

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	File No.: EB-10-CF-0157
New Century Technology Limited)	
)	Citation No.: C201132340003
Bao'an District, Shenzhen 518001, China)	
)	
)	

CITATION

ILLEGAL MARKETING OF CELL PHONE AND GPS JAMMERS

Adopted: January 20, 2011

Released: January 21, 2011

By the District Director, Columbia Office, Northeast Region, Enforcement Bureau:

I. INTRODUCTION

1. This is an official **CITATION** issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended (“Communications Act”),¹ to New Century Technology Limited (“New Century”) for marketing unauthorized radio frequency devices in the United States in violation of Section 302(b) of the Communications Act,² and Section 2.803(a)(1) of the Commission’s rules (“Rules”).³

2. New Century should take immediate steps to come into compliance and to avoid any recurrence of this misconduct. As explained below, and as provided in the Communications Act, future violations of the Rules in this regard may subject your company to substantial monetary penalties, seizure of equipment, and criminal sanctions.

II. BACKGROUND

3. On July 20, 2010, an agent from the Enforcement Bureau’s Columbia Office (“Columbia Office”) viewed the website, www.theJammerStore.com, and observed an advertisement for a device listed as a “Handheld GPS and Cell Phone Jammer Mini GPJ” (“Mini GPJ”). On July 21, 2010, the agent

¹ 47 U.S.C. § 503(b)(5). Section 503(b)(5) states that no forfeiture liability shall be determined against any person who does not hold a license, permit, certificate, or other authorization issued by the Commission unless, prior to issuance of any Notice of Apparent Liability, such person is “(A) sent a citation of the violation charged; (B) is given a reasonable opportunity for a personal interview with an official of the Commission at the field office of the Commission which is nearest to such person’s place of residence; and (C) subsequently engages in conduct of the type described in such citation.” 47 U.S.C. § 503(b)(5). We note that, if New Century is also the manufacturer of the Mini GPJ, New Century would have been subject to a forfeiture under Section 503(b)(2) of the Act without first receiving notice via a Citation.

² 47 U.S.C. § 302a(b).

³ 47 C.F.R. §§ 2.803(a)(1).

made an undercover buy on-line using the PayPal electronic payment system and received a Mini GPJ through the mail. The invoice that accompanied the device and the PayPal receipt identified New Century as the seller. The agent conducted tests and confirmed that the device jams signals in the Cell Phone Band (845-975 MHz), PCS Band (1800-1996 MHz), and GPS L1 frequency 1575.42 MHz.

4. Federal law prohibits the marketing and operation of jammer devices in the United States. Section 333 of the Communications Act states that “[n]o person shall willfully or maliciously interfere with or cause interference to any radio communications of any station licensed or authorized by or under this Act or operated by the United States Government.”⁴ In addition, Section 302(b) of the Communications Act provides that “[n]o person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section.”⁵

5. Section 2.803(a)(1) of the Commission’s implementing regulations provides that “no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship, or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless: [i]n the case of a device subject to certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled....”⁶ Additionally, Section 2.803(g) of the Rules provides in pertinent part that “radio frequency devices that could not be authorized or legally operated under the current rules... shall not be operated, advertised, displayed, offered for sale or lease, sold or leased, or otherwise marketed absent a license issued under part 5 of this chapter or a special temporary authorization issued by the Commission.”⁷

6. Pursuant to Section 15.201(b) of the Rules,⁸ before intentional radiators⁹ like jammer devices can be marketed in the United States, they must be authorized in accordance with the Commission’s certification procedures. Section 2.803(e)(4) of the Rules defines “marketing” as the “sale or lease, or offering for sale or lease, including advertising for sale or lease, or importation, shipment or distribution for the purpose of selling or leasing or offering for sale or lease.”¹⁰

7. Jammer devices, however, cannot be certified or authorized because the main purpose of jammer devices is to block or interfere with radio communications. Such use is clearly prohibited by Section 333 of the Communications Act. Moreover, GPS signal blockers operate within restricted frequency bands listed in Section 15.205(a) of the Rules.¹¹ Thus, these devices cannot comply with the FCC’s technical standards and therefore cannot be marketed in the United States.¹²

⁴ 47 U.S.C. § 333.

⁵ 47 U.S.C. § 302a(b).

⁶ 47 C.F.R. § 2.803(a)(1).

⁷ 47 C.F.R. § 2.803(g).

⁸ 47 C.F.R. § 15.201(b).

