



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

June 20, 2008

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Heartland America, Inc.  
8085 Century Boulevard  
Chaska, Minnesota 55318  
Attn: Bruce Brekke, President and CEO

Re: File No. EB-08-SE-544

Dear Mr. Brekke:

This is an official **CITATION**, issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended (“Act”), 47 U.S.C. § 503(b)(5), to Heartland America, Inc. (“Heartland America”) for failure to provide appropriate Consumer Alert disclosures on analog tuner only television receiving equipment in violation of Section 15.117(k) of the Commission’s Rules (“Rules”), 47 C.F.R. § 15.117(k). As explained below, future violations of the Commission’s rules in this regard may subject your company to monetary forfeitures.

On June 10<sup>th</sup> and 11<sup>th</sup>, 2008, an investigator from the Commission’s Enforcement Bureau visited Heartland America’s internet site, [www.heartlandamerica.com](http://www.heartlandamerica.com), and observed that Heartland America did not have the proper Consumer Alert label displayed at the point of sale on two televisions, the “Sylvania 13 inch TV/VCR” and the “Weather Channel TV with NOAA,” that contain an analog tuner but not a digital tuner. Although the “Weather Channel TV with NOAA” had a Consumer Alert notice, it did not include the entire Consumer Alert disclosure text set forth in Section 15.117(k)(3) of the Rules.<sup>1</sup>

Section 15.117(k) of the Commission’s Rules states:

(k) The following requirements apply to all responsible parties, as defined in §2.909 of this chapter, and any person that displays or offers for sale or rent television receiving equipment that is not capable of receiving, decoding and tuning digital signals.

(1) Such parties and persons shall place conspicuously and in close proximity to such television broadcast receivers a sign containing, in clear and conspicuous print, the Consumer Alert disclosure text required by subparagraph (3). The text should be in a size of type large enough to be clear, conspicuous and readily legible, consistent with the dimensions of the equipment and the

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<sup>1</sup> Specifically, the “Weather Channel TV with NOAA” included the following notice:

Notice: This TV has only an ‘analog’ broadcast tuner so will require a converter box after February 17, 2009 to receive over-the-air broadcasts with an antenna, because of the transition to digital broadcasting on that date. (It should continue to work as before with cable and satellite TV systems, gaming consoles, VCRs, DVD players, and similar products.).

label. The information may be printed on a transparent material and affixed to the screen, if the receiver includes a display, in a manner that is removable by the consumer and does not obscure the picture, or, if the receiver does not include a display, in a prominent location on the device, such as on the top or front of the device, when displayed for sale, or the information in this format may be displayed separately immediately adjacent to each television broadcast receiver offered for sale and clearly associated with the analog-only model to which it pertains.

(2) If such parties and persons display or offer for sale or rent such television broadcast receivers via direct mail, catalog, or electronic means, they shall prominently display in close proximity to the images or descriptions of such television broadcast receivers, in clear and conspicuous print, the Consumer Alert disclosure text required by subparagraph (3). The text should be in a size large enough to be clear, conspicuous, and readily legible, consistent with the dimensions of the advertisement or description.

(3) "CONSUMER ALERT

This television receiver has only an analog broadcast tuner and will require a converter box after February 17, 2009, to receive over-the-air broadcasts with an antenna because of the Nation's transition to digital broadcasting. Analog-only TVs should continue to work as before with cable and satellite TV services, gaming consoles, VCRs, DVD players, and similar products. For more information, call the Federal Communications Commission at 1-888-225-5322 (TTY: 1-888-835-5322) or visit the Commission's digital television website at: [www.dtv.gov](http://www.dtv.gov)."

Accordingly, it appears that Heartland America has violated Section 15.117(k)(1) of the Rules by failing to place conspicuously and in close proximity to the following equipment, in clear and conspicuous print, the Consumer Alert label required under Section 15.117(k):

Manufacturer	Device	Item Number
Sylvania	13 inch TV/VCR	WW22-81592
Vector	Weather Channel TV with NOAA	WW22-70191

We caution you that failure to display an appropriate Consumer Alert label on any television receiving equipment that is not capable of receiving, decoding and tuning digital signals would constitute a further violation of Section 15.117(k) of the Rules.

**If, after receipt of this citation, Heartland America violates the Communications Act or the Commission's rules in any manner described herein, the Commission may impose monetary forfeitures not to exceed \$11,000 for each such violation or each day of a continuing violation up to \$97,500 for a single continuing violation.**<sup>2</sup>

If you choose to do so, you may respond to this citation within 10 days from the date of this letter either through (1) a personal interview at the Commission's Field Office nearest to your place of business, or (2) a written statement. Your response should specify the actions that Heartland America is taking to ensure that it does not violate Section 15.117(k) of the Commission's rules in the future.

<sup>2</sup> See 47 C.F.R. § 1.80(b)(3).

Heartland America may request an interview at the closest FCC Field Office, which is located in Chicago, Illinois. Please contact Celia Lewis at (202) 418-1160 if you wish to schedule an interview which must take place within 10 days of this Citation. Heartland America may also submit a written statement within 10 days of the date of this Citation to:

Kathryn S. Berthot  
Chief, Spectrum Enforcement Division  
Enforcement Bureau  
Re: EB-08-SE-544  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Rm. 3-C366  
Washington, D.C. 20554

Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), we are informing you that the Commission's staff will use all relevant material information before it, including information that you disclose in your interview or written statement, to determine what, if any, enforcement action is required to ensure your compliance with the Communications Act and the Commission's rules.

The knowing and willful making of any false statement, or the concealment of any material fact, in reply to this citation is punishable by fine or imprisonment under 18 U.S.C. § 1001.

Thank you in advance for your anticipated cooperation.

Sincerely,

Kathryn S. Berthot  
Chief, Spectrum Enforcement Division  
Enforcement Bureau