

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

CASE NO. 09-80396-CIV-MARRA

VISION MEDIA TV GROUP, LLC,)
a Florida Limited Liability Company, *et al.*,)
)
Plaintiffs,)
)
v.)
)
JULIA FORTE, *et al.*,)
)
Defendants.)

AFFIDAVIT OF JEFFREY R. CRONIN

1. My name is Jeffrey R. Cronin. Since February, 2002, I have served as Director of Communications for the Center for Science in the Public Interest ("CSPI"), the nation's leading consumer advocacy organization focusing on nutrition and health. Before joining CSPI as its director of communications, I was the Press Secretary for Common Cause, the nonpartisan, campaign-finance and ethics watchdog organization, from June 1998 to February 2002, and Assistant Director of Membership and Communications for Common Cause from February 1995 to June 1998. My testimony in this matter is neither given as part of my duties at CSPI nor the testimony of CSPI. I have performed the work necessary to provide this declaration without charge.

2. Part of my job includes securing media exposure for CSPI's work, and I routinely field or screen calls from television reporters seeking to interview my colleagues, and from other sources seeking to provide their communications-related services to CSPI. As explained in this affidavit, over the past several years, CSPI has been the target of telephone solicitations to

participate in programs, supposedly prepared for "public television," all of which appear to have come from a series of seemingly different entities that appear, for reasons that I explain in this affidavit, to be the same source. The name Vision Media TV, the company plaintiff in this case, was just one of the names used during this series of solicitations.

A. WJMK

3. On November 5, 2002, a CSPI staff member handed me a message slip from someone who had identified himself as "Dave Ginsberg." According to the message, Mr. Ginsberg has identified himself as a producer of "American Medical Review," on public television, indicating the show "may want to feature CSPI." I called Ginsberg back and he said that the host of the program was Morley Safer, and that the program had an audience of 120 million people. CSPI had been "selected" to appear on this program, he said, but we would need to pay an underwriting fee of about \$15,000.

4. Based on my experience dealing with the broadcast media, I was immediately skeptical because the audience figures seemed fanciful, and because on the face of it, it sounded as if the program would violate public broadcasting's non-commercial standards. Ginsburg described the program as "interstitial programming" that airs in the few moments between shows; I remember telling him that I had never seen American Medical Review on any local PBS affiliates and he became defensive. He told me that American Medical Review reached 610,000 households in the Washington, DC area; he said the show was produced by WJMK, which he described as a "legitimate journalistic outlet," and he repeatedly mentioned Morley Safer and PBS.

5. CSPI had had no previous involvement with either American Medical Review or with

WJMK. So far as I can tell, Ginsberg called us out of the blue, making a “cold call” as if a telemarketer. I told him that we would not participate.

6. Around November 13 of that year I became aware that someone identifying himself as “David Holden” from WJMK made an almost identical pitch to colleagues of mine handling media relations for the Keep Antibiotics Working coalition to which CSPI belonged. I told my colleague of my decision with respect to CSPI’s involvement with WJMK and recommended that he not proceed with WJMK either.

7. I began doing research about WJMK. I was concerned that non-profit groups whose leaders did not have sophisticated communications personnel might well be deceived by the kind of sales pitch that was made to me. I shared information about WJMK with a reporter for the *New York Times*, who subsequently wrote about it, after separately learning that Walter Cronkite had agreed to serve as a host of the program. A copy of the *New York Times* article is attached as Exhibit A. Subsequent *New York Times* articles reported that Walter Cronkite, and another journalist, former CNN anchor Aaron Brown, severed ties to the company. Those articles are attached as Exhibit B. A copy of an article in *Current* about litigation related to this controversy is attached as Exhibit C.

8. So far as I am aware, WJMK stopped functioning as a television production operation using that name after this wave of bad publicity. Nevertheless, over the course of the next several years I and my colleagues received multiple invitations to appear on various programs representing themselves as connected to public television or other mainstream outlets. All of these, like WJMK, seemed to originate from Boca Raton, Florida, and many of the pitches were parallel down to the tiniest detail. Because of the seeming pattern in the calls, I have kept a file

with message slips, notes, and other materials pertaining to these solicitations.

B. United Media

9. One such call was in July 18, 2003, when someone identifying himself as “Coleman Chandler” called, identifying himself as a producer for a show called “Health Watch” that supposedly aired on Discovery. The message that he left for me claimed he wanted to do a piece on CSPI. Before I returned the call I called Discovery and did other research and could find no evidence of such a show. He said the company behind the show was “United Media,” and gave a phone number in Boca Raton, 561-347-0607. After I Googled that number, it was apparent that the company was actually headquartered at the same address as WJMK, 370 W. Camino Gardens Blvd. in Boca Raton. When I called back Mr. Chandler he said that the show had an editorial relationship with the New England Journal of Medicine. Based on my experience, such a relationship also seemed to me unlikely.

10. Doing further research about United Media, I read on the Internet that one “Alex Berry” was an associate producer for that company. Alex Berry was also a producer for WJMK. (I note that one of the plaintiffs listed in this case, identified as an employee of Vision Media, is Alex Berry.)

11. I recall that I received other such calls between 2003 and 2007. However, I have no documentary records of those calls.

C. Vision Media

12. Late in the year 2007 or early in 2008, CSPI received similar pitches. One such pitch was from someone who identified himself as “Adam Romadi” (phonetic spelling). Mr. Romadi invited CSPI to appear on “National Culinary Report” with Hugh Downs. He described the

show as part of the National Report Series on “public television,” claiming that it was “non-commercial,” and that it was “short form programming distributed to all 349 public broadcasting stations.” I questioned the legitimacy of the show, and whether it aired at all, and he ended the call.

13. Shortly after the call from Mr. Romadi, in February of 2008, someone who identified herself as Jennifer August, a producer from the “National Medical Report,” contacted one of my colleagues at CSPI. She sent a packet of information that included a letter on Vision Media Television letterhead (with a Boca Raton address) and a CD-ROM and brochure. I compared the “National Medical Report” sales brochure sent by this producer to the “American Medical Review” sales brochure I had acquired several years earlier. Though the host was different (Hugh Downs instead of Morley Safer), the documents were nearly identical, with similar typography, similar descriptions of the purported relationship with “public broadcasting,” and similar production timelines, questionnaires, and audience estimates. Researching further, I had found that at least two fax numbers were common to both Vision Media and WJMK — 561-367-0708, which appeared as the contact number for the registration for WJMK’s domain name (wjmktv.com, which has since been abandoned) and on a Vision Media questionnaire, and 561-367-7601 (which appeared on materials for both the American Medical Review and for Vision Media). I further discovered they had at least one shared staff member, Alex Berry, with WJMK and United Media. I inferred that the same people behind the discredited WJMK were, in all likelihood, behind Vision Media.

