

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 79/92

Dated the 15th day of October 1992

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

ROBERT WARDLAW

of Auckland

Broadcaster

TV3 NETWORK SERVICES

LIMITED

I.W. Gallaway Chairperson

J.R. Morris

R.A. Barraclough

L.M. Dawson

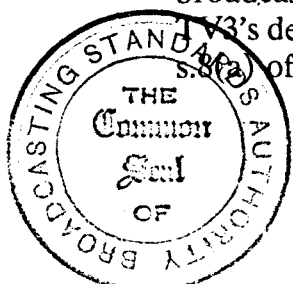
DECISION

Introduction

"And Now From Nazareth" was the title of a sketch on the programme *Rowan Atkinson on Location* broadcast by TV3 Network Services Ltd on Sunday evening 17 May. The skit involved Rowan Atkinson dressed as a church minister reading a lesson purportedly from the Bible.

Mr Wardlaw complained to TV3 that the parody of the Holy Bible was scurrilous and breached the broadcasting standard requiring truth and accuracy. In addition, he said, it breached the standards which prohibited the use of a deceptive programme practice and the encouragement of denigration of, or discrimination against, Christians. Moreover, the promotional material for the programme breached the standard requiring broadcasters to abide by the classification codes.

Acknowledging that the programme classified as "AO" associated religion and magic in a humorous but obviously satirical manner, TV3 said the programme was recorded before an audience over several nights and thus the issue of "canned laughter" as a deceptive programme practice was irrelevant. It believed that the "AO" classification was appropriate and denied that the item denigrated or discriminated against Christians. The broadcaster declined to uphold the complaint. As Mr Wardlaw was dissatisfied with TV3's decision, he referred the complaint to the Broadcasting Standards Authority under s.30(2) of the Broadcasting Act 1989.



Decision

The members of the Authority have viewed the item complained about 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 to TV3 about its broadcast of the sketch called "And Now From Nazareth" performed by Rowan Atkinson as part of the programme *Rowan Atkinson on Location*. The skit involved Mr Atkinson dressed in clerical garb and apparently reading from the Bible the account of the miracle at Cana which records the turning of water into wine. Although the reading was based on that event and included the use of the traditional biblical phraseology, the story was presented as if God was a magician trying to impress an audience.

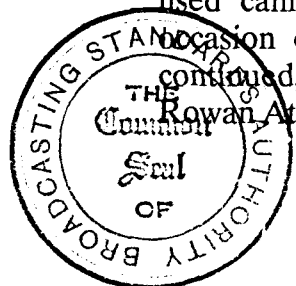
In his complaint, Mr Wardlaw alleged breaches of standards 1, 7, 8 and 26 of the Television Code of Broadcasting Practice. Standards 1, 7 and 8 require broadcasters:

- 1 To be truthful and accurate on points of fact.
- 7 To avoid the use of any deceptive programme practice which takes advantage of the confidence viewers have in the integrity of broadcasting.
- 8 To abide by the classification codes and their appropriate time bands as outlined in the agreed criteria for programme classifications.

Standard 26 reads:

- 26 The portrayal of people in a way which is likely to encourage denigration of or discrimination against any section of the community on account of sex, race, age, disability, occupation status, sexual orientation or the holding of any religious, cultural or political belief shall be avoided. This requirement is not intended to prevent the broadcast of material which is:
 - i) factual, or
 - ii) the expression of genuinely-held opinion in a news or current affairs programme, or
 - iii) in the legitimate context of a humorous, satirical or dramatic work.

Standard 1 was breached, Mr Wardlaw wrote, as many viewers who were unfamiliar with the Bible might not understand the parody and, accordingly, regard the apparently true words as contemptible. Mr Wardlaw stated that a number of British television comedies used "canned laughter" to ensure a humorous response to puerile gags and its use on this occasion could well have misled viewers. Standard 8 was breached, Mr Wardlaw continued, by the broadcast of promotional trailers for the programme which involved Rowan Atkinson carrying out "obscene gyrations" and using the words "something sticking



up his bottom". The item's denigration of Christians, Mr Wardlaw concluded, breached standard 26.

TV3 explained that the entire programme which involved satirical humour had been classified as Adults Only ("AO") and had been screened at a time (after 8.30pm) which complied with that classification. With reference to the skit complained about, TV3 acknowledged that it associated religion and magic in a humorous way. Nevertheless, as the purported reading was based on a well-known passage in the Bible, TV3 believed that it did not breach the standard 1 requirement for truth and accuracy. As explained at the beginning of the broadcast, it continued, the programme was recorded "live" over several nights and thus "canned" laughter was not used. Mr Wardlaw commented in his letter that he did not see the beginning of the show and thus would have missed the explanation that it was a recording made from several live performances. As canned laughter was not used, the question of whether standard 7 had been breached was not relevant.

