

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 54/91

Dated the 18th day of November 1991

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

LUCILLE YOUNG

of Palmerston North

Broadcaster

TELEVISION NEW ZEALAND
LIMITED

I.W. Gallaway Chairperson

J.R. Morris

R.A. Barraclough

L.M. Dawson

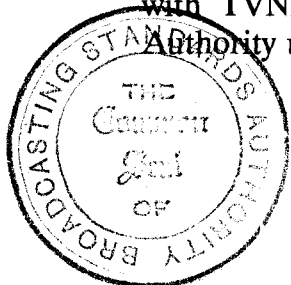
DECISION

Introduction

"Ron the Devil" was the title of a sketch in the *Funny Business* comedy series screened by TV2 at about 10.50pm on Thursday 16 May 1991. The character, who to all intents and purposes led an ordinary life as an accountant, was the devil. At one point his two children approached their mother about the lack of toilet paper and the mother replied that she had "put a fresh Bible in there this morning".

Ms Young complained to Television New Zealand Ltd that the item was offensive and deeply insulting and that it breached standards 2 and 26 of the Television Code of Broadcasting Practice. Standard 2 requires broadcasters to take into consideration currently accepted norms of decency and taste bearing in mind the context in which the language and the behaviour occurs and standard 26 discourages the portrayal of people in a manner which encourages denigration of or discrimination against sections of the community as a consequence of (among other things) the legitimate expression of religious beliefs.

In view of the late hour of screening and standard 26's inapplicability to satirical programmes, TVNZ declined to uphold the complaint. As Ms Young was dissatisfied with TVNZ's response, she referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.



Decision

The members of the Authority have viewed the item to which the complaint relates and have read the correspondence (summarised in the Appendix).

The complaint alleged that a skit entitled "Ron the Devil" on the programme *Funny Business* broadcast by TV2 at about 10.50pm on the 16 May 1991 breached standards 2 and 26 of the Television Code of Broadcasting Practice.

The skit portrayed the devil as an accountant in everyday life. His two children at one point complained to their mother about the lack of toilet paper and she replied that she had "put a fresh Bible in there this morning".

The Authority recognises that the humour of an incident can often be found in the unlikely association of ideas. Further, it acknowledges that an item which deals with the unlikely association of an accountant (with a suburban home and family) and the devil may well be the basis of comedy. The incident to which the complaint related, however, involved not the unlikely association of ideas but the association between the excretory function and the Bible. In the Authority's opinion the skit employed toilet humour of a repugnant variety.

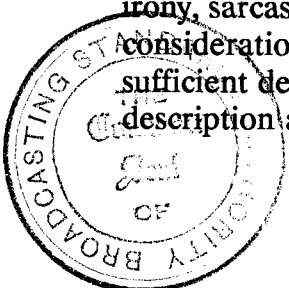
Ms Young maintained that the item breached standards 2 and 26 of the Television Code. Standard 2 requires broadcasters:

2. To take into consideration currently accepted norms of decency and taste in language and behaviour, bearing in mind the context in which any language or behaviour occurs.

Standard 26 provides:

26. Except as the legitimate expression in context of satire, dramatic themes and current affairs might legitimately dictate, the portrayal of persons in programmes in a manner that encourages denigration of, or discrimination against, sections of the community on account of sex, race, age, disability, or occupational status or as a consequence of legitimate expression of religious, cultural or political beliefs, may not be encouraged.

The Authority first assessed the item against standard 26. TVNZ argued that because of the item's satire, standard 26 was not relevant as it does not apply to "the legitimate expression in context of satire". The Authority notes that standard 26 does not apply provided, first, an item is "satirical", and secondly, the expression of satire is "legitimate". The Authority adopted the Concise Oxford definition of satire as "the use of ridicule, irony, sarcasm, etc., to expose folly or vice or to lampoon an individual". After a careful consideration of the item, on balance the Authority decided that the item included a sufficient degree of satire of accountants and their assumed boring lifestyle to justify its description as a satirical programme.



