

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 41/91

Dated the 20th day of September 1991

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

CHILDREN'S MEDIA WATCH

of Auckland

Broadcaster

TELEVISION NEW ZEALAND

LIMITED

I.W. Gallaway Chairperson

J.B. Fish

J.L. Hardie

J.R. Morris

DECISION

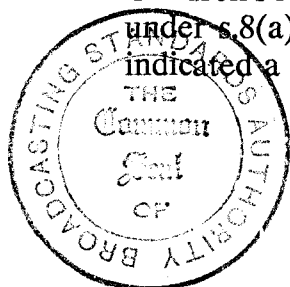
Introduction

An episode of the cartoon series *Defenders of the Earth* was broadcast by Television New Zealand Limited between 3.00 and 3.30 pm on Friday 1 February 1991.

Children's Media Watch in a letter dated 15 February complained formally to TVNZ Ltd that the broadcast breached the provisions in the Television Code of Broadcasting Practice relating to the protection of children and the portrayal of violence.

While acknowledging the complainant's genuine concerns, TVNZ's Complaints Committee concluded that, given the farcical nature of the programme, the standards in the code had not been breached.

Children's Media Watch referred the complaint to the Broadcasting Standards Authority under s 8(a) of the Broadcasting Act 1989, adding that it believed that TVNZ's reply indicated a lack of understanding of the way in which children perceived programmes.



## Background

The Authority acknowledges from the outset that the portrayal of violence on television, as the parties have observed, is a complex issue. As part of its review of the broadcasting standards relating to the portrayal of violence, the Authority has carefully studied some of the large body of research which deals with the issue. The programme to which the complaint relates, *Defenders of the Earth*, raises one aspect of the television violence debate, namely the portrayal of violence in a cartoon programme for children. The Authority records that this is the first complaint it has received which has raised the issue of violence in a children's programme. Consequently it will develop its reasoning in some detail.

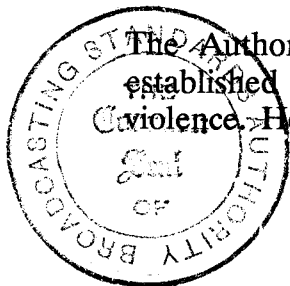
The Authority's specific task with this decision is to review the complaint by Children's Media Watch, which was not upheld by TVNZ, that the 1 February episode of *Defenders of the Earth* breached standards 18 - 22 of the Television Code of Broadcasting Practice. In carrying out this task, it will endeavour as far as possible to ensure that its decision incorporates relevant and coherent research findings, and informed opinion about the wider controversy in relation to violence in children's television programmes.

The Authority notes for the record that the complainant dismissed much of TVNZ's response to its complaint by describing it as an adult perspective - i.e. it was not a perspective which understood the child's point of view. However, the complainant concluded its final comment to the Authority by noting that it represented the view of many parents - i.e. it was not necessarily solely advancing the child's point of view.

One of the issues raised by this complaint is the ability of young children to distinguish between fictional and factual depictions of violence especially when the former are presented in cartoon form. The Authority is aware that each side of the argument can produce references which support its point of view. Nevertheless, weighing the expert evidence is not necessarily sufficient. While, as TVNZ emphasised, the recent research may suggest that violent depictions in a cartoon form are not necessarily as influential on the development of a child's personality as some of the critics of television violence suggest, the Authority is aware that violence on television is a matter of deep concern to many in the community, especially parents and caregivers who are responsible for the development of their children. In addition, the Authority accepts that cartoons, including those containing violence, are popular with children.

Some adults may not appreciate the type of programme being discussed because they may rarely see television programmes for children. The type of cartoon in question is unlike the familiar *Roadrunner* cartoon, depicting the ambulatory bird's ceaseless battles with the coyote, as the violence in that cartoon is now considered relatively innocuous by many concerned parents when compared with the violence portrayed in modern cartoons.

