

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 100/92
Dated the 21st day of December 1992

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

ROBERT WARDLAW
of Auckland

Broadcaster
TELEVISION NEW ZEALAND
LIMITED

I.W. Gallaway Chairperson
J.R. Morris
R.A. Barraclough
L.M. Dawson

DECISION

Introduction

A repeat of *The Simpsons' Halloween Special* was screened by TV2 at 7.30pm on 28 July 1992. It was introduced by the mother (Marge) stating that the episode might be unsuitable for sensitive children. During the episode, members of the Simpson family appeared in dream sequences in which they were scared by the supernatural.

Mr Wardlaw was concerned about one sequence which focused on a haunted house in which two children in bed were instructed to get a knife from the kitchen and kill their family. He complained that it breached the broadcasting standards which prohibit both the depiction of easily imitated techniques of crimes and the encouragement of anti-social behaviour. Moreover, he said, the broadcaster had not been mindful of the effect of the programme on children.

In view of the item's whimsical context and the fantasy nature of the animation, TVNZ argued that the programme did not breach the first two standards. The need to be mindful of the effect of the programme on children had been met by the warning and by the programme's PGR rating. The complaint was not upheld. Dissatisfied with TVNZ's decision, Mr Wardlaw 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 programme to which the complaint relates and have read the correspondence (summarised in the Appendix). As is its practice, the Authority has determined the complaint without a formal hearing.

Mr Wardlaw complained about an episode of *The Simpsons* which portrayed a dream sequence in which the Simpson family occupied a haunted house. A voice instructed the two children who were in bed to get a kitchen knife and kill their family. That sequence, Mr Wardlaw alleged, breached standards 9, 18 and 25 of the Television Code of Broadcasting Practice. They read:

- 9 Care must be taken in depicting items which explain the technique of crime in a manner which invites imitation.
- 18 [Broadcasters are required] to be mindful of the effect any programme may have on children during their generally accepted viewing periods.
- 25 Any portrayal designed to encourage or invite extremes of anti-social behaviour including violent and serious crime, and the abuse of drugs and liquor, is not sanctioned.

Mr Wardlaw mentioned that his six year-old grandson had seen the sequence about which he complained and he described the rating of PGR, TVNZ's possible justification for the broadcast at that time, as a fatuous excuse in view of the number of children who watched television at 7.30pm.

TVNZ explained that the episode complained about was a Halloween special and, unlike other episodes, it had been introduced by the mother (Marge) warning that the episode might be unsuitable for sensitive children. With reference to the sequence complained about, TVNZ reported that the Halloween theme was pursued in that the house had proposed the murderous scheme but Marge had countered the plan and the haunted house had destroyed itself.

Referring to the standards cited, TVNZ denied that they had been breached by the broadcast and pointed out that the requirement in standard 18, for broadcasters to be mindful of the effect on children, had been met both by the PGR rating and Marge's warning. It also referred to the fantasy nature of the animation and made the general observation:

The "Simpsons" as a series is very pro-social in its approach to family life and relationships

The Authority began its assessment of the complaint by agreeing with that general remark. It believes that the series is not the average cartoon about a conventional family and neither is it a series based on fantasy characters. The Simpson family has traits characteristic of conventional families but it gains much of its comedy from unexpected, unconventional and sophisticated attitudes. The Authority also acknowledges that the



episode complained about was the Halloween special and, as TVNZ commented, was based on children's presumed liking for the supernatural.

The Authority then considered the complaint against each of the standards allegedly breached. In the past when the Authority has considered the standard 9 requirement about depicting techniques of crime, it has decided that owing to the reference in the standard to inviting imitation, it is only applicable to unusual techniques or the unusual application of familiar techniques. The item complained about referred to "stabbing" which the Authority considered was not an unusual technique. As the requirement about the nature of the technique portrayed did not apply, the Authority concluded that the programme had not breached standard 9.

When assessing the standard 25 complaint, the Authority noted that for the standard to be breached the broadcast had to depict anti-social behaviour as attractive or in a manner which might encourage it. Merely showing such behaviour is not enough to breach the standard. The Authority was of the opinion that nothing in the sequence complained about invited or encouraged an individual to copy the behaviour portrayed.

Standard 18 required more lengthy consideration. On the one hand, TVNZ said that the programme began with a warning from "Marge", the maternal figure in the Simpson family. Moreover, as a warning was unusual for the programme, it may have been more effective for being unexpected. The episode had also been broadcast during PGR time, the requirement for which reads:

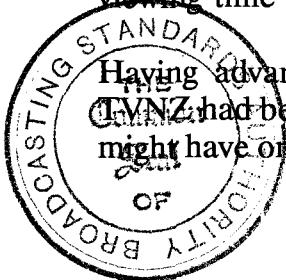
Programme containing material more suited to adult audiences but not necessarily unsuitable for child viewers when subject to the guidance of a parent or adult.

