PUBLIC NOTICE

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FCC ENFORCEMENT ADVISORY

CELL JAMMERS, GPS JAMMERS, and OTHER JAMMING DEVICES

Retailers Advised that the Marketing or Sale of Devices Designed to Block, Jam, or Interfere with Authorized Radio Communications Is Strictly Prohibited in the U.S.

Enforcement Bureau Takes Action Against the Retail Sale of Jammers

In order to prevent harmful interference to critical public safety communications and authorized radio services, federal law prohibits the marketing and sale of "jammers," *i.e.*, equipment designed to intentionally block, jam, or interfere with licensed or authorized radio communications. This longstanding prohibition applies to any type of jamming equipment, including devices that interfere with cellular and Personal Communications Services (PCS), police radar, Global Positioning Systems (GPS), and wireless networking services (Wi-Fi).[1]

Jammers not only disrupt authorized radio services, but also jeopardize critical public safety communications, such as 9-1-1 calls, and could compromise law enforcement efforts. Ensuring the public's access to these vital services is critically important, and the Enforcement Bureau is committed to strict enforcement in this area. Recently, for example, the Bureau: issued seven citations requiring well-known online retailers of cell phone jammers to come into immediate compliance;[2] launched a proceeding to revoke the equipment authorization for a device that is being marketed in the United States as a text stopper;[3] and initiated a $25,000 forfeiture proceeding against Phonejammer.com for marketing cell phone jammers in the United States.[4] A complete list of jammer enforcement actions is available at www.fcc.gov/eb/jammerenforcement.

What is Prohibited? Federal law prohibits the manufacture, marketing, and operation of jammers in the United States.[5] As to operation, section 333 of the Communications Act prohibits "willful or malicious" interference to

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[1] *See Sale or Use of Transmitters Designed to Prevent, Jam or Interfere with Cell Phone Communications is Prohibited in the United States*, Public Notice, DA 05-1776 (2005); *Office Of Engineering and Technology and Compliance and Information Bureau Warn Against the Manufacture, Importation, Marketing or Operation of Transmitters Designed to Prevent or Otherwise Interfere with Cellular Radio Communications*, Public Notice, DA 99-2150 (1999).

[2] *See DealExtreme*, Citation, DA 11-248 (2011); *Share Enterprises Unlimited, Inc.*, Citation, DA 11-247 (2011); *Comtrex Communications, Ltd.*, Citation, DA 11-135 (2011); *DeadlyDeal.com*, Citation, DA 11-125 (2011); *New Century Technology Limited,* Citation, DA 11-98 (2011); *Everybuying.com*, Citation, DA 10-2295 (2010); *Jammer World/TheJammerStore.com*, Citation, DA 10-2240 (2010) (all noting that future violations could lead to forfeitures).

[3] *See Shenzhen Tangreat Technology Co., Ltd.,* Order to Show Cause and Notice of Opportunity for Hearing, DA 11-246, (2011) (proposing both revocation and forfeiture liability and directing Shenzhen to respond within 30 days).

[4] *See Phonejammer.com*, Notice of Apparent Liability for Forfeiture, DA 10-669 (2010).

[5] *See* 47 U.S.C. §§ 301, 302a(b). Two statutory exceptions include manufacture solely for export and use by the U.S. Government. *See* 47 U.S.C. § 302a(c); 47 C.F.R. § 2.807(a)-(d). Marketing is defined as the "sale or lease, or offering for sale

authorized radio communications, and thus prohibits the operation of jammers.[6] As to manufacture and marketing, section 302(b) of the Communications Act and section 2.803 of the Commission's rules prohibit the manufacture, import, sale, offer for sale, or shipment of devices that do not comply with the FCC's rules.[7] In turn, the FCC prohibits the marketing of radio frequency devices in the United States unless the devices are *properly authorized* or meet other applicable requirements.[8] Jammers, by definition, can never be authorized because they are designed to interfere with authorized radio communications. Therefore, they cannot be marketed in the United States (except in the very limited context of authorized use by the U.S. government).[9]

What Should Manufacturers and Retailers Do to Comply? Manufacturers and retailers of electronic equipment should take the following steps:

1. Immediately stop marketing within the United States any equipment that is designed to block, jam, or otherwise interfere with authorized radio communications.
2. Decline to sell or ship such jamming devices to addresses in the United States and its territories (except in the case of permitted sales to the U.S. government).
3. Ensure that any jamming devices manufactured in the United States are available solely for export and are not for sale domestically except to the U.S. government. We note that U.S. manufacturers should be aware that jammers may be unlawful in other countries.

We emphasize that it is insufficient and misleading for manufacturers and retailers to include a disclaimer on their websites or in promotional or advertising materials stating or implying that U.S. consumers bear *sole* responsibility for complying with the applicable legal obligations. Such disclaimers are misleading because they fail to disclose that the manufacturer or retailer is also violating the law both by offering the device for sale to U.S. customers and completing the sale transaction. Use of disclaimers that purport to place the sole burden on the buyer cannot absolve the manufacturer or retailer of liability.

What Are the Penalties that Apply? Unlawfully marketing jammers in the United States may result in monetary forfeitures of up to $16,000 for *each* violation or *each day* of a continuing violation, and up to $112,500 for a *single* violation, seizure of the unlawful equipment, and criminal sanctions including imprisonment.[10] The Enforcement Bureau remains committed to strict enforcement in this area.

Need more information? To file a complaint, visit www.fcc.gov/complaints or call 1-888-CALL-FCC. For additional information regarding compliance with and enforcement of the Commission's equipment marketing rules as they apply to jamming devices, please visit www.fcc.gov/eb/jammerenforcement or contact Kevin Pittman or Neal McNeil of the Enforcement Bureau at (202) 418-1160 or jammerinfo@fcc.gov. Media inquiries should be directed to David Fiske at (202) 418-0513 or David.Fiske@fcc.gov.

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 jamming prohibitions.

Issued by: Chief, Enforcement Bureau

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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 C.F.R. § 2.803(e)(4).

[6] *See* 47 U.S.C. § 333. *See also* 47 U.S.C. §§ 301, 302a(b). *See also CONSUMERS BEWARE: It is Unlawful to Use "Cell Jammers" and Other Equipment that Blocks, Jams, or Interferes with Authorized Radio Communications in the U.S.*, FCC Enforcement Advisory, DA 11-250 (2011).

[7] *See* 47 U.S.C. § 302a(b); 47 C.F.R. § 2.803.

[8] *See, e.g.,* 47 C.F.R. § 2.803(c)-(d).

[9] *See* 47 U.S.C. § 302a(c); 47 C.F.R. § 2.807(d).

[10] *See* 47 U.S.C. §§ 401, 501, 503, 510; 47 C.F.R. § 1.80(b)(3).