

ALERT

Radio Broadcasters Cautioned by FCC Enforcement Bureau About Disclosure Obligations for Concerts and Festivals

February 7, 2025

On February 6, 2025, the Federal Communications Commission (FCC or Commission) Enforcement Bureau published an Enforcement Advisory reminding radio broadcasters of their disclosure obligations in connection with artist participation at radio station events or festivals. The Advisory appeared to come in response to a letter from Senator Marsha Blackburn (R-TN) to FCC Chairman Brendan Carr alleging that some broadcasters have offered a quid-pro-quo of free or discounted performances in exchange for preferred airtime.

Under Section 317 of the Communications Act, broadcasters are required to disclose to their listeners or viewers if they have aired matter in exchange for money, services, or other valuable consideration. Section 507 of the Act requires those persons who have paid, accepted, or agreed to pay or accept such payments to report that fact to the station licensee before the involved matter is broadcast.

In her January 30 letter, Senator Blackburn requested that the Commission take actions to protect artists against what she alleges is a scheme that extorts them into performing labor in exchange for airplay. Senator Blackburn reported hearing “radio stations and networks offer more airtime for an artist’s songs if the artist performs a free show.” The letter concluded with a call for the Commission to “take swift action and end this abuse and protect our music community.”

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The Enforcement Advisory reminds broadcast licensees that neither they nor their personnel can accept unreported free or reduced-fee performances in exchange for airplay. It also explains that an artist may appear at a station's event without compensation, provided the appearance and associated broadcasts comply with legal obligations under Section 317 of the Act and Section 73.1212 of the Commission's Rules.

Given the renewed interest in these matters, radio broadcasters should consider reviewing their sponsorship identification and payola policies, particularly as they relate to station-sponsored events or festivals.

For further information, please contact the individuals listed below or the Wiley attorney who regularly handles your FCC matters.