PGR programmes may be broadcast after 7.00pm and *The Simpsons* began at 7.30pm.

On the other hand, the method of attack proposed (stabbing with a knife) is one which could be regarded as distinctly possible and, therefore, credible to children. Similarly, the events were occurring within a family situation which, although one with unusual aspects, was not too far-fetched for the younger viewer to identify with. The Simpson family is sufficiently real for viewers (both young and old) to feel some degree of identification with them. That *The Simpsons* is popular and has a cult following is evidence of this attitude. Associated with that is the effectiveness of the warning from Marge. Because it was delivered by a cartoon character, it might not have been taken as seriously by viewers as would the usual more formal style of warning with which the public is familiar.

The Authority accepted, when standard 18 referred to children's "generally accepted viewing periods", that 7.30 - 8.00pm was one such period and, by way of confirmation, the Authority's as yet unpublished research records that 7.00 - 8.00pm is a popular viewing time for children aged 5 - 9 years.

Having advanced the competing arguments, the Authority then considered whether TVNZ had been sufficiently mindful of the effect the particular episode of *The Simpsons* might have on children. It decided that the sequence did portray a family situation which



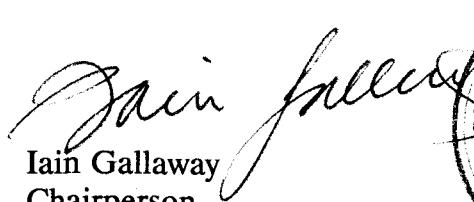
included a reference to an accessible murder weapon (kitchen knives) as part of a nightmarish sequence. Despite the satisfactory way in which the sequence was resolved, a majority of the Authority concluded that the broadcast had given insufficient attention to the programme's effect on children and, consequently, had breached standard 18.

Although acknowledging the realistic aspects of the sequence complained about, the minority believed that the fantasy nature of the animation merited more emphasis. It considered that this aspect of the programme created some distance between the characters portrayed, and their actions, and viewers of all ages. Taking this point into account along with Marge's warning, the minority concluded that the broadcast complied with standard 18.

For the reasons set forth above, a majority of the Authority upholds the complaint that the broadcast by TVNZ of *The Simpsons' Halloween Special* on 28 July 1992 breached standard 18 of the Television Code of Broadcasting Practice. The Authority unanimously declines to uphold any other aspect of the complaint.

Having upheld a complaint, the Authority may make an order under s.13(1) of the Broadcasting Act 1989. It does not intend to do so on this occasion. As the decision records, the programme made some effort to comply with the standard and, in addition, the breach was not a major one.

Signed for and on behalf of the Authority


Iain Gallaway
Chairperson


21 December 1992

Appendix

Mr Wardlaw's Complaint to Television New Zealand Limited

In a letter on 29 July 1992, Mr Robert Wardlaw of Auckland complained to Television New Zealand Ltd about an episode of *The Simpsons* broadcast on TV2 at 7.30pm on 28 July 1992.

Mr Wardlaw complained that the broadcast breached standards 9, 18 and 25 of the Television Code of Broadcasting Practice which require, first, care when depicting easily imitated techniques of crime, secondly, for broadcasters to be mindful of the effect of a programme on children during their viewing periods, and thirdly, a prohibition on the encouragement of anti-social behaviour.

The episode, Mr Wardlaw related, involved the Simpson family occupying a haunted house in which two children in bed were instructed by a voice to get a kitchen knife and kill their family. Mr Wardlaw added that his six year-old grandson, who saw the offending segment, had recently commented on a news item in which a murder had been committed with a kitchen knife. The complainant continued:

My complaint draws attention to the fact that New Zealand has been suffering the appalling phenomenon of serial killings and tragedies such as a recent incident in which a family was evidently burnt to death in their home by a resentful child.

It was inexcusable of TV2 to present this programme in this time band and it would not have been acceptable to many thousands of viewers in *any* time band with its potential for inciting "copy cat" serial killing behaviour in disturbed personalities. How often have the perpetrators of similar crimes pleaded in Court that "a voice told them it was their duty" to carry out the particular homicide?

Mr Wardlaw argued that the programme's rating as PGR was a fatuous excuse in view of the number of children who watched at that time. Moreover, the prior warning was ineffective for accidental viewers. He concluded:

There is no circumstance under which children - or any other sector of our community - should have their minds invaded with the ghoulish suggestion that it is their duty to slaughter their family and with the universally convenient weapon being indicated.