14. When I eventually spoke with Ms. August, the producer of “National Medical Report,” I questioned her about the similarities to WJMK and she said she was new and didn’t

know what I was referring to. I challenged her to name one program director or any other professional reference at any PBS station that I could call to verify that the series actually airs, and she could not. I told her that CSPI would not be participating.

15. I Googled the address on Vision Media's letterhead and discovered that 1515 North Federal Highway, Suite 300 in Boca Raton is the address for numerous unrelated businesses and is also advertised as a "virtual office," offering mail forwarding and other services. That indicated to me that the operations of the company were likely conducted at another location.

16. I am aware that Vision Media received unfavorable press coverage in 2008, including articles in the *New York Times*, and on the "Consumerist" blog that have previously been filed as exhibits in this case, taking Vision Media to task for its misleading telemarketing and noting that PBS has placed a disclaimer on its web site, explaining that Vision Media and certain other companies have no relationship with public television. I am also aware of earlier press coverage in the South Florida Business Journal indicating a number of links between WJMK, United Media, and other controversial video production companies. According to those articles those links contained several shared personnel and the same address, 370 W. Camino Gardens Blvd. in Boca Raton. Those articles are attached as Exhibit D.

4. Great America HD

17. On February 5, 2010, I received an email message from CSPI's executive director, Mike Jacobson, forwarding a message from his assistant. That email indicated that a TV producer identifying himself as "John Emmanuel" had called asking to talk about CSPI appearing on "Great America HD," a "short form documentary" hosted by Hugh Downs. This call similarly came from the 561 area code. Not having had any experience with such calls, the

assistant made clear that he thought this presented a great opportunity for CSPI to get television coverage.

18. I viewed a video clip of Hugh Downs on the web link contained in the email, <http://www.greatamericahd.com>, and discovered that the clip was similar if not identical to the clip of Hugh Downs on the National Medical Report CD-ROM. The set was identical, with a red leather chair next to an end table topped with the same stack of books and the same hourglass. Mr. Downs is dressed in the same clothing, indicating to me that he might have taped this segment on the same day as he taped the Vision Media segment.

19. Moreover, Mark Miller, who was quoted by *New York Times* reporter Stephanie Strom as an executive producer for Vision Media, appears as a press contact for Great America HD at <http://www.24-7pressrelease.com/press-release/great-america-with-hugh-downs-to-produce-a-series-on-agriculture-and-the-need-for-a-healthy-planet-134957.php>. That document is attached as Exhibit E.

20. I read in the Frequently Asked Questions on the Great America HD web site the acknowledgment that they have no affiliation with PBS, but that "there is a typical misunderstanding that PBS and Public Television are one and the same." <http://www.greatamericahd.com/faq.htm>. A copy of this web page is attached as Exhibit F. This struck me as an admission that the incessant references by Great America HD's predecessor companies to a relationship with "public television" were deliberately misleading.

21. For these reasons, it is my opinion that "Great America HD" is a reconstituted version of Vision Media's "National Report Series," which in turn was likely a reconstituted version of WJMK's "National Review Series." It is my opinion that the names of the companies

have been changed in an attempt to outrun bad publicity that this venture received, notably in the *New York Times* and *Current* in 2003 and in the *New York Times*, *Consumerist*, and elsewhere in 2008.

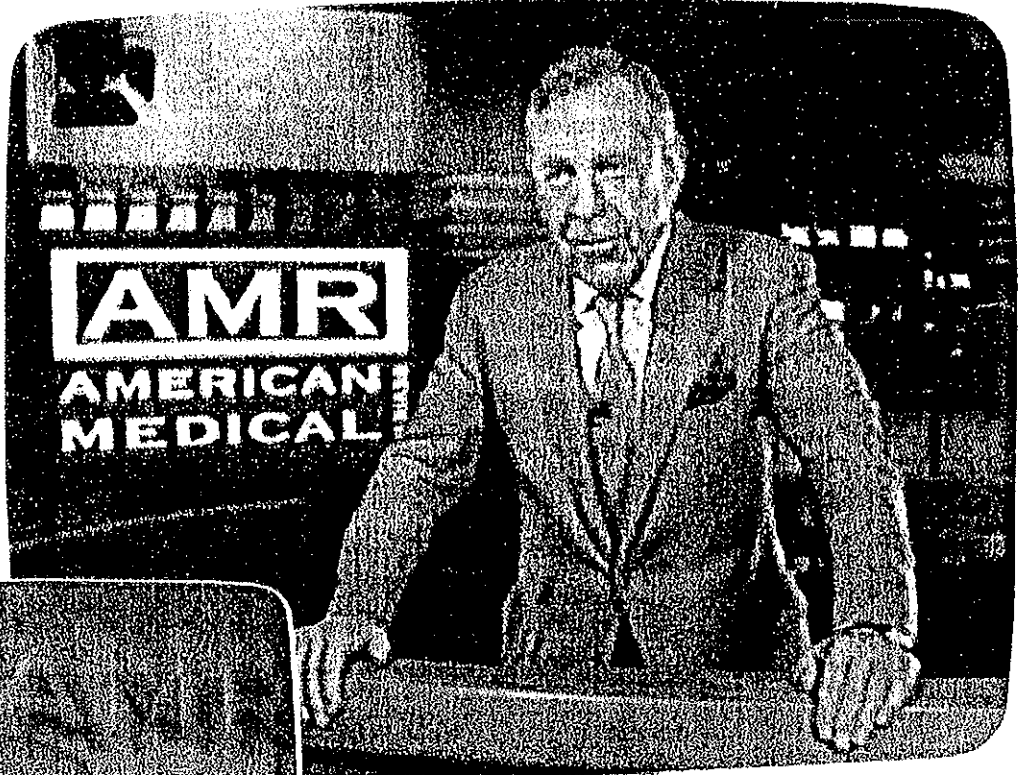
Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that the foregoing is true and correct. Executed on February 17, 2010.

A handwritten signature in black ink, appearing to read "Jeffrey Cronin". The signature is written in a cursive, slightly slanted style.

Jeffrey R. Cronin

A Respected Face, but Is It News or an Ad?

MORLEY SAFER, right, has appeared in hundreds of promotion videos but has concluded, according to a "60 Minutes" spokesman, that the work does not meet the standards of CBS News.



WALTER CRONKITE, below, the former CBS News anchor, said through his lawyer that he agreed to do the videos after being told that they would be educational and would not promote products.



AARON BROWN, left, the CNN anchor, has not yet appeared in a video paid for by health care companies. The network said it was reviewing its decision to allow him to participate.