Emphasising the "AO" classification, TV3 argued that the promotional material gave viewers an indication of the items' likely contents and allowed them to make up their minds whether or not to watch. Further, as religious beliefs were usually well settled by the time people reached 18 years, viewers were unlikely to have their views affected by the programme and, as the monologue used ludicrously illogical humour, it could not be regarded as a serious comment about Christianity.

The Authority is unable to determine the complaint that the broadcast of promotional material (a promo) for the programme breached standard 8. When it asked TV3 specifically for a videotape of the promo which had been used, it was told that it was not available as the tape had since been reused. TV3 later advised the Authority that log tapes were kept for 90 days in accordance with its internal procedures. As Mr Wardlaw's complaint to TV3 specifically referred to material in the promo, the Authority is dissatisfied that a videotape of the promo was not supplied at the time it received a tape of the item complained about. Because of the unavailability of the tape, the Authority has decided that it would be inappropriate to attempt to determine that aspect of the complaint which, fortunately, appeared not to be a major part of it. The Authority is considering separately the general issue of the supply of tapes by broadcasters.

In regard to the truth and accuracy complaint under standard 1, the Authority agreed with TV3 that the biblical story on which the item was based was sufficiently well-known that viewers would not be misled. Alternatively, if viewers were unfamiliar with it, the manner in which it was presented and its contents portrayed clearly that it was a parody.

Standard 26 provides an exception for the legitimate use of humour and satire. Mr Wardlaw provided a statement about the meaning of satire from the NZ Education Foundation in Silverdale which said:

A satire is not to be confused with a lampoon where any individual is simply held up to ridicule for no obvious moral purpose. The intention of a lampoon is simply to make somebody look foolish. That is not satire.




In response, the Authority would reiterate that the exception provides for the use of satire and humour. In view of the definitions of "satire" in the Concise Oxford (eighth edn) as "the use of ridicule, irony, sarcasm, etc., to expose folly or vice or to lampoon an individual" and "lampoon" as "a satirical attack on a person etc.", the Authority considers that it is unnecessary to rule on the applicability of the definition supplied by Mr Wardlaw.

Rather, having decided that the item's use of humour and satire was legitimate as required by the standard in the sense that it did not breach any other broadcasting standards, the Authority concluded that, as the item fell within the exception in standard 26 (iii), it was unnecessary to decide whether the item breached the requirements of the principal clause of standard 26.

For the reasons set forth above, the Authority declines to uphold the complaint that the broadcast by TV3 Network Services Ltd on 17 May 1992 of the skit "And Now From Nazareth" as part of the programme *Rowan Atkinson on Location* breached standards 1, 7 and 26 of the Television Code of Broadcasting Practice.

As explained above, the Authority is unable to decide whether the broadcast of promotional material for the programme breached standard 8 of the same Code.

Signed for and on behalf of the Authority


Iain Gallaway
Chairperson



15 October 1992

Appendix

Mr Wardlaw's Complaint to TV3 Network Services Limited

In a letter dated 18 May 1992, Mr Robert Wardlaw complained to TV3 Network Services Ltd about a sketch on the programme *Rowan Atkinson on Location* broadcast on Sunday evening 17 May.

Mr Wardlaw stated that the sketch involved Rowan Atkinson, while dressed as a Minister of a Christian Church, pretending to read from the Holy Bible but, he complained:

the words read were a parody of implied historically recorded verbal communication, in biblical language and phraseology, between God and the biblical characters.

In paraphrasing the alleged biblical reading, Mr Wardlaw wrote:

God was portrayed in implied acts of magic involving a rabbit and a carrot and the suggestion was made that he performed this (magic) as an alternative role to being Creator God of Christians.

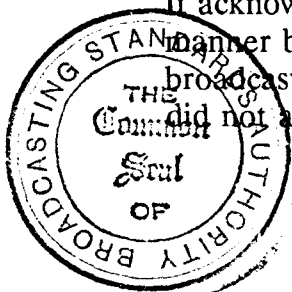
Further during the item the "true Lord" was given the name Paul Daniels, which was the name of a popular British illusionist.