The Authority does not believe that a causal relationship has, in general, been established between viewing television violence and subsequently committing real-life violence. However, the Authority does believe that the research is conclusive which finds



that television violence reinforces violent behaviour in those individuals living in homes where violence is the usual response to problems. Furthermore, violent programmes may influence a small sector of isolated, antisocial adolescents who immerse themselves in such programmes - be it on television, videos or in theatrical films. However, this possible effect on a small sector of our population does not justify a rigid approach to all television violence.

One piece of research which the Authority finds useful is a study which develops the concepts of "deep" and "shallow" play. The ideas were advanced by Dr David Docherty at the Authority's National Seminar on Television Violence in July 1991 in a paper entitled "Entertaining Violence: Pleasure and Pain". Dr Docherty, who is currently the BBC's Director of Research and was formerly the Research Director for the British Broadcasting Standards Council, has studied and published extensively on broadcasting matters, including an examination of violence on television.

He argued that it was easy to fall into two separate but related traps when discussing televised images of violence. The first is the argument that television generates inconsequential symbols which glide along the surface of consciousness and are picked up or discarded like cultural bric-a-brac. The second is to regard images of fictional violence as if they were parasites which burrowed deep into the consciousness and awaited the appropriate time and circumstances to erupt and create havoc.

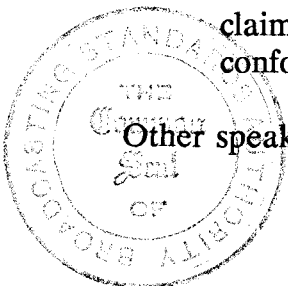
Dr Docherty reviewed a comprehensive and innovative survey undertaken by the Broadcasting Standards Council in Great Britain (including Northern Ireland) which examined the impact of televised violence and in which he developed the theme of "deep" and "shallow" play. Rather than summarise this research, some of its conclusions are noted. (A copy of this informative paper is available from the Authority.)

In his paper, Dr Docherty explained that the impact of violence on television is very much related to whether the viewer sees the item as "deep" or "shallow" play. The former are the items which carry the greater influence, being realistic and reflecting the viewer's life experiences. Shallow play, on the other hand, does not impinge on the viewer's day-to-day experiences of the world. It is remote from the audience's cultural, social or political milieu. Most cartoons, by their very nature, involve shallow play.

The Authority has presented a summary of Dr Docherty's views as it considers them both important and useful in examining the complaint from Children's Media Watch. His views were similar to those in a paper to the Seminar from Dr Geoff Lealand, a New Zealand researcher, entitled "Searching for Villains". He expressed a concern that too much emphasis on the negative effects of television violence deflected attention from what he described as the more significant social issues. The Authority notes his comment:

I believe that television is a minor contributor to social problems and those who claim greater powers for it are over-estimating its capabilities, as well as confounding the boundaries between the public and the private.

Other speakers at the Authority's Seminar proposed different perspectives about both



television violence generally and the impact of violence in programmes for children. In determining the present complaint, the Authority also considered the view shared by a number of participants and articulated by Barbara Biggins, who is the Chairperson of the Australian Council for Children's Film and Television. In a keynote address, she agreed that the extensive research did not establish conclusively a link between violence on television and violent behaviour in children. However, she held the view that to deny that television violence affected children was inconsistent with what was known about child development. She explained:

... knowledge tells us that children are active learners, and learn from what they're exposed to. If they're constantly exposed to the uses of violence to solve conflict, they will learn them. It would be strange if children failed to learn the basic values of the TV programmes that they watch.

Ms Biggins maintained that there was considerable evidence that viewing violence on television had a number of detrimental effects on the child viewer. She listed the principal effects:

- \* children may become less sensitive to the suffering of others
- \* children may be more fearful of the world around them
- \* children may be more likely to behave in aggressive or harmful ways towards others.

She described seven policy requirements which were necessary to meet these effects. The first two are recorded as they are relevant to the current complaint. They require:

- i. Cutbacks in the amount of violent programmes that promote violence.
- ii. Creation of alternative programmes that promote values other than violence.