Richard Perry/The New York Times

By MELODY PETERSEN

Aaron Brown of CNN, Walter Cronkite and other broadcast journalists have been hired to appear in videos resembling newscasts that are actually paid for by drug makers and other health care companies, blurring the line between journalism and advertising.

Mr. Brown and Mr. Cronkite, the former CBS News anchor, are the new hosts of video "news breaks" produced by a Boca Raton, Fla., company called WJMK Inc. that are shown on local public television stations between regular programs. They are replacing Morley Safer of CBS, who has appeared in hundreds of the videos but has concluded, according to a "60 Minutes" spokesman, that the work does not meet the standards of CBS News.

Based on information that it received yesterday, CNN said it was reviewing its decision to allow the participation of Mr. Brown, who has not yet appeared in a video.

The hosts of the videos, standing on an elaborate news-style set, provide a general introduction to segments that profile health care companies or their products. According to WJMK documents, the companies pay WJMK about \$15,000 in connection with the

the videos, which are two to five minutes long.

Similarly, a drug marketing company called Healthology hires journalists from local television and radio stations to appear in video Webcasts.

The Healthology programs are available through the Web sites of many large newspapers, including The Los Angeles Times, The Philadelphia Inquirer and The Miami Herald. Drug makers pay for the Webcasts, which feature the journalists interviewing doctors and patients about their products.

For years, local news stations, as part of their newscasts, have broadcast videos created by drug companies' public relations agencies — a practice that critics equate to publishing unedited press releases. Now, production companies are expanding that marketing tactic to public television and the Web and using celebrity journalists to add to the videos' credibility.

Government officials said that the new programming might

A Respected Journalist on Camera, but Appearing on an Advertisement or the News?

Continued From First Business Page

work for WJMK after being told that the videos would be educational and would not promote products. He said that Mr. Cronkite would resign if he found that was not the case.

In one WJMK video where Mr. Safer appeared as host, executives of Innapharma, a small pharmaceutical company, promoted the company's experimental antidepressant, nefamifide. "Patients rapidly get well and they stay well for months or years," Dr. John P. Feighner, the company's president, says in the video. "I've never seen anything that compares."

Last month, Innapharma filed for bankruptcy protection after the Food and Drug Administration ordered it to stop human trials of the drug because a study showed it was toxic to beagles.

Dr. Feighner said that he thought video to be appropriate because the medicine was still years from approval when the video was produced three years ago.

The Innapharma video was part of a series called the American Medical Review, which is produced by WJMK. WJMK hired John Stossel of "60/20" on ABC in 1998 to serve as the host of the series. Mr. Stossel asked WJMK to release him from his contract in August 1998.

"Neither John nor ABC News were to beagles. Dr. Feighner said this week that the company still hoped to sell nefamifide and was planning studies to try to show that the toxicity is limited to dogs.

Dr. Feighner said that he thought video to be appropriate because the medicine was still years from approval when the video was produced three years ago.

Off-duty journalists working on videos linked to health companies.

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comfortable with the ultimate arrangement," said Jeffrey W. Schneider, vice president of ABC News. The network has asked WJMK to remove Mr. Stossel's photo from its Web site.

Mark Kielar, the president of WJMK, said the videos were educational, not promotional. He said that the companies did not pay for the videos that are shown by local public television stations and that the companies had no control over content.

But a review of several written contracts between WJMK and the companies shows that they have paid \$14,900 to have their products or services featured in American Medical Review videos and have them provided for use on public television stations. According to WJMK documents, the production company's staff writes a script based on information from the health care companies, including a questionnaire where the companies are asked what is superior about their products. They are then allowed to edit the script and give their final approval, according to WJMK documents.

Mr. Kielar said the \$14,900 was charged solely for a related "corporate demo tape" that WJMK also created for the companies and that they could use on their Web sites and for other promotional purposes. He said he had created a second company so that one company produces the segments for public television and another company creates the promotional tape.

But groups and companies that WJMK asked to pay for the videos disagree with Mr. Kielar's description. "They were selling PBS and they were selling Morley Safer," said **Jeff Cunniff, spokesman for the Center for Science in the Public Interest.**

The group declined to participate. Mr. Cronin said after a WJMK salesman called late last year.

WJMK's clients, according to its Web site, include the big pharmaceutical companies AstraZeneca, Bayer, Bristol-Myers Squibb, Novartis and others. They also include small com-

panies like Sleep Angel, which sells a device to keep the mouth closed during sleep to stop snoring. The company has a link to the WJMK video on its Web site, saying that the device was "featured and seen around the world" on "Morley Safer's American Medical Review."

The American Medical Review videos are distributed to local public television stations, which can show them free. Mr. Kielar claims that 30 million households see each one.

But several stations said they had declined to air them because of their promotional nature. Steven Weisberg, program director at WLRN in Miami, said the station did not run the videos because the content was paid for by the companies that were profiled.

But Suzi Stone at KSMQ in Austin, Minn., said she broadcast most of the dozens of videos that WJMK produced every month. Ms. Stone said she did not know that companies paid fees to WJMK. "They offer them to us for free," she said. "So I don't go digging around for any other information."

The videos do not mention that the companies paid WJMK to produce them — which may violate federal communications law.

John Crigler, a lawyer in Washington, said that under federal law, both the video producer and the public television stations that broadcast the segments must make sure that any corporate sponsor is disclosed.

Healthology, which is based in Manhattan, uses the Web to distribute the videos that it creates for drug companies. To help make the videos look like news, it hires local television reporters, including some who cover health-related stories for their stations, like Dr. David Marks of WNBC in New York.

In a recent Healthology Webcast, Dr. Marks interviews a doctor about a medicine for multiple sclerosis called Avonex. When asked what drug a patient should take, the doctor tells viewers that Avonex has fewer

side effects than competing medicines and may be more effective.

The physician, Dr. James Miller, says that about a quarter of patients given a competing medicine develop antibodies that work against it. While Dr. Miller is careful to say that these antibodies "may" make these other medicines ineffective, a full-screen graphic appears while he speaks, stating that the antibodies "block" the other medicines' effectiveness.

Dr. Miller said that Healthology executives had asked him to talk about antibodies but had not told him specifically what to say.

Dr. Steven Haimowitz, the president of Healthology, said that drug companies did not write or edit the videos' script. The drug makers pay for the videos and suggest the topics, he said, but Healthology's medical experts take over from there.

"All the Webcasts are fair and balanced," he said. "They are editorial in nature."

Dr. Haimowitz, who worked as an executive at a Madison Avenue ad agency before creating Healthology, said that the drug makers also do not suggest which doctors should be hired to appear in the videos. He said that in some medical specialties, like multiple sclerosis, almost all doctors do some kind of consulting work for the pharmaceutical companies.

