



PUBLIC NOTICE

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FCC ENFORCEMENT ADVISORY

VIDEO TV SET-TOP BOXES, INCLUDING THOSE THAT STREAM INTERNET CONTENT, MUST COMPLY WITH FCC EQUIPMENT AUTHORIZATION REQUIREMENTS

The Federal Communications Commission (FCC or Commission) has observed an increase in the marketing¹ of Video TV Set-Top Boxes, designed to stream Internet-based content, that do not comply with FCC equipment marketing requirements. Anyone marketing or operating noncompliant devices should stop immediately. Violators may be subject to substantial monetary penalties that could total more than \$147,000 per violation.²

Under Section 302 of the Communications Act of 1934, as amended (Act),³ and the Commission's Part 2 and Part 15 rules,⁴ set-top box devices must be properly authorized⁵ under the FCC rules prior to being imported, advertised, sold or operated⁶ in the United States. In addition, such devices cannot be marketed in the United States without FCC-required labeling and user manual disclosures.⁷

¹ Importing, advertising and selling are three aspects of "marketing" under the Commission's rules. Specifically, marketing "includes [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." 47 CFR § 2.803(a).

² See 47 U.S.C. § 503(b)(2)(D); 47 CFR §§ 1.80(b)(7), (b)(9) (reflecting adjustments for inflation).

³ 47 U.S.C. § 302a(b) ("No 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.").

⁴ 47 CFR pts. 2, 15.

⁵ See generally, 47 CFR pt 15, Subpart B and C.

⁶ 47 CFR § 2.805(a) (prohibiting operation of a radio frequency device prior to FCC equipment authorization).

⁷ 47 CFR §§ 2.803(b)(1) and (2), 15.19(a), 15.21, 15.105(b).

What Should You Know?

Parts 2 and 15 of the Commission's rules set out the equipment marketing process required for certain radiofrequency devices. These rules apply to the manufacture, import, sale, offer for sale, shipment, or use of devices capable of emitting radio frequency energy. The rules ensure that radio frequency equipment is legally used and marketed, and that such devices comply with the Commission's technical requirements to avoid causing interference to other authorized operations.⁸

Specifically, for Video TV Set-Top Boxes marketed and used in the United States, the following FCC equipment marketing requirements must be met:

Proper FCC Authorization: Video TV Set-Top Boxes that contain a radio frequency transmitter, such as Wi-Fi, must be authorized through the Certification process or the Suppliers Declaration of Conformity (SDoC) procedures.⁹

Labeling: Video TV Set-Top Boxes authorized under the Certification process must display a valid FCC Identifier which consists of the term "FCC ID" followed by a series of numbers, letters, and/or symbols which are unique to the device and can be used to verify the device's authorization.¹⁰ In addition, all devices must include a statement, placed in a conspicuous location on the device, indicating that the device complies with the technical rules, may not cause harmful interference, and must accept any interference received, including interference that may cause undesired operation.¹¹

User Manuals: Video TV Set-Top Boxes must contain consumer disclosures in the products' user manuals warning consumers of the device's potential for causing interference to other radio communications and providing a list of steps that could possibly eliminate the interference.¹²

Equipment that does not comply with these requirements cannot be legally marketed or operated in the United States.

⁸ See 47 U.S.C. § 302a(b). The Commission's rules implementing the statutory provision apply to all radio frequency equipment advertised or sold to non-federal U.S. customers regardless of the equipment's origin, including equipment manufactured overseas and imported for subsequent sale to non-federal U.S. customers or shipped directly from overseas to non-federal U.S. customers. These rules do not apply to equipment used by Federal Government agencies. See 47 U.S.C. § 302a(c), 47 CFR § 2.807(d).

⁹ 47 CFR §§ 2.907, 15.201. There may be instances where the Video TV Set-Top Box does not contain a radio frequency transmitter for external communications; however, because it still has the potential to generate radio frequency energy for use within the device (i.e., is an unintentional radiator), it must be authorized either through the Certification process or under the SDoC procedures. See 47 CFR §§ 2.906, 15.101.

¹⁰ 47 CFR §§ 2.925, 2.926. Often these devices display the FCC Logo. This **does not** mean they are properly authorized. Rather, they need to display an FCC Identifier, which is different and distinct from the FCC Logo. The mere placement of an FCC Logo (such as the one presented on the top of this Enforcement Advisory) on the device, the box, or in the user manual is not the same as an FCC ID number and by itself does not indicate compliance with FCC rules for certification. If the device uses a certified modular transmitter approved under the rules for such transmitters, the device must be labelled with a label using words such as "Contains FCC ID: XYZMODEL1". See 47 CFR § 15.212(a)(1)(vi). Information verifying that the product has been certified is uploaded and available on the FCC Equipment Authorization Search (EAS) database, available at: <https://apps.fcc.gov/oetcf/eas/reports/GenericSearch.cfm>.

¹¹ 47 CFR § 15.19.

¹² 47 CFR § 15.105.

What Happens if Manufacturers, Retailers, or Operators Do Not Comply with the FCC's Rules?

Users, manufacturers, importers, and retailers that violate Commission marketing or operating rules may be subject to the penalties authorized by the Communications Act, including, but not limited to, substantial monetary fines (up to \$19,639 per day of marketing violations and up to \$147,290 for an ongoing violation).¹³

Need more information?

For additional information regarding equipment marketing rules, please visit the FCC website at <https://www.fcc.gov/engineering-technology/laboratory-division/general/equipment-authorization>. For information regarding equipment labeling rules, please visit the FCC website at <https://apps.fcc.gov/oetcf/kdb/forms/FTSSearchResultPage.cfm?switch=P&id=27980>. Media inquiries should be directed to Will Wiquist at (202) 418-0509 or will.wiquist@fcc.gov.

To file a complaint, visit <https://consumercomplaints.fcc.gov> or call 1-888-CALL-FCC.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). You may also contact the Enforcement Bureau on its TTY line at (202) 418-1148 for further information about this Enforcement Advisory, or the FCC on its TTY line at 1-888-TELL-FCC (1-888-835-5322) for further information about the equipment marketing rules.

Issued by: Chief, Enforcement Bureau

¹³ See 47 U.S.C. § 503(b)(2)(D); 47 CFR §§ 1.80(b)(7)-(b)(9) (reflecting adjustments for inflation).