In view of the importance to many people of the debate on television violence, the Authority does not question the right of viewers to declare that their viewing entitles them to offer points of view regarding programme content and scheduling. Moreover, the Authority acknowledges and shares the extensive community concern about the levels of violence on television. It is at an unnecessarily high level and many believe that it puts children at risk of developing a violent response as their standard response in many situations.

The Authority recognizes that there is a strong call in the community for action by policy makers to reduce the level of violence portrayed. This call for action includes pressure on the Authority to ensure that the Codes of Broadcasting Practice for Television impose restrictions on the amount and intensity of the violence which can be shown. Some argue that the current level of violence is contrary to the "good taste and decency" standard required by the Broadcasting Act 1989. What should be the broadcasters' appropriate policies, however, provokes varied answers. The Authority is currently engaged in discussions with television broadcasters regarding the inadequacy of the



present codes.

### Decision

Taking these points into account, the Authority now proceeds to carry out its statutory function of reviewing and investigating the complaint referred to it by Children's Media Watch. The members of the Authority have viewed the programme to which the complaint relates and have studied the correspondence (summarized in the Appendix.)

Children's Media Watch complained about an episode of *Defenders of the Earth* which is a cartoon programme for children involving violent action. The complaint was made on the grounds that the programme breached the provisions of the standards relating to both the protection of children and the portrayal of violence. Taking this statement into account, TVNZ considered the complaint under standards 18 - 22 of the Television Code of Broadcasting Practice. It focused on standard 18 which requires broadcasters:

- 18 To be mindful of the effect any programme may have on children during their generally accepted viewing periods.

The Authority believes that standards 20 and 22 are also relevant. They provide:

- 20 Violence is unacceptable if it is presented in a manner which will unnecessarily disturb, alarm or distress children during their generally accepted viewing times, as determined by the censorship classifications criteria.
- 22 The gratuitous use of violence for the purposes of heightened impact is to be avoided.

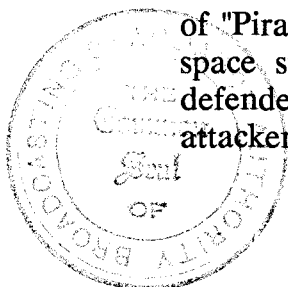
The complainant stated that the programme included:

... frequent incidents of guns pointing at people, of machine guns firing, of a plane exploding, of rockets and missiles, of the Baroness falling from a plane and of the hero being pushed into a furnace. Added to this were sentiments of hatred and revenge, of a sadistic enjoyment of violence and of sexual innuendo.

TVNZ described the programme as:

... part of a futuristic adventure animated series using well-known comic book characters. The Phantom, Mandrake the Magician ... and Flash Gordon ... together formed the essence of "Defenders of the Earth".

It was noted that the episode, titled "Return of the Sky Band," dealt with the topic of "Pirates". The opening sequence depicted a space-craft missile attack on a space station, which was then pillaged by a band of women pirates. The defenders of the earth discovered the invasion of "free space", captured the attackers and returned them to earth for trial.



TVNZ stressed the episode's aspect of fantasy. The Authority agrees that the programme involves fantasy, not reality, but in addition notes, first, that the complainant objected to the entire series, and secondly, that the series is representative of the many cartoons broadcast by Channel 2 and TV3 between 3.00 and 5.00 pm from Monday to Friday each week. Those cartoons feature a predictable plot and the inevitable conflict is usually resolved by violent means.

It is this latter point, the seemingly endless cartoon series involving the resolution of conflict with violence, which the Authority considers provokes anxiety among caregivers and frustration at their seeming inability to change the broadcasters' practices.

Children's Media Watch were annoyed, justifiably so in the Authority's opinion, by TVNZ's Complaints Committee's response to its complaint. Rather than address the complainant's concern about the portrayal of violence, in its letter of 11 April TVNZ divided the programme into a number of distinct incidents in which violence was used and then addressed each one as if unrelated to the others. For example, Children's Media Watch noted that the Baroness falling from the plane exemplified the violence portrayed. TVNZ observed:

The summation was considered to be misleading. The Phantom's grandfather actually tried to stop the baroness - she jumped from the aircraft to avoid capture.