Healthology promotes itself as an effective marketer of prescription drugs directly to the consumer. As consumers watch the videos, they have several opportunities to press buttons and be transferred to Web sites maintained by the sponsoring drug company, where they may be asked to provide detailed personal information and whether they want to be sent further information about the drug company's product.

Some of the Healthology videos are about how a medicine can be used for a condition that has not yet been approved by the F.D.A. For example, Pharmacia paid for a video about how pain relievers known as cox-2 inhibitors, including its product, Celebrex, could be used to treat lung cancer.

Susan J. Yarin, a spokeswoman for Pfizer, which bought Pharmacia, said the company had no control over that video's content.

Dr. Marks, who appears frequently on WNBC, said that he did not know that Biogen had paid for the video. He said he had done his own research on the medicines and asked his own questions.

"I was never told what to say or what questions to ask," he said.

Packaging promotional material to look like news.

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The F.D.A. has warned Avonex's maker, Biogen, not to make such statements because they are not supported by scientific evidence.

Viewers are also told that the Avonex video was paid for by MS Active Source. They are not told that MS Active Source is a Web site created by Biogen to help market Avonex.

They are also not told that Dr. Miller has been paid by Biogen in the past for other work or that he was paid by Healthology for the Avonex video.

Mary A. Malarky, director of the case management division at the F.D.A.'s Center for Biologics Evaluation and Research, said that if drug companies pay for the videos, they could be considered to be advertising. "We would be interested in taking a look," she said.

Timothy D. Hunt, a spokesman for Biogen, said that Healthology had independent control of the video's content.

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Liz Fischer, a spokeswoman for WNBC, said the station questioned the way Healthology packaged its Webcasts but did not question their content.

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Susan J. Yarin, a spokeswoman for Pfizer, which bought Pharmacia, said the company had no control over that video's content.

He said he had initially agreed to participate, but changed his mind after calling many of the largest public television stations in the country and learning that they did not broadcast the programs.

"This was starting to stink like a big dead fish," Mr. Heine said.

Lea Sloan, a spokeswoman for PBS, said yesterday that PBS officials planned to contact WJMK to express concern that the company might be misrepresenting its involvement with public television.

She said that a number of local public stations had called PBS yesterday, saying they were concerned about WJMK's operations. "It seems to be at best only a small handful of stations that are airing these segments," Ms. Sloan said.

In an interview last month, Mr. Kielar said that 30 million households saw each of the American Medical Review segments.

Ms. Sloan said that PBS officials had sent WJMK a letter several years ago asking that it stop using the PBS logo in its promotional material. WJMK responded, she said, that it was only using the words "public television."

"This causes great confusion," Ms. Sloan said.

Also yesterday, WJMK dismantled its Web site, which had been promoting the various American Review series and their hosts, Mr. Safer, Mr. Cronkite and John Stossel of ABC News. Mr. Stossel ended his involvement with WJMK in 1999 after he and ABC became uncomfortable with the arrangement, according to ABC. But WJMK continued to use Mr. Stossel's name and photograph in its promotional materials.

It is not the first time that Mr. Brown has stepped into controversy this year. In February, some CNN staff members said they were surprised that Mr. Brown did not quickly report to work when the shuttle Columbia exploded, and instead continued playing in the Bob Hope Celebrity Golf Tournament.

May 9, 2003

Walter Cronkite Backs Away From Sponsored Video Deal

By MELODY PETERSON

Walter Cronkite, the former CBS News anchor, sent a letter yesterday ending his agreement with a Florida production company to serve as host for a series of corporate-sponsored videos, resembling news reports, that are broadcast on public television stations.

The production company, WJMK, had recently hired Mr. Cronkite and Aaron Brown of CNN to replace Morley Safer of "60 Minutes" as hosts of a series called American Medical Review. Mr. Brown backed out of his agreement with WJMK on Wednesday.

Mr. Safer also sent a letter to WJMK yesterday, demanding that it stop using videotape of him appearing on a news-style set as host of the series, his lawyer, Ronald Konecky, said. The tape was made several years ago, but it has been used in hundreds of the videos since.

Drug makers and other health care companies pay WJMK about \$15,000 to have their products featured in the American Medical Review videos, which public television stations can broadcast between regular programs. The broadcast journalists were hired to appear in a general introduction attached to each of the videos.

Marlene Adler, Mr. Cronkite's chief of staff, said he had agreed to become a host after being assured that the videos would be educational. She said he had now concluded that WJMK was using the videos, at least in part, for commercial promotion.

"Mr. Cronkite does not do product endorsements, and will not," she said.

Ms. Adler said that WJMK had taped Mr. Cronkite appearing on the series' set, but that none of the videos using that footage had been broadcast. "They have been asked not to use the tape," she said.

Mr. Konecky said that Mr. Safer had repeatedly complained to WJMK about its commercial practices. "He was assured the problems would be taken care of," Mr. Konecky said, "but that hasn't happened."

Mark Kielar, president of WJMK, did not return a message left with his assistant yesterday.

Mr. Kielar said last month that the videos were educational and not promotional and that the companies featured in the videos had no control over the content. He has said that companies did not pay for any video that was provided to public television stations.

But a review of written agreements between several companies and WJMK state that the companies were paying primarily for a video that would be distributed to public television stations. And several companies have said that WJMK had told them that the videos would deliver whatever promotional message they wanted.

November 11, 2003

Cronkite Responds to Video Lawsuit

By THE NEW YORK TIMES

In a legal filing, Walter Cronkite, the former CBS news anchor, said a Florida television production company misled him and tarnished his reputation when it persuaded him to appear in videos that promoted prescription drugs and other products.

The production company, WJMK, which is based in Boca Raton, Fla., filed suit against Mr. Cronkite in September after he tried to end a contract he had signed to appear as the host of a series of videos, including some called American Medical Review.

Mr. Cronkite responded to that lawsuit last week by denying the assertions made by the production company and filing a counterclaim seeking \$25 million in damages from WJMK.

In the legal brief, Mr. Cronkite's lawyers said WJMK had assured him that the videos would be educational and would not promote corporate products, claims that, they said, Mr. Cronkite subsequently learned were false.

Joe Curley, a lawyer who represents WJMK, said that Mr. Cronkite's charges had no merit and that Mr. Cronkite's lawyers were trying "to disparage the other side in the media."