Mr Wardlaw complained that the item breached standards 1, 7, 8 and 26 of the Television Code of Broadcasting Practice, requiring respectively, factual truth and accuracy, the avoidance of any deceptive programme practice, abiding by the classification codes and not encouraging the denigration of, or discrimination against, a section of the community on account of religious beliefs. The standard 1 complaint was based on the allegation that viewers could well assume that the reading was, in fact, from the Bible. Standard 7 was breached because the programme almost certainly used "canned laughter" in order to give the impression that the audience found the puerile and outrageous script funny. Promos for the programme referring to a person's bottom breached the classification codes and Christians were denigrated by an item which parodied divine worship and mocked the reading of the Bible.

TV3's Response to the Formal Complaint

TV3 advised Mr Wardlaw of its Complaints Committee's decision in a letter dated 14 July.

It acknowledged that the skit had associated religion and magic in a humorous manner but the item, involving satirical humour, had been classified "AO" and broadcast accordingly (after 8.30pm). As the skit was based on a famous story, TV3 did not accept that viewers would construe the monologue as the real words in the



Bible. Accordingly, TV3 added, it did not breach the standard requiring factual truth and accuracy. Moreover, it did not breach the standard referring to any deceptive programming practice as the entire programme, as explained at the beginning of the broadcast, was recorded live before an audience over several nights.

Referring again to the "AO" classification which meant that the item had an adult theme, TV3 argued that people, by the age of 18, usually had well formed religious views and would neither be swayed by the humorous monologue which was broadcast nor consider it an accurate representation of a religion. It continued:

In addition, we felt the promotions material used for the programme would have given viewers advance expectations of the likely contents and given them sufficient information to make the choice to watch or otherwise.

Finally, TV3 argued that the humorous item did not denigrate Christians nor could it be considered a serious comment about Christianity.

Mr Wardlaw's Complaint to the Broadcasting Standards Authority

As he was dissatisfied with TV3's response Mr Wardlaw referred his complaint to the Authority under s.8(a) of the Broadcasting Act 1989.

He disagreed with TV3's claim that people of the age of 18 years would appreciate the item's satirical humour pointing out that many people of that age would not have been exposed to the authentic claims of the Christian Church. Furthermore, many people after the age of 18 years revised their Christian convictions.

Moreover, Mr Wardlaw continued, TV3's response did not deal with his complaint that the item ridiculed Christians by portraying them as naive idiots. He added, the linking in the item of divine miracles with human magic, rather than showing satire, was also a calculated insult to Christians.

As TV3 had not supplied a tape of the item, despite his request for one, and had not listed the number of times the promos had been broadcast, he accepted that he might have been wrong in saying that the skit suggested that God, rather than Jesus, performed magic although he also requested reassurance on the point. He was also unable to recall exactly on which part of the Bible the skit had been based and argued that a tape of the programme should have been made available to him as parties in civil proceedings were entitled to discovery of evidence.

He doubted TV3's claim that all the laughter broadcast was genuinely "live" as he found it incredible that an audience would laugh at some of the puerile humour displayed without some sort of prompting. Accepting the idea that God or Jesus were magicians was outrageous and incongruous he said and he was unable to accept that any person of any age would consider the idea as funny. In addition, he commented that a warning could not be used to justify the broadcast of a totally offensive item.



In a Complaint Referral Form completed on the Authority's request, Mr Wardlaw disputed TV3's description of the item as a satire. Quoting a teacher of English, Mr Wardlaw said satire was the form of communication which showed up hypocrisy, humbug, inexcusable ignorance or naivete. Satire which lacked a specific objective became mere ridicule. That description, he maintained, applied to the item complained about.

Mr Wardlaw concluded:

Television should not have been allowed to degenerate to the point to which it undoubtedly has, by the acceptance of a downward sliding morality or sensitivity base, where on many occasions there is no Channel showing other than vocal and visible crudity and the sultry adultery which are turning the nation and its families into a divorce machine at the expense of its innocent and ever more abused children.

TV3's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. The letter enclosing all the papers was dated 31 July and TV3's response 5 August. In its reply TV3 stated that it had nothing further to add to its letter to Mr Wardlaw dated 14 July.

Mr Wardlaw's Final Comment to the Authority

When asked if he wished to comment further, in a letter dated 13 August Mr Wardlaw asked the Authority to focus on the definition of satire as TV3 had dismissed his complaint on that ground.

Describing TV3's attitude as secretive and unco-operative, he repeated his request for an opportunity to view the programme again.

