

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 34/92

Dated the 25th day of June 1992

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

LYNDSAY BROCK

of Auckland

Broadcaster

TELEVISION NEW ZEALAND
LIMITED

I.W. Gallaway Chairperson

J.R. Morris

R.A. Barraclough

L.M. Dawson

DECISION

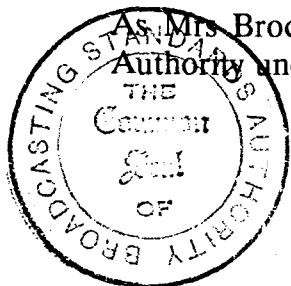
Introduction

"Give It Away" was the title of a music video sung by the Red Hot Chili Peppers, broadcast by Television New Zealand Ltd, and played on the *Pepsi RTR Top 40* on the morning of Saturday 18 January 1992.

Mrs Lyndsay Brock complained to TVNZ that the video did not meet the taste and decency broadcasting standard as it was visually offensive in its sexual explicitness and as the lyrics dealt with incest and bestiality. She was particularly concerned that the programme was broadcast at a time when many children would be watching television.

TVNZ denied that the lyrics blatantly suggested sex and said that the camera shots were no more (or less) offensive than those seen on many dance videos including those for aerobics. It declined to uphold the complaint.

As Mrs Brock was dissatisfied with that decision, she referred her complaint to the Authority under s.8(a) of the Broadcasting Act 1989.



Decision

The members have viewed the music video to which the complaint refers and have read the correspondence (summarised in the Appendix). As is its practice, the Authority has determined the complaint without a hearing.

Mrs Brock complained to TVNZ that the broadcast of the video which showed the Red Hot Chili Peppers singing "Give It Away" was visually offensive in that it portrayed simulated masturbation and included "crotch shots". The lyrics, she added, dealt with incest and suggested bestiality. She was also concerned that the broadcast of music videos on weekend mornings meant that small children were exposed to them. She complained that the broadcast breached standards 2 and 18 of the Television Code of Broadcasting Practice. They require broadcasters:

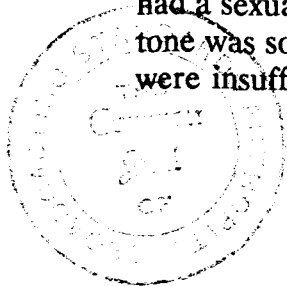
- 2 To take into consideration currently accepted norms of decency and taste in language and behaviour, bearing in mind the context in which any language or behaviour occurs.
- 18 To be mindful of the effect any programme may have on children during their generally accepted viewing periods.

Acknowledging that the lyrics were open to interpretation, TVNZ denied that they suggested incest or bestiality. The visuals, it said, were no more or less offensive than those seen on many dance videos.

The video complained about, the Red Hot Chili Peppers singing "Give it Away", contained the basic ingredients of music videos -i.e. noise, rhythm and special effects. The New Zealand music magazine "Rip It Up" described the group's music as an "intense fusion of rap, funk, rock, jazz, lyrical density and extreme physical presence". That description corresponded with one to the Authority from an expert who said the group's music was a rock hybrid of hard-core punk energy and funk. After its own studies, the Authority is surprised at TVNZ's comment that some young people interpreted the song's message as "remember your family and stay out of trouble".

Dealing first with the complaint about the visual presentation of the Red Hot Chili Peppers' video, the Authority decided that considerable imagination was required to see simulated masturbation and considered that the "crotch" shots of a scantily clad male singer, although containing an element of sexuality, nevertheless placed more emphasis on clever camera angles.

Although the Authority found the lyrics difficult to hear, a transcript was supplied by TVNZ and it is reprinted at the end of the Appendix. Inevitably there was room for double-entendre but not to the degree, the Authority considered, that threatened the requirement in standard 2. Moreover, the Authority considered that although the video had a sexual tone, it was not an overwhelming theme. It believed that while the video's tone was somewhat bizarre and discordant and even rather threatening, those elements were insufficient to justify a finding that standard 2 had been breached.