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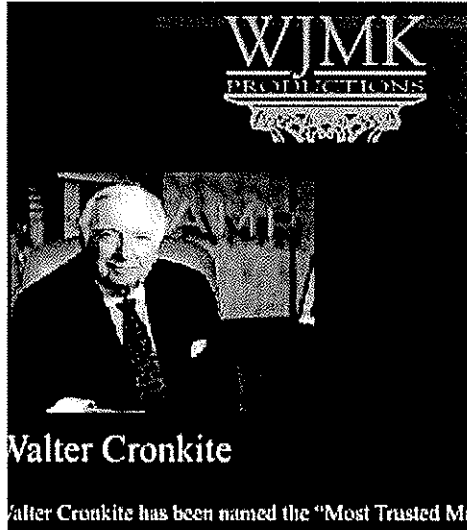
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TO OTHER SITES

Current: the newspaper about public TV and radio in the United States
Current LLC,
Takoma Park, Md.
301-270-7240
E-mail:

WJMK Inc.'s website describes its series host as "the most trusted man in America."



Cronkite fights 'masquerade' that trades on his reputation

Originally published in *Current*, Feb. 23, 2004
By Jon Kalish

In November 2002 Jeff Cronin got the first of several telephone solicitations from WJMK Inc., a television production company in Boca Raton, Fla. Boy, did they call the wrong guy.

The pitch to Cronin started a sequence of events that revealed the questionable practices behind a supposed public TV program in a *New York Times* expose, embarrassed some of the most revered names in TV news, and sparked a pair of multimillion-dollar lawsuits.

Cronin, director of communications for the Center for Science in the Public Interest in Washington, D.C., said the pitches had "the same the aggression as a boiler-room telemarketing fraud."

The first caller said he was a producer working on a PBS series with Morley Safer, the CBS correspondent. CSPI, the nonprofit where Cronin works, had been selected to be featured on *American Medical Review*, the caller told him, and Cronin could put the program on the air by paying an underwriting fee.

EARLIER ARTICLES

[Current reveals how the advertorial program *World Business Review* works, 1996.](#)

[Some stations may have violated FCC rules by accepting payments for running *World Business Review*, 2002.](#)

[Spotlight On, another fillers-for-hire series.](#)

[Producers of *The Visionaries* public TV series sought aid from nonprofits they were profiling, 2002.](#)

OUTSIDE LINKS

[WJMK's website.](#)

[Pubradio's *Democracy Now* takes a look at WJMK, May 2003.](#)

"I felt like I was on the receiving end of a scam," Cronin told *Current*. "I recognized it as totally bogus. . . . At one point, when I raised concerns about paying for the privilege [of being featured in a broadcast] and whether this would be appropriate for public TV, the producer said, 'I can assure you that Morley Safer wouldn't lend his name to anything that wasn't above board.'"

To Cronin, the pitch may have sounded like telemarketing, but WJMK tried to hide the sound of other producers calling prospects, a former employee told *Current*, by running a white-noise generator in the room.

Cronin started researching WJMK on the Web and soon concluded that the company presenting itself as a journalistic enterprise was really dishing out paid advertisements, including advertorials for pharmaceutical companies.

"One of our concerns," Cronin says, "is that — to the extent these things end up on the air — consumers would be clueless that the medical information they were being exposed to was being bought and paid for by a drug company with zero disclosure," Cronin says.

Cronin relayed his suspicions to *New York Times* reporter Melody Peterson, who wrote an expose of the company's practices published in May. Walter Cronkite, hired by WJMK a few months earlier to replace Safer as host of the short filler programs, denounced the company and severed ties with it.

WJMK sued Cronkite in September for quitting as host, and Cronkite countersued for \$25 million in November, charging the company used him "as a lure to solicit customers to fund advertorials and infomercials that masquerade as objective news stories." Cronkite asked the court to permanently enjoin WJMK from using his name or likeness "in any video or otherwise." [Disclosure: Walter Cronkite is a member of the board of Thirteen/WNET, New York, which administers *Current*.]

Judging from evidence turned up by Cronkite's lawyers, the business model of WJMK Inc. closely resembles that of another Boca Raton company. In 2002, *Current* and public radio's *On the Media* reported on Multi Media Productions USA Inc., producer of another advertorial module for public TV, *World Business Review*, hosted by another famous retiree, Alexander Haig.

The two production companies in Boca Raton didn't spring up independently. Thomas Clynes, head of Multi

Media, had known WJMK Chief Executive Mark Kielar in college and worked for him before starting his own company, according to a former employee who declined to be named. Bryant College in Smithfield, R.I., confirmed that both men graduated with bachelor's degrees in business administration — Kielar in 1981 and Clynes in 1982.

In its Sept. 17 breach-of-contract suit against Cronkite, WJMK declared that the *Times* article and Cronkite's public pronouncements severely damaged its "business reputation, relationships and financial well-being" and caused the "destruction of WJMK's relationship with PBS." (PBS said it has had no contractual agreement with WJMK and stressed that the production company is "not affiliated with PBS programming.") The company said in court papers that the bad press caused the cancellation of contracts by 13 of WJMK's clients, including Genzyme Genetics, Abbott Laboratories and Overeaters Anonymous.

Cronkite's legal team expects to begin depositions of WJMK executives within a month. In late January, U.S. District Judge Gerald Lynch denied three motions by WJMK and Kielar, including motions to dismiss Cronkite's countersuit and to drop Kielar as an individual defendant in Cronkite's suit.

WJMK accuses Cronkite of "misrepresenting the type of programming that WJMK was planning on producing." The company insists its programs complied with PBS standards. In a November 2002 letter soliciting Cronkite's participation, WJMK assured the former news anchor that Barry Chase, a former associate general counsel and v.p. for programming at PBS, was brought in to ensure that WJMK's television series "met the strictest public television standards and practices." Chase, now an attorney in private practice in South Florida, confirmed for Current that he once did consulting for WJMK but would not comment on any matters concerning his former client.

Both Kielar and WJMK's counsel, Joe Curley, declined to be interviewed for this story, but the company did send e-mail responses to questions from Current. WJMK said the *Times* "falsely reported the essential facts surrounding the television series being produced for public television by WJMK" and asserted that the Cronkite-hosted segments were never broadcast.

The company said that Cronkite's attorneys engaged in "bullying tactics" and were "attempting to intimidate anyone and everyone who is trying to simply do the right thing and complete the series."

Attorneys for the 86-year-old television legend have demanded that WJMK stop using his name and picture to promote the company, but as of last week its website featured a photo of Cronkite captioned "our current host." Pictures of Safer and Cronkite appeared with the headline, "Producing shows with journalistic integrity hosted by award-winning journalists."

Gerald Singleton, a Cronkite attorney, said if WJMK's suit fails and the judge rules the company doesn't have a right to use Cronkite's name and likeness, WJMK is risking "substantial damages" by continuing to keep Cronkite's name on the website.

Trading on public TV's name, too

The website says WJMK produces noncommercial, educational "news breaks" from footage acquired from the corporate videos it produces. The interstitial modules, designed to plug holes in the broadcast day, carry several series titles: *American Architectural Review*, *American Business Review*, *American Environmental Review* and *American Medical Review*.

