio?

Because obscenity is not protected by the First Amendment, it is prohibited on cable, satellite and broadcast TV and radio. However, the same rules for indecency and profanity do not apply to cable, satellite TV and satellite radio because they are subscription services.

Enforcing the rules

Enforcement of the obscenity, indecency and profanity rules usually begins with complaints from the public that FCC staff review for possible violations. If an investigation is warranted and the FCC finds a station in violation of its rules, it has the authority to revoke a station license, impose a fine or issue an admonishment or warning.

What if I have comments or concerns about a specific broadcast?

All comments and/or concerns about a specific broadcast should be directed to the stations and networks involved.

What information should I include in an obscenity, indecency or profanity complaint with the FCC?

When filing a complaint, please include the following information:

- Date and time of the broadcast.
- The call sign, channel and/or frequency of the station.
- Details of what was actually said or depicted during the broadcast.

Detailed complaints are helpful for analyzing the context of offensive language, images or scenes and determining possible rule violations. It is also helpful (but not a requirement) to include a recording or transcript of a broadcast when possible, though any documentation you provide becomes part of the FCC's records and may not be returned.