

Digital Display Content Standards

MASSACHUSETTS CONVENTION CENTER AUTHORITY



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Purpose

Through these Digital Display Content Standards (these “Standards”) the Massachusetts Convention Center Authority (“MCCA”) intends to establish uniform, viewpoint-neutral standards for the display of advertising, public service announcements, and other promotional or informational content (collectively, “Content”) on electronic digital displays located on MCCA property. In setting these Standards, the MCCA seeks to fulfill the following goals and objectives:

- Creating unique opportunities for parties who host conventions, exhibitions, and other events at MCCA properties, with the goal of differentiating the MCCA as the premier convention center authority in the nation, and increasing tourism in the Commonwealth;
- generating revenue through the display of Content;
- maintaining the safe and orderly operation of all MCCA properties;
- maintaining a safe and welcoming environment for all MCCA visitors and passers-by, including minors who might view the Content; and
- avoiding the false identification of the MCCA or the Commonwealth of Massachusetts with Content or the viewpoints of such Content’s authors.

The MCCA reserves the right, from time to time, to suspend, modify, or revoke the application of any or all of these Standards as it deems necessary to comply with law, to accommodate its primary convention function, and to fulfill the goals and objectives referred to herein. All of the provisions of these Standards shall be deemed severable, such that if any aspect of the Standards is unenforceable for any reason, the remaining aspects of the Standards shall remain in full force and effect.



REVENUE-GENERATING CONTENT: PROGRAM AND ADMINISTRATION

- a) The MCCA has contracted with a third party (the “Advertising Contractor”) to administer the MCCA’s program for the solicitation and placement of Content intended to generate revenue for the MCCA (“Revenue-Generating Content”) from events, advertisers, sponsors and other sources (the “Revenue-Generating Program”) in a manner consistent with these Standards and the terms of its agreement with the MCCA. The Revenue-Generating Program shall include, but not be limited to, promotion, solicitation, sales, accounting, billing, collections, and posting of Revenue-Generating Content on the MCCA’s digital assets (including, but not limited to, the digital marquee, video wall and plasma network).
- b) The MCCA shall designate an employee (typically, the Director of Marketing) as its “Contract Administrator” to be the primary contact for the Advertising Contractor. Questions regarding the terms, provisions, and requirements of these Standards as they relate to the Revenue-Generating Program shall be addressed to the Contract Administrator.

MCCA OPERATIONS AND PROMOTIONS

- a) The MCCA has the right to display on its property 1) Content that pertains to MCCA operations and promotions and 2) other Content determined by the MCCA to be appropriate for display on the digital assets including, but not limited to, Public Service Announcements and digital art, consistent with these Standards and the provisions of its agreement with the Advertising Contractor.
- b) The Executive Director of the MCCA shall designate a “Director of Digital Media.” Questions regarding the terms, provisions and requirements of these Standards, except as they relate to Revenue-Generating Programs, should be addressed to the Director of Digital Media.

DISCLAIMER

The MCCA reserves the right, in all circumstances, to require that Content on its digital assets or in its facility include a disclaimer indicating that it is not sponsored by, and does not necessarily reflect the views of, the MCCA.

Content Standards

- a) The MCCA intends that its properties constitute nonpublic forums that are subject to the viewpoint-neutral restrictions set forth below. Certain forms of paid and unpaid Content will not be permitted for placement or display on MCCA digital assets or in its facility.
- b) The MCCA shall not display or maintain any Content that falls within one or more of the following categories:
 - i. Demeaning or disparaging: The Content contains material that demeans or disparages an individual or group of individuals. For purposes of determining whether Content contains such material, the MCCA will determine whether a reasonably prudent person, knowledgeable of the MCCA's clients and visitors, and using prevailing community standards, would believe that the Content contains material that ridicules or mocks, is abusive or hostile to, or debases the dignity or stature of, an individual or group of individuals.
 - ii. Tobacco: The Content promotes the sale or use of tobacco or tobacco-related products, including depicting such products.
 - iii. Alcoholic Beverages: The Content promotes the sale, purchase or consumption of alcoholic beverages, including but not limited to wine, beer and distilled spirits. Notwithstanding the foregoing, Content may depict or refer to alcoholic beverages (either by brand name or category) or their consumption if such alcoholic beverages are the subject matter of an authorized event being held at an MCCA property.
 - iv. Profanity: The Content contains profane language.
 - v. Firearms: The Content either (a) contains an image of a firearm in the foreground of the main visual, or (b) contains image(s) of firearm(s) that occupy 15% or more of the overall Content.
 - vi. Violence: The Content contains an image or description of graphic violence, including, but not limited to (1) the depiction of human or animal bodies or body parts, or fetuses, in states of mutilation, dismemberment, decomposition, or disfigurement, and (2) the depiction of weapons or other implements or devices used in the Content in an act or acts of violence or harm on a person or animal.