WJMK has told potential clients that the short-form TV segments it produced and then offered to public TV stations around the country could reach tens of millions of American homes. In a draft agreement sent to a prospect and obtained by Current, WJMK said its American Medical Review newsbreaks are "reaching 30+ million households and typically airing during peak and primetime programming."

But in a handout titled "Common Questions About the American Review Series Projects," the company concedes the actual extent of carriage is impossible to verify. "Because the stories are utilized as interstitial programming, exact air dates and times cannot and will not be provided by any station or network in reference to any story," the handout explained.

That point is echoed by PubTV Online, a data company that collects information on program carriage for public television. The short modules don't register in its station carriage data, according to PubTV Online. Cronkite's counterclaim asserts that "WJMK knows ... that few, if any, of its programs ever air on PBS or public television stations."

Hosting the modules was quick work that paid well enough to attract several network stars. According to news reports and a copy of Cronkite's contract filed with

legal papers, WJMK paid the retired news anchor \$50,000 for two four-hour days of work last spring. He taped 15- to 30-second generic intros, segues and closes in New York City.

Before Cronkite took the hosting gig, CBS newsman Safer appeared in hundreds of the company's videos produced over four years. Safer decided to cut his ties with the company because its work wasn't up to CBS News standards, according to Kevin Tedesco, a spokesman for CBS's *60 Minutes*. WJMK also signed ABC News correspondent John Stossel as a host in 1998, but Stossel asked to be released from his contract the following year.

The company later hired CNN's Aaron Brown to appear in videos resembling newscasts. CNN okayed the deal, but Brown backed out after the *Times* published its expose.

Was it appropriate for journalists to take these hosting jobs? Tom Rosenstiel, director of the Project for Excellence in Journalism, a research institute affiliated with Columbia University's journalism school, said: "I would have a lot more problem with them if they were defending doing it, but once they found out what was going on they stopped working for them. It appears as if this company [WJMK] misrepresented what it was doing."

Cronkite's contract stipulates that his work not be used for any commercial purposes, something the veteran newsman has insisted on throughout his career.

Bought and paid for

Cronkite's suit, in which he seeks both compensatory and punitive damages, argues that WJMK violated both PBS standards and FCC regulations by failing to disclose that it had received money from third parties whose products or services are featured in its reports.

In April the company agreed to receive a \$15,900 "pre-production/scheduling fee" from Abbott Laboratories for a module about the pharmaceutical company, according to a copy of a "production authorization" agreement obtained by Cronkite's attorneys and submitted in court for his suit. The agreement gave the drug company the right to review and edit scripts as well as review the "final edited video prior to release." Under the contract, WJMK Inc. would produce a 2- to 5-minute TV story, as well as a 6- to 8-minute demo tape for the Abbott website.

Jon Kalish has reported for NPR, Reuters and all five of New York's daily newspapers.

Web page posted Feb. 26, 2004
Current
The newspaper about public TV and radio
in the United States
Current Publishing Committee, Takoma Park, Md.
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South Florida BUSINESS JOURNAL

Friday, December 30, 2005

PBS steers clear of several local video firms

South Florida Business Journal - by John T. Fakler

The Public Broadcasting Service is making clear it has no relationship with a business show hosted by actor Michael Douglas or 11 video production entities, which The Business Journal found are mostly located in Boca Raton.

PBS is doing so in a "Frequently Asked Questions" section on its Web site that answers this question: "I've been contacted by a TV producer who claims that he will feature my company in a national public television program in exchange for a fee. Is PBS aware of this?"

PBS is aware of the topic, but the FAQ says it isn't associated with the show and doesn't distribute it, endorse it or deal with its underwriting.

"Businesses were led to believe that the producers were associated with PBS and that PBS intended to distribute or otherwise endorsed their programming," PBS' answer also states.

A Business Journal search of Web sites and state corporate records indicates eight of the 11 entities listed by PBS are located in two suites at the same 370 W. Camino Gardens Blvd. address in Boca Raton.

Family Television Studios, Global Television Studios and United Media Communications share suite 300, according to state records. Another occupant wasn't listed by PBS: WJMK, a video production company owned and operated by Mark Kielar, who was embroiled a couple of years ago in a controversy involving Walter Cronkite that was written about in The New York Times and Time magazine.

Among the other 11 entities listed by PBS are Paradigm Media Group - which is in suite 402 - PMG and PMGTV.

A sixth company cited by PBS, Infinity Media Group, lists a business address that appears to be in a Boca Raton residential neighborhood, but its Web site also lists 370 W. Camino Gardens Blvd.

Phone calls to determine the relationship of the entities were not returned, but some of the companies share officers or directors, according to state records. Kielar is listed in state records as an officer or director of United Media Communications and Cross TV, which broadcasts religious programs. Bill Hough is listed as a director or officer of Paradigm and Cross TV, state records show.

Kielar is the registered agent of 370 West Camino LLC, which owns the building. While it was appraised at \$3.6 million in 2005, Kielar sold the building to himself for \$10, according to the Palm Beach County Property Appraiser's office. The manager of the LLC is United Media of Boca Raton. Kielar is listed as the lone officer/director of that entity, state records show.

A Division of Corporations record could not be found for American Review TV - also mentioned by PBS - but there is a Web site for AmericanReviewTV.com. It says it teams up with United Media Productions, one of the companies in suite 300. When The Business Journal dialed the number, it was answered with a greeting for PMG.

When extension 300 was dialed for several companies in the building, Kielar's voice mail greeting played.

Pitching for dollars

PBS indicates the companies have all been involved in pitching the show featuring Michael Douglas.

"A number of businesses have contacted PBS to ask about our relationship with the producers of a television program titled 'Learning About ...,'" PBS states. "According to representatives of these businesses, the producers have offered to feature the representatives' businesses in the television program and indicated that the program will be made available on national public television. Based upon representations made to them by the producers, the businesses were led to believe that the producers were associated with PBS and that PBS intended to distribute or otherwise endorsed their programming."

PBS did not list the price businesses allegedly were asked to pay to be featured.

Multiple calls to the principals of the local firms, including Kielar and Hough, were not returned. During a visit to the headquarters on Wednesday, a receptionist who greeted visitors said the entire company was off for the week between Christmas and New Year's Day.

Kielar was in the national spotlight for using Cronkite and CNN's Aaron Brown for TV videos called "news breaks" that never aired.

According to WJMK documents cited by The New York Times, the companies pay WJMK about \$15,000 in connection with the segments and other services, and were allowed to edit and approve the videos, which are two to five minutes long.