The "legitimate" expression of satire, in the Authority's view, means that the incident complained about complies with the requirements for decency and taste found in the Broadcasting Act 1989 and the Television Codes of Broadcasting Practice. As the complaint in this case alleged that the incident breached standard 2 of the Television Code which refers to decency and good taste, the Authority deferred its decision on the "legitimacy" point until completing its assessment of the skit under standard 2.

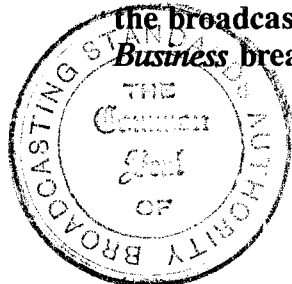
Assessing the skit against standard 2, the Authority considered TVNZ's argument that the context in which the item was broadcast, at about 10.50pm, was such that it had not offended the attitudes, values and expectations of New Zealanders who would be viewing television at that hour. The Authority has acknowledged (for example in Decision No: 2/90 about a programme called "The Nightworkers"), that programmes screened late in the evening may contain material that would be controversial and, in another context, breach the requirements for good taste and decency. In contrast, Ms Young argued that some material was unacceptable at any hour.

After a careful consideration of TVNZ's argument that not all viewers, especially those who watch late evening broadcasts, would have been offended by the skit, a majority of the Authority concluded, in agreement with Ms Young, that the association of something as sacred to Christians as the Bible and the excretory function was totally tasteless and would give justified offence to a significant number of people. It was unacceptable at any time and thus the skit breached the requirements in standard 2.

A minority of the Authority agreed with the reasons advanced by TVNZ and declined to uphold the complaint under standard 2. In view of the fact that the skit was contained in a comedy programme which was part of a comedy series, and the hour of the broadcast, the minority considered that it would not have offended the values and expectations of the viewers of the programme.

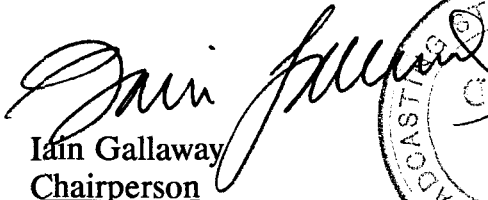
In view of the majority's conclusion on standard 2, the Authority was not prepared to accept that standard 26's exclusionary clause was brought into operation as the satire presented was not in a "legitimate" context. With regard to the application of standard 26, the Authority has decided in previous decisions (for example Decision No: 19/91 about a Telecom advertisement) that in order to uphold a complaint under it, clear evidence is necessary to show that a programme encouraged the denigration of, or discrimination against, a section of the community. In this instance, it decided that the evidence was insufficient to justify the conclusion that the portrayal of the devil and his family in the skit amounted to the encouragement of denigration of, or discrimination against, a section of the community on account of their religious beliefs.

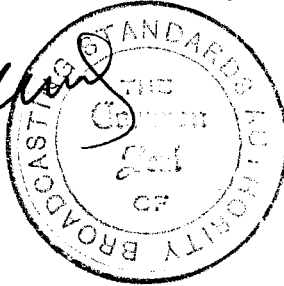
For the reasons set forth above, a majority of the Authority upholds the complaint that the broadcast on 16 May 1991 of the skit "Ron the Devil" during the programme *Funny Business* breached standard 2 of the Television Code of Broadcasting Practice.



The Authority declines to uphold the complaint that the broadcast breached standard 26 of the Code.

Signed for and on behalf of the Authority


Iain Gallaway
Chairperson



18 November 1991

Appendix

Ms Young's Complaint to Television New Zealand Limited

Ms Young complained to TVNZ Ltd in a letter dated 9 June 1991 about a sketch in the *Funny Business* comedy series broadcast by TV2 on 16 May 1991. The sketch portrayed the Devil as an accountant and in one part his two children complained to their mother about an absence of toilet paper. The mother in her reply said she had "put a fresh bible in there this morning".

Describing the sketch as offensive and deeply insulting, Ms Young said it breached standards 2 and 26 of the Television Code of Broadcasting Practice. Standard 2 requires broadcasters:

- 2 To take into consideration currently accepted norms of decency and taste in language and behaviour, bearing in mind the context in which any language or behaviour occurs.