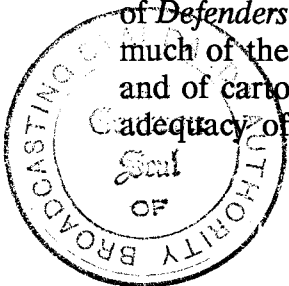
Children's Media Watch used the picture of the hero being pushed into a furnace as an example of violent conflict resolution. TVNZ responded:

The Phantom was pushed into what looked like a ground opening which was ablaze. However, he landed on a shelf and climbed to safety. He was not injured in any way.

On the other hand, the Authority appreciates TVNZ's observations in its response when asked for comment after Children's Media Watch's had referred its complaint to the Authority. TVNZ again emphasised the farcical or fantasy aspect of the cartoon. Further, it wrote:

Very young children, it is submitted, could not hope to have a sufficiently developed intellect to rationally follow or understand the cartoon story line. If they were attracted at all it would be to "fast-action fictional aspects of things flying about and blowing up".

At this point the Authority returns to the concepts of "deep" and "shallow" play. *Defenders of the Earth* is an example of "shallow" play for the reasons that it is not likely to be considered as realistic nor does it relate to the child viewer's experiences of life. It is thus an example of a programme which, of itself, is unlikely to have a substantial or long-term impact on young viewers. This conclusion focuses on the particular episode of *Defenders of the Earth* to which the complaint relates. The Authority is mindful that much of the complainant's concern was directed at the cumulative effect of the series and of cartoon programmes for children generally. Consequently, when reviewing the adequacy of the relevant codes, the Authority intends to consider the inclusion of a



criterion which will allow it to assess the cumulative effects of a series of similar episodes and similar programmes.

The Authority reiterates the point that in determining the complaint, it has examined the diverse research findings about the relationship between the portrayal of violence on television, especially in cartoon form, and violence in reality. And although the research findings are by no means conclusive, the Authority has a continuing interest in this area and in reaching the following conclusions has used the most recent research and what it believes are the most cogent findings.

The Authority concluded that TVNZ, in referring to the clinical psychology consultants mentioned in the programme's credits and its reference to the research in its comments to the Authority, was not unmindful of the effect that the cartoon programme might have on children (standard 18) and, given the unrealistic style of this cartoon, that the programme was not presented in a manner which would unnecessarily disturb, alarm or distress children (standard 20).

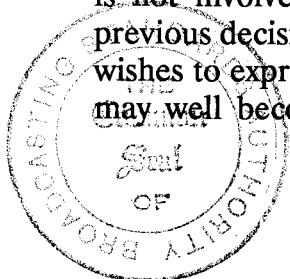
The decision whether violence was used gratuitously to heighten the impact (standard 22) was far more difficult to determine. Had the story been presented as a drama, and not a cartoon, the Authority may well have concluded that the standards had been breached. However, given the fantasy nature of *Defenders of the Earth* and the experience children have with this type of cartoon story line, the Authority on balance decided that standard 22 was not breached. The Authority did not consider standards 19 and 21 (presented in full in the Appendix) to be relevant to this programme.

**For the above reasons, the Authority declines to uphold the complaint that the broadcast of *Defenders of the Earth* on 1 February 1991 breached standards 18, 19, 20, 21 or 22 of the Television Code of Broadcasting Practice.**

Despite this finding, the Authority is of the opinion that if the standards prohibited the repetitious broadcasting of programmes devoid of merit or worth for children, particularly in cartoon form involving predictable plots containing conflict which is inevitably resolved by violence, it could have upheld this complaint.

On his recent study tour, the Authority's Chairperson conferred with Dr David Schatzky of the Canadian Children's T.V. Institute in Toronto. Describing television as immensely powerful, Dr Schatzky considered that the medium principally reflected society and the Institute encouraged plenty of enriching and exciting programmes to counteract the less desirable programmes and to help bring out the best in children's personalities and behaviour. With such encouragement, he said, children are more likely to develop into secure and creative adults. The Authority will keep his opinion in mind while reviewing the adequacy of the existing standards.