Cronkite and WJMK exchanged lawsuits over a breach of contract issue that was settled last year.

WJMK sued Cronkite for quitting as host and Cronkite countersued for \$25 million. In January 2004, U.S. District Judge Gerald Lynch denied three motions by WJMK and Kielar to dismiss Cronkite's countersuit and to drop Kielar as an individual defendant in Cronkite's suit, according to **Current.org**, which compiles nationwide public broadcasting news clips.

In his settlement order, signed July 19, 2004, Lynch said that as part of the order to dismiss with prejudice, each party must pay its own attorney's fees and costs, with the court to retain jurisdiction to enforce the settlement agreement.

G. Joseph Curley, an attorney with Gunster Yoakley & Stewart in West Palm Beach listed as counsel for WJMK in its suit against Cronkite, did not return inquires regarding details of the settlement.

Jay Lavelly, an attorney for Douglas, did not return several phone calls. Fred Reif, a New York attorney representing Kielar in the WJMK lawsuit against Walter Cronkite, could not be reached.

A PMG FAQ says it adheres to all guidelines for public television's standards and practices and that "Learning About ..." is designed to enrich viewers with one-of-a kind documentaries and diverse informational content.

"Learning About ..." is known as an "interstitial," a short program of two to five minutes that fills the gaps between longer programs.

The Web site for Infinity indicates topics would include dieting, flight, podiatry, transportation and "the amazing cuttlefish."

E-mail Senior Reporter John T. Fakler at jfakler@bizjournals.com.

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South Florida Business Journal - June 26, 2006
</southflorida/stories/2006/06/26/story2.html>

South Florida BUSINESS JOURNAL

Friday, June 23, 2006 | Modified: Monday, June 26, 2006

Statements outline telemarketing campaigns for videos

South Florida Business Journal - by [Kevin Gale](#)

Doctors, lawyers and a variety of businesses say they were pitched by Boca Raton video companies to pay thousands of dollars to have their businesses included in videos featuring Michael Douglas.

Several say they thought the videos would be on PBS stations, but public television ultimately rejected the programs as not meeting its standards. The companies named as defendants in a suit are all in the same building at 370 W. Camino Gardens Blvd.

Among those making the pitches was Theodore Ritter, who gave a statement saying he answered a **Monster.com** ad to be a television producer with **Paradigm Media Group** (PMG).

He was given a script and told he would get a 20 percent commission on \$23,100 underwriting fees.

"Certain portions of the script were altered in the version I received. For example, the contact information for 'Family Television Studios' was replaced with the contact information for Paradigm Media Group," he said.

A copy of the script was given to the court as an exhibit.

The script said underwriters would get a "high-end custom 6-8 minute demo tape (with Michael Douglas on it)..."

The underwriting companies were told it would be distributed to all 349 PBS affiliates.

PMG's goal was to close 50 transactions a month, Ritter said Bill Klump, who hired him, told him. Doing the math indicates that would generate \$1.15 million in revenue.

Thousands for a sponsorship

Robert Ryniak, a software developer for **Ingenuware Ltd.**, said another PMG employee called him in August to have his company included in "Learning About ..." if he paid thousands of dollars for a sponsorship.



Mark Freerks

This building at 370 W. Camino Gardens Blvd. is home to multiple video companies.

[View Larger](#)

Ryniak said he was told the program was for public television, which he assumed to be PBS. He checked the PBS Web site and found a disclaimer that it had no affiliation with the show or any of the Boca Raton companies.

Ryniak said he called PMG and questioned its solicitation practices. A PMG representative said its failure to clarify that there was no affiliation was not misleading.

Sharon Gardner, an attorney at the law firm **Crain, Caton & James** in Houston, said she was called by **Infinity Media Group** and solicited to sponsor a segment on end-of-life decisions and living wills, featuring Douglas.

Gardner also said she thought the series was for PBS.

She received a May 4, 2005, letter, describing the series and a \$22,900 underwriter's fee.

Gardner's firm paid more than \$15,000 to Infinity, but never received a copy of the segment, filmed Jan. 10, she said.

Douglas' attorneys also drove home the point about PBS. One filing said that Family Television issued a March 16, 2005, press release about Bio Tech Medics signing a contract.

"The 'Learning About ...' educational series is distributed to all 349 PBS stations in all 50 states," the press release stated. "The series has an expected reach of 30 plus million households."

In a May 13, 2004, letter, Family Television said the series was "scheduled for satellite uplink to all 349 public television stations beginning in November [2004.]"

However, there wasn't a distribution agreement until the following September, when WXEL in Boynton Beach signed on as the host station. But that agreement was short-lived.

Jerry Carr, president and CEO of **WXEL Public Television** and Radio, said both the **National Educational Telecommunications Association** (NETA) and American Public Television rejected the show as not complying with public television standards and practices.

In November, Carr wrote a letter to Bill Hough, the CEO and executive producer of PMG, to say the agreement was void because the series did not meet public television standards or FCC regulations. Terms in the contract allowed it to be canceled under those conditions.

Uplink doesn't guarantee broadcast

As for claims about where the show might air if it was uplinked, Gayle Loeber, head of programming for NETA, addressed that in a statement.

"There is no guarantee that a program, which is scheduled for satellite uplink or which is actually uplinked, will ever be broadcast," she said.

There is also no service to track when and where the short educational programs air, Loeber said. They are not listed in schedules and aren't tracked like ads on commercial television.

Loeber said she was contacted about "Learning About ..." by Scott Nurik, who said his **New**

World Television was affiliated with a number of similar past and present companies engaging in the same business, including WJMK and Paradigm Media Group.

In December, The Business Journal reported that WJMK is a video production company owned and operated by Mark Kielar, who was embroiled a couple of years ago in a controversy involving Walter Cronkite that was written about in The New York Times and Time magazine.

Cronkite and WJMK exchanged lawsuits over a breach of contract issue that was settled.

Kielar was then listed on a state Web site as registered agent of 370 **West Camino LLC**, which owns the building. State Division of Corporation records show the property now has a new registered agent, James H. Batmasian, a Boca Raton property owner.