- vii. Unlawful goods or services: The Content, or any material contained in it, promotes or encourages, or appears to promote or encourage, the use or possession of unlawful or illegal goods or services.
- viii. Unlawful conduct: The Content, or any material contained in it, promotes or encourages, or appears to promote or encourage, unlawful or illegal behavior or activities.
- ix. Obscenity or nudity: The Content contains obscene material or images of nudity. For purposes of these Standards, the terms “obscene” and “nudity” shall have the meanings contained in Massachusetts General Laws ch. 272, §31.
- x. Prurient sexual suggestiveness: The Content contains material that describes, depicts, or represents sexual activities or aspects of the human anatomy in a way that the average adult, applying contemporary community standards, would find appeals to the prurient interest of minors or adults in sex. For purposes of these Standards, the term “minor” shall have the meaning contained in Massachusetts General Laws ch. 272, §31.
- xi. Political speech: The Content contains Political

Speech. For purposes of these Standards, the term “Political Speech” means speech that (1) refers to a specific ballot question, initiative petition, or referendum, or (2) advocates, expressly or implicitly, for a change in or retention of the laws of the Commonwealth or any town or municipality thereof, or of the United States or any of its states, territories, or possessions or any town or municipality thereof, or (3) depicts or refers to any elected official or candidate for public office. Notwithstanding the foregoing, Content may depict or refer to an elected official or candidate for public office if such official or candidate is speaking at, attending or otherwise involved in an event being held at an MCCA property.

- xii. Religious Speech. The Content promotes or opposes a religion or denomination, religious organization, religious tenet or belief, creed, or other belief system.
- xiii. Endorsement: The Content, or any material contained in it, implies or declares an endorsement by the MCCA or the Commonwealth of any service, product or point of view, without prior written authorization of the MCCA (through its Executive Director).
- xiv. False, misleading, or deceptive commercial speech: The Content advertises or promotes a commercial

transaction or otherwise relates to goods or services, and the Content, or any material contained in it, is false, misleading, or deceptive.

- xv. Libelous speech, copyright infringement, etc.: The Content, or any material contained in it, is libelous or commercially disparaging or an infringement of copyright or an infringement of trademark, or is otherwise unlawful or illegal or likely to subject the MCCA to litigation.

- xvi. “Adult”-oriented goods or services: The Content promotes or encourages, or appears to promote or encourage, a transaction related to, or uses brand names, trademarks, slogans or other materials which are identifiable with, films rated “X” or “NC-17,” video games rated M or AO, adult book stores, adult video stores, nude dance clubs and other adult entertainment establishments, adult telephone services, adult Internet sites, and escort services.

¹ Mass. Gen. Laws ch. 272, §31, defines “obscene” as follows: “matter is obscene if taken as a whole it (1) appeals to the prurient interest of the average person applying the contemporary standards of the county where the offense was committed; (2) depicts or describes sexual conduct in a patently offensive way; and (3) lacks serious literary, artistic, political, or scientific value” Mass. Gen. Laws. ch. 272, §31, defines “nudity” as follows: “uncovered or less than opaquely covered human genitals, pubic areas, the human female breast below a point immediately above the top of the areola, or the covered male genitals in a discernibly turgid state. For purposes of this definition, a female breast is considered uncovered if the nipple or areola only are covered.” ² Mass. Gen. Laws ch. 272, §3 1, defines “minor” as “a person under eighteen years of age.”

PUBLIC SERVICE ANNOUNCEMENTS

The MCCA may, from time to time, make unsold advertising space available free of charge to non-profit corporations that are exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, or to federal, state or local government agencies or subdivisions thereof, for the display of public service announcements and the publicizing of events open to the general public (collectively, “Public Service Announcements”). A Public Service Announcement shall comply with these Standards. Furthermore, the MCCA shall not display or maintain a Public Service Announcement that publicizes an event if that event’s primary purpose is to promote subject matter falling into one or more of the categories of Content prohibited by these Standards. A Public Service Announcement may be required to bear the following legend if the sponsor is not readily or easily identifiable from the proposed Content: “This message is sponsored by ____”.