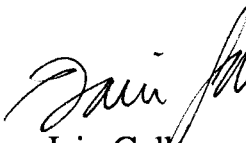
The Authority supports the case for a variety of programmes for children. The Authority is not involved in and has carefully avoided any comments about programming in previous decisions. However, in view of the issues raised by this complaint, the Authority wishes to express its opinion that the constant diet of violence in children's programmes may well become a standards issue and, further, to lend its voice to the call for an

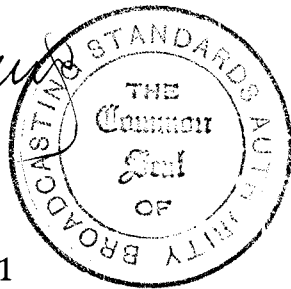


increased variety of programmes for children.

To use an analogy, people are unlikely to feed their children on a continuous diet of hamburgers. A day-to-day diet of repetitive violent cartoons is also unacceptable. Nevertheless, this is the type of material many parents believe their children are fed by broadcasters. In the eighteenth century, William Cowper coined the aphorism that variety was the very spice of life. Today, the Authority considers television programme variety for children to be the very spice of viewing.

Signed for and on behalf of the Authority

  
Iain Gallaway  
Chairperson



20 September 1991



**APPENDIX****Children's Media Watch's Complaint to TVNZ Ltd**

Children's Media Watch, in a letter dated 15 February 1991, complained to TVNZ Ltd that an episode of the *Defenders of the Earth* broadcast between 3.00 - 3.30 pm on Friday 1 February breached the provisions in the Television Code of Broadcasting Practice relating to the protection of children and the portrayal of violence.

The letter stated:

[The particular episode] included frequent incidents of guns pointing at people, of machine guns firing, of a plane exploding, of rockets and missiles, of the Baroness falling from a plane and of the hero being pushed into a furnace. Added to this were sentiments of hatred and revenge, of a sadistic enjoyment of violence and of sexual innuendo.

The letter concluded by noting that although the complainant focused on one particular episode, Children's Media Watch considered that the entire series was unsuitable for children.

**TVNZ's Response to the Formal Complaint**

TVNZ advised the complainant of its Complaints Committee's decision in a letter dated 11 April 1991.

It described the episode in question as part of a "futuristic adventure animated series using well-known comic book characters" and that "Pirates" were the topic of the particular episode. It added that the series' credits noted the advice received from two clinical psychologists and that the "subject matter had obviously been carefully assessed to ensure suitability for children's viewing".

After considering briefly some of the complainant's specific points, TVNZ recorded:

In essence the Committee considered that what was depicted was far-fetched and entirely farcical. There was nothing considered to be new about guns being pointed at people in the "stick 'em up cowboy" style.

Acknowledging that the story line would be difficult for young children, TVNZ maintained nevertheless that a "G" classification was appropriate. It concluded:

However your genuine concerns in this matter were acknowledged and respected. Also it was conceded that parental responsibilities, with regard to identifying what may or may not be suitable for children spanning various age groups, was not an easy matter to resolve. Attitudes and judgments on questions of suitability vary widely throughout the community and undoubtedly



always will.

### Children's Media Watch's Complaint to the Broadcasting Standards Authority

As the complainant was dissatisfied with TVNZ's decision, on 26 April 1991 it referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

The letter began:

We find the reply from TVNZ quite unconvincing because it puts forward adult perceptions of the programme - that it is farcical - and they assume that children would realise that when a gun is fired, the bullets were only blanks - we suggest that they would not.

Using other examples where, it argued, TVNZ missed the point, the complainant repeated its complaint that the programme was a "very violent cartoon" shown when young children "are often watching". TVNZ, it maintained, should ensure that programmes between 3.00 - 5.00 pm were an acceptable standard for children without the need for parental oversight.