Although the Authority decided that the broadcast of the video did not breach the good taste and decency requirement in standard 2 of the Code, the requirement of standard 18 raised different questions. The Authority noted that the programme was broadcast during "G" or general time and the requirement for programmes to be classified "G" provides that they will be:

Programmes which exclude material likely to be unsuitable for children under 14 years although they may not necessarily be designed for child viewers.

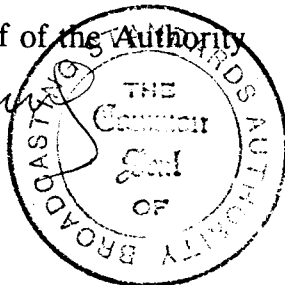
The broadcast complained about was not designed for children and the Authority felt a degree of unease about the content of some rock videos broadcast during the morning at the weekend. It acknowledged that it was a time when teenagers, as well as children under the age of 14 years, might often watch television. A majority of the Authority decided that the "Give it Away" video was highly unlikely to be understood by young children and, accordingly, concluded that the broadcast did not breach standard 18. The minority, on the other hand, considered that the video in question, because of its overall tone, was unsuitable for children under the age of 14 and, consequently, the broadcast on Saturday morning breached standard 18.

For the reasons set forth above, the Authority declines to uphold the complaint that the broadcast on 18 January 1992 breached standard 2 of the Television Code of Broadcasting Behaviour and the majority declines to uphold the complaint that the same broadcast breached standard 18 of the Code.

The Authority records that should music videos contain more offensive visuals or use more offensive lyrics than the Red Hot Chili Peppers' rendition of "Give It Away" in order to attract the attention of viewers, then the use of such material might well breach broadcasting standards, particularly in view of its concern for the protection of children, if they are broadcast during the "General" time slot.

Signed for and on behalf of the Authority

Iain Gallaway
Iain Gallaway
Chairperson



25 June 1992

Appendix

Mrs Lyndsay Brock's Complaint to Television New Zealand Ltd

In a letter dated 13 February 1992, Mrs Brock complained to Television New Zealand Limited about the broadcast of a video titled "Give It Away" sung by the Red Hot Chili Peppers on the *Pepsi RTR Top 40* on the morning of Saturday 18 January 1992.

She complained that the video was visually offensive in its sexual explicitness and that the lyrics dealt with incest and bestiality. She was particularly concerned that pop programmes, now that they had shown in the morning, were seen by young children. As an indication of the unsatisfactory content of the video, she said that it was screened by TV3's *Nightline* and that some adult viewers had objected.

She said the broadcast breached the broadcasting standards requiring broadcasters, first, to take currently accepted norms of decency and taste into consideration and, secondly, to be mindful of the effect of programmes on children.

She was not, she added, a member of any pressure group and asked that her complaint be treated as a sincere concern.

TVNZ's Response to the Formal Complaint

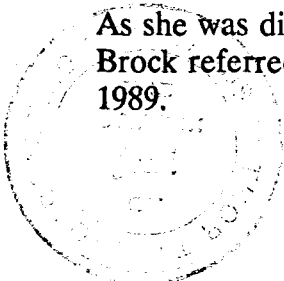
In a letter dated 17 March 1992, TVNZ advised Mrs Brock of its Complaints Committee's decision.

It noted that the complaint had been assessed under standards 2 and 18 of the Television Code of Broadcasting Practice, being the standards cited. The lyrics, TVNZ continued, were open to interpretation but they contained no blatant suggestion of sex, incest or bestiality. In regard to the visuals, TVNZ said that the camera angles were no more (or less) offensive than those used on other dance videos or on an Australian aerobic programme.

TVNZ added that its Complaints Committee agreed with a panel of teenagers when it was told that the panel had said that the song's message was "remember your family and stay out of trouble". TVNZ obtained a copy of the lyrics from the distribution company which said that it had received no complaints from any other country in which the video had been played.

Mrs Brock's Complaint to the Broadcasting Standards Authority

As she was dissatisfied with TVNZ's decision, in a letter dated 20 March 1992, Mrs Brock referred her complaint to the Authority under s.8(a) of the Broadcasting Act 1989.