TVNZ's Response to the Formal Complaint



TVNZ advised Mr Wardlaw of its Complaints Committee's decision in a letter dated 8 September 1992.

The episode complained about, it began, was a repeat screening of *The Simpsons' Halloween Special*. Unlike other episodes, it had been introduced with the mother (Marge) warning that the episode might be unsuitable for sensitive children. It had used the Halloween theme based on a presumed liking for the supernatural and family members had appeared in a series of dream sequences. The sequence complained about was a sequence in which the family moved into a haunted house. The house had implanted the murderous idea but Marge had countered the house's plans and the house had destroyed itself.

Given the whimsical context, TVNZ disagreed that an animated dream sequence breached standard 9 (easily imitated techniques of crime). The alleged breach of standard 18 (effect on children), TVNZ continued, was met by the warning and the programme's PGR rating. The fantasy nature of the animation meant that standard 25 (encouraging anti-social behaviour) was not breached and TVNZ remarked:

On the contrary, "The Simpsons" as a series is very pro-social in its approach to family life and relationships.

TVNZ pointed out that a viewer who saw segments of a play or an opera could well get a false impression of the total performance. It concluded:

The Committee noted, in passing, that you and your grandson - had you stayed with "The Simpsons" - might have greatly enjoyed a recitation of Edgar Allan Poe's "The Raven" ("quoth the Raven - nevermore") later in the same programme. It was delivered by the character Homer Simpson in a manner which only Homer could manage!

Taking everything into account, the Complaints Committee was unable to conclude that a breach of the codes had occurred. Accordingly your complaint was not upheld.

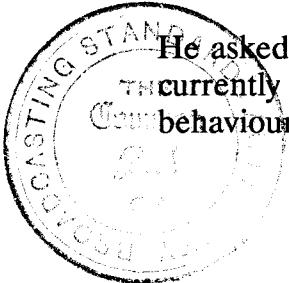
Mr Wardlaw's Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's response, on 29 September 1992 Mr Wardlaw referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

His complaint, he wrote, followed seeing an item inadvertently and:

... arose out of the conviction that the instruction to children to commit homicidal violence on their sleeping family, under whatever play-acting excuse, matches an old truism that "there are two things which cannot be taken back ... the sped arrow and the spoken word".

He asked what were the safeguards to protect young children from much of the currently fashionable philosophy which resulted in rapidly degenerating social behaviour.



Mr Wardlaw argued that TVNZ had adopted the view that "standards have changed" and had allowed the broadcast of programmes approved by people with no developed sense of responsibility towards their own and following generations. Referring to the warning given on the programme by Marge (the mother) Mr Wardlaw pointed out, on the one hand, that it had condemned the programme as unsuitable for children but, on the other, was of no value to those who did not see it. He concluded:

TVNZ lightly dismissed the prospect of material on TV providing patterns for human behaviour. There was a considerable bearing on this view in the coverage on TV this week of the unresolved "Mona Blades murder affair" and the speculatively linked, entirely unprovoked shooting of a young girl at St Cuthbert's College in Epsom by one who was described by police as "homicidal maniac". The type of behaviour described has frequently been featured on TV but could not possibly be described as "learned behaviour in everyday life" - or learned behaviour in any other visual way of which one can readily think.

TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 1 October 1992 and TVNZ's response, 12 October.

TVNZ argued that Mr Wardlaw's reaction would have been different if he had seen the entire programme, rather than a brief part, and had seen the incident complained about in its full context.

In response to Mr Wardlaw's point that the programme was condemned by Marge (the mother), TVNZ said the warning equated with that of a parent who read to a child a bedtime story about witches. Indeed, in view of the family values advanced by *The Simpsons*, the programme would have been of considerably more benefit than old time fairy stories. TVNZ finished by stating:

Finally, at no point in the letter to Mr Wardlaw have we either stated or implied that this programme was justified because of "changing standards". On the contrary, we emphasised the pro-social, pro-family nature of the series. Neither did we make any comment about the ratings, or the number of complaints received. (For the record this was the only formal complaint received for this or the previous screening of **The Simpsons' Halloween Special**).

Mr Wardlaw's Final Comment to the Authority

When asked to comment on TVNZ's reply, in a letter dated 28 October 1992 Mr Wardlaw repeated two deep concerns about the programme's theme and its "injunction to children to *murder their sleeping parents*". He called for research on the realities of parental supervision and commented critically on a number of other points made by TVNZ.