It concluded:

The reply from TVNZ shows a lack of understanding of the way in which children perceive programmes they view, and highlights our conviction that programmes for children should be selected by someone is experienced in working with children on a day-to-day basis, i.e. a teacher/parent. We note that psychologists have been consulted on this programme, but suggest that they would not have accepted it for viewing by young children.

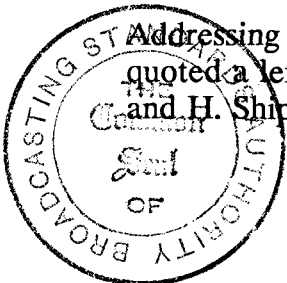
### TVNZ's Response to the Authority

As is its practice, the Authority sought comment from TVNZ on the complaint. The request was made on 15 May 1991 and the reply is dated 11 July.

TVNZ pointed out that the complaint raised complex issues and it included extensive comment from several researchers. It added that the complaint focused on standard 18 of the Television Code of Broadcasting Practice which requires broadcasters:

- 18 To be mindful of the effect any programme may have on children during their generally accepted viewing periods.

Addressing the point that the complainant found its response unconvincing, TVNZ quoted a lengthy extract from "Television is Good for Your Kids", by M.M. Davies and H. Shipman published in 1989. The extract contained the following passage:



When violence is being used in a symbolic way and this is particularly so in the case of cartoons - children are able to remain undisturbed and unaffected by it because of its remoteness from reality. But, the researchers point out, this does not mean that they are unaffected by real violence.

TVNZ also quoted from "Children and Television - The One Eyed Monster" by B. Gunter and J. McAleer published in 1990 to emphasise that the research showed:

... there is clear evidence that children are able to distinguish between fantasy, farce and reality.

Later, TVNZ wrote:

While it is agreed that 3.15pm is a time when young children may be able to view television, it is submitted that the cartoon in question would not have had any harmful affect (sic) on young children for the reasons given in the company's reply and reinforced in the above extracts from recognised authorities on the matter. Very young children, it is submitted, could not hope to have a sufficiently developed intellect to rationally follow or understand the cartoon story line. If they were attracted at all it would be to "fast-action fictional aspects of things flying about and blowing up."

In regard to standard 18, TVNZ concluded that it was not unmindful of the effect that the cartoon programme might have had on children during their generally accepted viewing period.

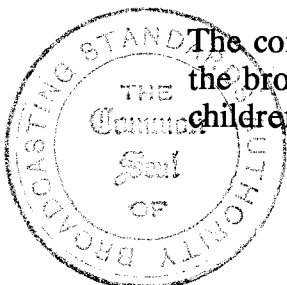
Standards 19, 20 and 21 were considered by TVNZ not to be seriously in question. Standard 22 prohibits the use of gratuitous violence for the purposes of heightened impact. While acknowledging that cartoons used a number of devices to ensure heightened impact, TVNZ disagreed that in the context the use of violence was gratuitous.

Standards 18, 20 and 22 are recorded in the decision. Standards 19 and 21 provide:

- 19 Themes and scenes dealing with disturbing social and domestic friction or sequences in which children or animals may be humiliated or badly treated are to avoided.
- 21 Broadcasters have a responsibility to ensure that when violence forms an integral part of drama or news coverage the context can be justified.

TVNZ argued that the research quoted above, and it cited further references, clearly demonstrated that the company made a conscientious effort to understand the reaction of children to cartoons. It concluded:

The company does not believe that screening the cartoon, when studied against the broad background of complex inter-relationships and elements concerning children's viewing, has placed the codes in question in any realistic jeopardy.



**Children's Media Watch's Final Comment to the Authority**

When asked to comment on TVNZ's response, Children's Media Watch in a letter dated 29 July stated there were many "experts" on both sides of the debate about violence on television.

However, rather than entering into this debate, it pointed out that TVNZ had ignored the point that many parents within their own and other organisations did not want violence on television, especially in children's viewing times. It asked:

In what is supposedly a "market driven" situation, we are astonished that TVNZ can ignore the requests of its viewers. How many letters, we wonder, request more violence?

