

September 22, 2011

Theresa Z. Cavanaugh
Acting Chief
Investigations & Hearings Division
Federal Communications Commission
[REDACTED]

Dear Ms. Cavanaugh:

On behalf of the Parents Television Council and its better than 1,300,000 members, I am filing an indecency complaint against the Fox network for its airing of *The X Factor*. The airing of the show containing the indecent material originally began at 8:00 p.m. Eastern and Pacific Times and 7:00 p.m. Central and Mountain Times on September 20, 2011. This program was seen in homes across the country on the Fox television network.

The program featured contestant Geo Godley dropping his pants and exposing himself during a song and dance routine. While a digitally imposed “X” partially covered Mr. Godley’s genitals, the scene lingered on his nudity while editing in the shocked responses of the judges and other members of the audience. Families were led to believe *The X Factor* would be family-friendly programming and instead were assaulted by graphic nudity. In fact, judge Paula Abdul walked out during the performance, apparently becoming physically ill by what happened.

Although the Commission’s authority to enforce its broadcast decency rules has been the subject of ongoing litigation, there is no reason for the Commission not to act in this instance. The content in this case included prolonged, un-fleeting nudity used to shock the audience. The program did not air live, so every second was carefully edited by the Fox network and cannot be attributed to a “mistake.”

Moreover, the episode in question carried a TV-PG DL rating – which is clearly insufficient to warn the audience of this type of content and employ the V-chip. Fox and its affiliates should have taken more proactive steps to ensure such offensive language did not reach the air and the eyes of hundreds of thousands of children in the audience.

Should this content be found to be indecent, then a Notice of Apparent Liability should be levied against each Fox affiliate that aired the program.

I look forward to your timely judgment and response.

Best regards,

Dan Isett
Director of Public Policy