A look at the cast of companies, officers, registered agents

Video central

Attorneys for Michael Douglas used state records and witness statements to argue that "defendants are merely some of the related companies operating from the same building," 370 W. Camino Gardens Blvd., in Boca Raton. The companies are:

- Defendant: Family Television Studios
- Defendant: Paradigm Media Group LLC (doing business as PMGTV or PMG Television)
- Defendant: Infinity Media Group
- Not listed as defendants: United Media Communications Group, Global Television Studios and WJMK (which share a suite with Family Television), Profiles in Business and Mediaworks Television Studios

Company officers

A Business Journal search of state and court records found the following officers or registered agents associated with video companies at 370 W. Camino Gardens Blvd.:

- Tim Visser signed the settlement as president of Family Television and is also associated with Profiles in Business and Mediaworks Television Studios. He is also an officer for New World Television, at 2244 Glades Road, No. 342A, in Boca Raton.
- Mark Kielar is listed for United Media, WJMK, Acts Capital Investments LLC, Serenity Bay LLC, Black Mountain Ranch LLC and the nonprofit Cross TV, all at 370 W. Camino Gardens Blvd; and the nonprofit Cross International Aid, at 600 S.W. Third St. in Pompano Beach.
- William Hough signed the settlement as an officer of Paradigm Media Group. (State records show the registered agent is Ambassador Management Group Trust, 2929 SW Third Ave., Suite 320, Miami 33129.)
- Wali Waiters signed the settlement as an officer of Infinity Media Group.
- John M. McGuire is listed as CEO of Global Television Studios and Patricia A. McGuire is listed as VP. Their mailing address in state records is 2150 N.W. 10th St., Delray Beach 33445

E-mail Editor Kevin Gale at kgale@bizjournals.com.

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January 31, 2010

Great America with Hugh Downs to Produce a Series on Agriculture and the Need for a Healthy Planet

-- Great America with Hugh Downs for Public TV is launching a new series for its interstitial programming on the need for a healthy planet. --

BOCA RATON, FL, January 31, 2010 **/24-7PressRelease/** -- Great America for Public TV is launching a new series for its interstitial programming on the need for a healthy planet.

With people becoming more familiar with organics and natural foods, the Great America series is about educating the consumer on the benefits of all natural ingredients. People recognize that everything we consume these days contains pesticides, anti-biotics, growth hormones, harmful chemicals, the list goes on and on says a senior producer for the show. We need to have people understand why organic prices are a little higher than conventional prices and why eating locally grown, organic foods is not only helping keep the consumer healthy, but helping local farmers and the environment, said the executive producer. Healthy eating is not about strict nutrition philosophies, staying unrealistically thin, or depriving yourself of the foods you love. Rather, it is about feeling great, having more energy, and keeping yourself as healthy as possible " all which can be achieved by learning some nutrition basics and incorporating them in a way that works for you. That is where Great America comes in " this series will show you how to do just that.

Great America is a series that is, above all else, about information - information on the very latest topics about the agricultural industry. It features the practical solutions and the important issues today facing consumers and professionals in agriculture, organics and natural food related industries. Great America is a major source of information for consumers and the industry alike, because it not only maintains network quality production, but also provides the latest information that consumers and professionals need and trust.

About Great America Hugh Downs:

Great America HD is a series owned by a private studio and production company that creates educational programming for Public Television. The series is distributed to Public TV through a national distributor and highlights the best and most compelling educational stories. Each segment is hosted by America's most well-known anchor, Mr. Hugh Downs. For more information visit <http://www.greatamericahd.com> or call (561) 305-1279.

###

Read more Press Releases from Mark Miller:

- Insight HD with Host Hugh Downs Produces 21st Century Christian Leaders Series
- Insights with host Hugh Downs welcomes The National Business Education Association as Content Advisor
- Insights with host Hugh Downs welcomes US Green Building Council Represented by the Florida Gulf Coast Chapter as Content Advisor

Cronin Affidavit
Exhibit E

- Insights with host Hugh Downs Launches Law Series
- Insights With Host Hugh Downs Welcomes American Dietetic Association As Content Advisor
- Insights with host Hugh Downs Features Colin Powell
- Insights with host Hugh Downs Speaks with Gary Sinise
- Insights with host Hugh Downs Features Martin Sheen
- Insights with host Hugh Downs Features Donald Trump and Trump Plaza
- Insights with host Hugh Downs Invites the Council for Agricultural Science and Technology as Advisor

Other Press Release Headlines:

- Treasure Hunters Roadshow Announces Launch of New TV Show for Fall 2010!
- DiscountSupplements.com Launches Website with The Cheapest Supplements Prices and Fastest Shipping
- Npower Reports Solar Energy Boost From Cashback Scheme
- Optical Express Reports Successful Launch of Ambassador Programme
- McSport Offers Online Shopping
- Medical and Surgical Packages in Cape Town
- Stolor Organics Makes Progress at 28th Annual NOFA-NY Organic Conference
- Long Island Pool Company, Blue Ribbon Pools Helps to Increase Property Value with Quality Pools
- Coffee Lovers Get Personal with Beanstock Coffee
- Mascus - 1 Million Unique Visitors...and Growing

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GREAT AMERICA

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FREQUENTLY ASKED QUESTIONS

1. What are interstitial programs?

Interstitial programs are ♦short form♦ editorials that are two to five minutes in length and are used to bridge the gap between longer Public Television programs. They air independently as standalone segments.

2. Are these interstitial programs created by our studio affiliated with any network?

No. Our production studio and programs are independently created and not affiliated with any particular network.

3. Does our programming or production studio have any affiliation with PBS, or any other independent program provider?

No. In fact, there is a typical misunderstanding that PBS and Public Television are one and the same. Many people make the mistake of assuming that PBS and Public Television are one and the same because they view PBS programs on Public Television stations. There are several major program providers that distribute content to Public Television. The major distributors are APT (American Public Television), NETA (National Education Telecommunications Association) and PBS (Public Broadcasting System). In addition to these major program providers, there are several independent production studios, such as ours, that provide programming to the local and regional individual Public Television station affiliates.

4. Will the segments air on Public TV?

Yes. Our programming department deals directly with the individual Public TV stations as a pre-approved content provider through American Artists. American Artists is a distributor of educational programs for Public TV and has been distributing programs to all of Public TV for over 42 years (including programs such as National Geographic and Major League Baseball). All programming on Public TV is aired at the discretion of each individual station. There are over 200 individual stations, geographically covering the entire United States, currently airing the interstitial programs during primetime distributed to them through American Artists.

5. Where else are the programs airing?

The segments are currently airing primetime on the major news networks (CNBC, FOX, CNN, MSNBC) and are also airing on demographically specific networks based on their storyline (such as the Outdoor Network, Versus, Fox Sports, Discovery Channel, TLC and others chosen by participating organizations). However, Hugh Downs' participation with our programming is strictly limited to the Public Television series.

6. Do individual organizations gain the licensing rights to the work once it is completed?

Each individual organization or company owns the segments at the end of the project and can use them on their website, distribute, them, etc., as they see fit.

7. What is the production cycle for completing the project?

The entire project and process is normally set at 90-120 days, though special circumstances that an organization may face (such as a specific harvest time, or a convention or event) may speed up the process. They may also set a specific shoot date for that special time. That is at the discretion of each company and organization.