

CONCERNED WOMEN *for* AMERICA

February 25, 2026

U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Re: Public Comment Opposing Netflix's Proposed Acquisition of Warner Brothers and Urging Clear Public-Interest Safeguards

To Whom It May Concern:

I submit this comment in my professional capacity as the CEO and President of Concerned Women for America (CWA), as a former advisor to the Federal Communications Commission, and as a parent and grandparent who has closely followed developments in the media and streaming marketplace. This letter advances two objectives: first and foremost, to urge the Department of Justice (DOJ) to block Netflix's proposed acquisition of Warner Brothers because it threatens competition and the public interest; and second, should DOJ nevertheless determine not to seek to block, to urge DOJ to secure enforceable commitments and publicly articulate clear expectations for responsible conduct, especially with respect to transparency, parental information, and child protection in a consolidated streaming marketplace.

The media landscape has changed dramatically in the last twenty years. Broadcast now accounts for only about 20% of viewership, cable roughly 24%, while streaming comprises about 45%. Netflix is a dominant player in the streaming market, capturing more than 20% of the streaming audience. By absorbing Warner Brothers' extensive content library and distribution assets, Netflix would surpass the 30% market share threshold, making it a presumptive monopoly, and giving it unprecedented dominance in the streaming ecosystem. Allowing such consolidation would reduce competition, harm consumers, and create a structural imbalance that would be exceptionally difficult to reverse, especially in view of the absence of a dedicated regulatory authority for streaming content.

Competition concerns are compounded by Netflix's record on transparency toward families. In recent Senate hearings, Senators Hawley, Schmitt, Moody and Cruz raised issues regarding the company's lack of clarity in its application of age-based ratings and content disclosures for

programming marketed toward children. CWA’s own analysis indicates that a significant portion of children’s Y, Y7, or G programming on Netflix includes LGBTQ+ characters, themes, messaging or content without clearly signaling that information to parents. Regardless of one’s views about particular themes, the lack of reliable, consistent disclosures undermines parental trust and hampers informed decision-making. Adding a simple, neutral statement (“LGBTQ+ Characters or Themes,” for example) would go a long way in helping parents make a more informed decision. But rather than addressing these concerns by improving transparency and strengthening parental tools, Netflix now seeks to consolidate even more control over the market.

For these reasons, I respectfully urge DOJ to block the proposed acquisition. The purpose of antitrust law is to prevent precisely this kind of consolidation before harms become irreversible. Excessive vertical and horizontal integration in media can reduce viewpoint diversity, limit innovation, and diminish the quality and safety of content available to families. A combined Netflix–Warner Bros. would be among the most vertically integrated entertainment firms in modern history, with sweeping implications across production, licensing, and distribution.

If DOJ nevertheless determines not to seek to block this transaction, the agency should, at minimum, secure concrete, enforceable commitments and publish clear public-interest expectations for streaming platforms. While structural remedies are generally preferred, this transaction presents an opportunity to establish accountability and child-protective standards that can be independently verified. At a minimum, DOJ should seek the following safeguards and use them as benchmarks for responsible conduct going forward:

- **Independent ratings authority for streaming:** Create or recognize an independent, third-party, multi-stakeholder ratings organization to develop and apply age ratings and content descriptors across all Netflix-owned and licensed programming. Governance should exclude Netflix from control, include parent groups and child-safety experts, and require transparent methodologies. Netflix may fund operations but should have no editorial authority.
- **Transparent, uniform content labels:** Adopt standardized, plain-language descriptors (e.g., violence, sexual content, language, nudity, substance use, and sensitive themes) that appear before play and in all catalog views, with consistent placement and prominence across devices.
- **Default child-protective settings:** Default all new and existing child profiles to settings aligned with the independent ratings; require a PIN to exit child mode; disable autoplay and algorithmic recommendations outside the selected rating; and provide easy, device-level opt-outs for mature previews.
- **Annual third-party audits and public reporting:** Require independent audits of rating accuracy, label completeness, recommendation pathways for child profiles, and

effectiveness of parental controls. Publish results and corrective actions in an annual transparency report.

- **Machine-readable disclosures:** Provide a public, machine-readable catalog of program ratings and descriptors to enable parental tools, researchers, and watchdogs to verify labeling and build safeguards.
- **Content availability and choice:** Avoid exclusivity and tying practices that foreclose family-friendly alternatives; maintain reasonable licensing pathways for third-party family content to reach audiences.
- **User grievance and remedy mechanism:** Implement an accessible complaint process with time-bound responses (e.g., within 48 hours) and a route to independent ombuds review for disputes about mislabeled or inappropriately recommended content.
- **Enforcement, duration, and review:** Make commitments enforceable (e.g., via consent decree or public pledge subject to consumer-protection oversight), with a three-year initial term, annual review, and the ability for DOJ or state attorneys general to seek remedies for non-compliance.

Netflix has not yet demonstrated itself to be a consistently transparent or reliable broker of information for parents. The commitments outlined above would begin to restore trust and establish guardrails commensurate with the scale of influence a combined Netflix–Warner entity would wield, without dictating creative decisions or viewpoints.

Therefore, DOJ should block the merger. If DOJ elects not to seek to block, it should at least secure the safeguards above, publicly set expectations for responsible conduct in streaming, and establish a process for ongoing oversight and independent verification. These steps would protect competition, promote transparency, and better serve American families.

Thank you for your consideration. I would welcome the opportunity to provide any additional information that may assist in your review.

Sincerely,



Penny Nance
CEO and President
Concerned Women for America