Maintaining her interpretation of the lyrics, she disagreed with TVNZ's opinions and again condemned the visual content. She expressed particular concern about the time slot during which the item was broadcast and added:

While I know that it isn't a matter for the Standards Authority, I must add that I found TVNZ's reply rather hurtful in tone. This is the very first time I have been moved to complain in this way, and their answer made me feel as though I had been put firmly in the category of "priggish spoil-sport", a label I simply do not deserve.

TVNZ's Response to the Authority

As is its usual practice, the Authority sought the broadcaster's response to the complaint. The letter to TVNZ was dated 1 April 1992 and its response, 1 May. It began:

At the outset we would comment that with this complaint we have found it difficult to match up the complainant's allegations with what went to air!

TVNZ continued that there was nothing in either the lyrics or the visuals which could be described as "sexually explicit". The crotch shots, it continued, were brief and were merely a clever camera angle and the gyrations were very amateur. A copy of the lyrics was supplied.

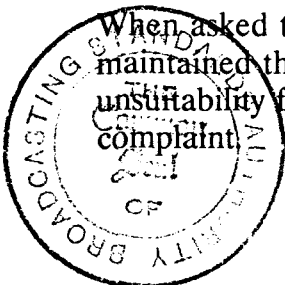
In regard to the complaint that the video was unsuitable for young children, TVNZ said that the incomprehensible material would have minimal appeal to such an audience. Nevertheless, the "G" classification, rather than "AO" (Adults Only) was appropriate. Further, it said that the video was shown later in the morning together with other material which would appeal to and be suitable for older children and adolescents. TVNZ maintained that the item did not breach the standard designed to protect children from unsuitable material.

It concluded:

Finally we regret that our response to the complainant has now been interpreted the way it has. We are unable to discover how the category she feels she has been placed in could possibly arise from our straight factual report of the Committee's findings with regard to the very serious allegations she was making.

Mrs Brock's Final Comment to the Authority

When asked to comment on TVNZ's response, in a letter dated 7 May Mrs Brock maintained the arguments that she had earlier advanced - especially about the item's unsuitability for children. She said that she had checked the lyrics before lodging her complaint.



GIVE IT AWAY

The lyrics of "Give It Away" are:

What I've got you're got to give it to your mamma
What I've got you're got to give it to your pappa
What I've got you're got to give it to your daughter
You do a little dance and then you drink a little water

What I've got you're got to get it put in you
What I've got you're got to get it put in you
What I've got you're got to get it put in you
Reeling with the feeling don't stop continue

Realize I don't wanting be a miser
Confide wisely you'll be the wiser
Young blood is the lovin' upriser
How can everybody keep it like the kaiser

CHORUS

Give it away give it away give it away now (x 3)
I can't tell I'm king pin or a pauper

Greedy little people in a sea of distress
Keep your more to receive your less
Unimpressed by material success
Love is free love me say hell yes

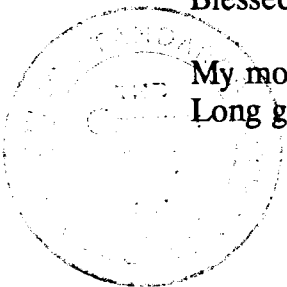
I'm a low brow but I rock a little know how
No time for the piggies or the hoosegow
Get smart get down with the pow wow
Never been a better time than right now

Bob Marley poet and a prophet
Bob Marley taught me how to off it
Bob Marley walkin' like he talk me
Goodness me can't you see I'm gonna cough it

CHORUS

Luck me swimming in my ability
Dancin' down on life with agility
Come and drink it up from me fertility
Blessed with a bucket of lucky mobility

My mom I love her 'cause she love me
Long gone are the times when she scrub me



Feelin' good my brother gonna hug me
Drink my juice young love chug-a-lug me

There's a river born to be a giver
Keep you warm won't let you shiver
His heart is never gonna wither
Come on everybody time to deliver

CHORUS

REPEAT FIRST VERSE