Standard 26 provides:

- 26 Except as the legitimate expression in context of satire, dramatic themes and current affairs reporting might legitimately dictate, the portrayal of persons in programmes in a manner that encourages denigration of, or discrimination against, sections of the community on account of sex, race, age, disability, or occupational status or as a consequence of legitimate expression of religious, cultural or political beliefs, may not be encouraged.

Ms Young expressed her concern that viewers might be influenced by the religious intolerance and insensitivity exhibited in the programme and concluded:

I believe that when humour is used to insult people's faith it ceases to be humour. It becomes instead an act of violence.

TVNZ's Response to the Formal Complaint

TVNZ advised Ms Young of its Complaints Committee's decision in a letter dated 5 August 1991. It described the sketch, screened at about 10.50pm, as a satirical look at a fictitious character who appeared to lead an ordinary life but was the devil. It said that the comment about the Bible was consistent with the characters portrayed and was not of a discriminatory or denigrating nature.

TVNZ, pointing out that the item's satire triggered standard 26's exclusionary clause and taking into account the late hour of the item's screening, declined to uphold the complaint. It concluded:

This notwithstanding your genuine concerns with regard to Christian principles



were recognised and respected, even though the Committee was unable to agree that the portrayal would have any bearing on religious intolerance or insensitivity.

Ms Young's Complaint to the Broadcasting Standards Authority

As she was dissatisfied with TVNZ's decision, on 22 August 1991 Ms Young referred her complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Referring to her letter of complaint to TVNZ, she said she had been angered by the decision of TVNZ's Complaints Committee. She described the sketch as offensive, not satire, and said that religious insults and blasphemy were unacceptable at any hour. She said she was not a religious zealot and that all the people with whom she had discussed the sketch, both religious and atheists, had agreed that the item was in bad taste. Further:

... people's faith should not be a target of abuse in the guise of comedy.

TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. The request is dated 29 August and TVNZ's prompt response is dated 16 September.

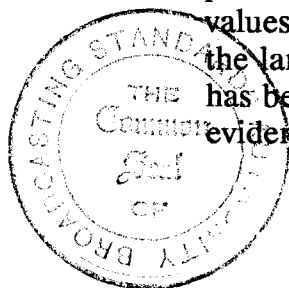
TVNZ said that the skit made it clear that religion was to be the topic of humour even though of a "not so nice variety". TVNZ regretted that the sketch had proved to be of bad humour to some but added that the skits were not meant to be taken seriously. TVNZ stated that its reference to the time of screening referred to the context. Whereas prime time was reserved for popular and widely acceptable programmes, stronger material was scheduled later in the evening so that a commitment to view was required by viewers.

Viewers in New Zealand, TVNZ argued, have a choice of channel and not all viewers liked all programmes. It continued:

That is not to say that the code is placed in jeopardy as the code makes allowance for the context in which any language or behaviour occurs.

TVNZ concluded:

In summary the company believes that, given the context of the skit, the public's perception of what might constitute generally accepted attitudes, values and expectations has not shown to be seriously misjudged. Considering the large audience for the time of night and the fact that only one complaint has been received, the company would submit that there is insufficient evidence to show that the Authority's yardstick in these matters, as outlined



above, has been miscalculated.

Ms Young's Final Comment to the Authority

When asked to comment on TVNZ's reply, in a letter dated 27 September Ms Young disputed TVNZ's point that the skit had made it clear that religion was to be the topic of the item's humour. She said that had expected the skit to focus on dishonest accountants. However, she added, even if the skit's title had correctly implied religion,

... nothing could have prepared me for the magnitude of the religious insult which was to follow.

She also disputed TVNZ's comment that it did not expect viewers to continue watching an offending programme. She described the approach as insulting, adding:

Of course I switched the TV off after the offending skit - but only after having been deeply hurt on behalf of all New Zealanders who have any religious beliefs - Christian or otherwise.

She repeated the point that the item encouraged religious intolerance and stated that the use of children compounded its lack of ethics. She concluded by remarking that although she might have been the only person to complain formally, comments in the "TV Guide" showed that other viewers had been offended.

