



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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COMMISSION WILL NOT ENFORCE RESTRICTIONS ON LOTTERY ADVERTISEMENTS WITH RESPECT TO STATIONS LICENSED IN NEW JERSEY

The Commission has received numerous inquiries concerning the December 16, 1997, decision of the United States District Court for the District of New Jersey in Players International, Inc., et al. v. United States and FCC, Civil Action No. 96-4911. In the interest of clarifying the FCC's enforcement position in light of this ruling, the Office of General Counsel and the Mass Media Bureau are issuing this Public Notice.

In the Players decision, the court declared that the restrictions on the broadcast of lottery information contained in Title 18 United States Code, Section 1304, and Section 73.1211 of the Commission's Rules, "unconstitutionally infringe upon plaintiffs' First Amendment rights." The district court has not issued an injunction against the enforcement of the restrictions.

After consultation with the Department of Justice, the Commission has decided, consistent with its response to a similar case in the Ninth Circuit, Valley Broadcasting v. United States, 107 F.3d 1328 (9th Cir. 1997), that it will not enforce the ban on the broadcast of lottery information against stations licensed to communities in New Jersey. This policy of non-enforcement applies to any such broadcasts which air from December 16, 1997, the date of the district court's decision, unless and until such time as that decision is overturned or otherwise altered or stayed.

We caution broadcasters that they should ensure that the broadcast of information regarding lotteries is not prohibited or otherwise restricted by New Jersey state law.

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For further information, contact Catherine Withers, Mass Media Bureau, (202) 418-1430.