⁹ Section 15.3(o) of the Rules defines an “intentional radiator” as a “device that intentionally generates and emits radio frequency energy by radiation or induction.” 47 C.F.R. § 15.3(o).

¹⁰ 47 C.F.R. § 2.803(e)(4).

¹¹ 47 C.F.R. § 15.205(a).

¹² These devices may be used in the United States only in limited circumstances not present here. *See e.g.*, 47 U.S.C. § 302a(c) (“Devices ... for use by the Government of the United States or any agency thereof shall be developed, procured, or otherwise acquired, including offshore procurement, under United States Government criteria, standards, or specifications designed to achieve the objectives of reducing interference to radio reception

(continued....)

8. New Century shipped and sold to an Enforcement Bureau agent in the United States a cell and GPS jammer device, the Mini GPJ, that Jammer World offered for sale on its web site. Accordingly, we find that New Century has violated Section 302(b) of the Communications Act and Section 2.803 of the Rules by marketing in the United States radio frequency devices that are not eligible for certification. We therefore issue this Citation to New Century for violating the Rules as discussed above. New Century should take immediate steps to ensure that it does not continue to violate the Rules, including not completing any sale of jammer devices to customers in the United States.

III. FUTURE COMPLIANCE

9. If, after receipt of this Citation, New Century violates the Communications Act or the Rules by engaging in conduct of the type described herein, the Commission may impose monetary forfeitures of up to \$16,000 for each such violation or each day of a continuing violation and up to \$112,500 for any single act or failure to act.¹³ In addition, violations of the Communications Act or the Rules can result in seizure of equipment through *in rem* forfeiture actions, as well as criminal sanctions, including imprisonment.¹⁴

10. New Century may respond to this Citation within thirty (30) days after the release date of this Citation either through (1) a personal interview at the closest FCC office, or (2) a written statement. Any written statements should specify what actions have been taken by New Century to ensure that it does not violate the Rules governing the marketing of radio frequency devices in the future. Please reference file number EB-10-CF-0157 when corresponding with the Commission.

11. Under the Privacy Act of 1974, any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.¹⁵ Any knowingly or willfully false statement, or concealment of any material fact, made in reply to this Citation is punishable by fine or imprisonment.¹⁶ Please also note that Section 1.17 of the Rules requires that you provide truthful and accurate statements to the Commission.¹⁷

IV. CONTACT INFORMATION

12. The closest FCC Office is the Seattle Field Office in Kirkland, Washington. You may contact Salomon Satche by telephone, (301) 725-1996, to schedule a personal interview, which must take place within thirty (30) days after the release date of this Citation. You should send any written statement

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and to home electronic equipment and systems, taking into account the unique needs of national defense and security.).

¹³ See 47 U.S.C. § 401, 501, 503; 47 C.F.R. § 1.80(b)(3). This amount is subject to further adjustment for inflation (*see id.* § 1.80(b)(5)), and the forfeiture amount applicable to any violation will be determined based on the statutory amount designated at the time of the violation.

¹⁴ See 47 U.S.C. § 510.

¹⁵ See Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

¹⁶ See 18 U.S.C. § 1001 *et seq.*

¹⁷ 47 C.F.R. § 1.17 (“... no person subject to this rule shall; (1) In any written or oral statement of fact, intentionally provide material factual information that is incorrect or intentionally omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading; and (2) In any written statement of fact, provide material factual information that is incorrect or omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading without a reasonable basis for believing that any such material factual statement is correct and not misleading.”).

within thirty (30) days after the release date of this Citation to: Federal Communications Commission, Columbia Field Office, 9200 Farm House Lane, Columbia, MD 21046

13. Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Please allow at least five (5) days advance notice; last minute requests will be accepted, but may be impossible to fill. Send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau:

For sign language interpreters, CART, and other reasonable accommodations:
202-418-0530 (voice), 202-418-0432 (tty);

To request this document in accessible formats for people with disabilities (braille, large print, electronic files, audio format): 202-418-0530 (voice), 202-418-0432 (tty).

V. ORDERING CLAUSES

14. **IT IS ORDERED** that a copy of this Citation shall be sent both by First Class U.S. Mail and overnight mail to New Century Technology Limited at C1205 Xinhai LBDG, No 127 Meilong Rd, Bao'an District, Shenzhen 518001, China.

FEDERAL COMMUNICATIONS COMMISSION

Salomon Sathe
District Director
Columbia Office
Northeast Region
Enforcement Bureau