REVIEW OF CONTENT

- i. **Initial Review of Revenue-Generating Content:** The Advertising Contractor shall review each item of Revenue-Generating Content submitted for display on MCCA property to determine whether the Content falls within, or may fall within, one or more of the prohibited categories set forth in the Standards above. If the Advertising Contractor determines that the

Content may fall within one or more of the prohibited categories, the Advertising Contractor shall promptly send the Content, the name of the advertiser, the size and number of the Content placements, and the dates and locations of display to the Contract Administrator for review. The Contract Administrator may request at any time that the Advertising Contractor transmit such information with respect to any Content. The Contract Administrator shall review the Content and supporting information to determine whether the Content falls within one or more of the prohibited categories. The Contract Administrator may consider any materials submitted by the advertiser, and may consult with the Advertising Contractor. If the Contract Administrator determines that the Content does not fall within any of the prohibited categories, the Contract Administrator shall advise the Advertising Contractor that the Content may be displayed.

- ii. **Initial Review of Other Content:** For all Content other than Revenue-Generating Content, including, but not limited to, Public Service Announcements and digital art, the MCCA’s Director of Digital Media shall review the Content and supporting information to determine if the Content falls into one or more of the prohibited categories. If the Director of Digital Media determines that the Content does not fall into any of

the prohibited categories, then the Content may be displayed.

iii. **Review by MCCA General Counsel:** If the Contract Administrator or the Director of Digital Media, as the case may be, determines that the Content falls within one or more of the prohibited categories, then the Contract Administrator or the Director of Digital Media shall specify, in writing, in which of the prohibited categories the Content falls, and shall refer the Content and supporting information to the MCCA General Counsel. The MCCA General Counsel shall review the Content and supporting information to determine whether the Content falls within one or more of the prohibited categories. The MCCA General Counsel may consider any materials submitted by the advertiser or other Content source, and may consult with the Contract Administrator or the Director of Digital Media. If the MCCA General Counsel determines that the Content does not fall within any of the prohibited categories, the Contract Administrator or the Director of Digital Media shall advise the advertiser or other Content source that the Content may be displayed.

iv. **Final Review by MCCA:** If the MCCA General Counsel determines that the Content falls within one or more of the prohibited categories, then the MCCA

General Counsel shall specify, in writing, in which of the prohibited categories the Content falls, and shall refer the Content and supporting information to the Executive Director. Likewise, the Executive Director shall review the Content and supporting information to determine whether the Content falls within one or more of the prohibited categories. The Executive Director may consider any materials submitted by the advertiser or other Content source and may consult with the Contract Administrator, the Director of Digital Media and the General Counsel. If the Executive Director determines that the Content does not fall within any of the prohibited categories, the appropriate parties shall be informed that the Content may be displayed. In the event that the Executive Director determines that the Content falls within one or more of the prohibited categories, then the Executive Director shall specify, in writing, in which of the prohibited categories the Content falls, and the appropriate parties shall be informed that the MCCA has determined that the Content is not in conformity with the Standards and may not be displayed.

v. **Opportunity for Revision by Advertiser:** If the MCCA determines that the Content falls within one or more of the prohibited categories set forth in the Standards

above, the advertiser or other Content source, as the case may be, may propose revisions to the Content to bring the Content into conformity with the Standards, and shall have the option to submit revised Content for review by the MCCA.

vi. **Formal Determination by MCCA:** In the event that the MCCA and the advertiser or other Content source do not reach agreement with regard to a revision of the Content, the advertiser or other Content source may request that the MCCA issue a final written notice of its decision, to be transmitted to the advertiser or other Content source. The MCCA's formal determination shall be final.

vii. **Removal of Non-Complying Content:**

Notwithstanding the foregoing, if the Contract Administrator or the Director of Digital Media, with the concurrence of the General Counsel and the Executive Director, determines at any time that any Content already accepted for display falls within one or more of the prohibited categories set forth in the Standards above, they shall (1) in writing, specify in which of the prohibited categories the Content falls, (2) notify the advertiser or other Content source that the MCCA has determined that the Content is not in conformity with its Standards and the Content shall

be promptly removed. If not previously furnished, the advertiser or other Content source will be provided with a copy of these Standards. The advertiser or other Content source may request to discuss with the Contract Administrator or the Director of Digital Media, any revisions to the Content, which would bring the Content into conformity with these Standards. The advertiser or other Content source shall then have the option of submitting revised Content for review by the MCCA. In the event that the MCCA and the advertiser or other Content source do not reach agreement with regard to a revision of the Content, the advertiser or other Content source may request that the MCCA memorialize its formal determination in the form of a final written notice of its decision, which shall be transmitted to the advertiser. The MCCA's formal determination shall be final.