

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 90/92

Dated the 19th day of November 1992

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

MARK TOOMER
of Christchurch

Broadcaster
TV3 NETWORK SERVICES
LIMITED

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

DECISION

Introduction

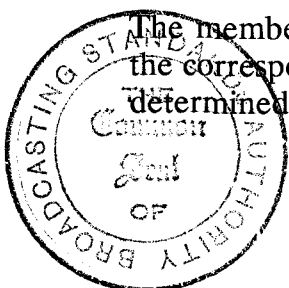
The word "Jesus" was used as an expletive by a police officer during an item about the possible visit by an American rap musician broadcast by *Three National News* at 6.00pm on 17 July 1992.

Mr Toomer complained to TV3 Network Services Ltd, as the broadcaster, that the blasphemous use of the word breached the good taste and decency standard, that it denigrated Christians and that it breached the standard requiring broadcasters to be mindful of the effect of programmes on children.

TV3 said that the word was used in the context as an expression of exasperation and disgust and declined to uphold the complaint. As he was dissatisfied with TV3's response, Mr Toomer referred his 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 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.



Police concerns about the visit of the American rap musician Ice T were dealt with in an item on *Three National News* on 17 July 1992 broadcast by TV3 between 6.00 - 7.00pm. It showed a police officer listening to a tape of one of the singer's songs. After listening to the tape the police officer used the word "Jesus" in what the complainant described as an "expletive way". In response to the complaint, TV3 considered that the word had been used in the context of exasperation and disgust and not in a way that denigrated Christians.

When referring his complaint to the Authority, Mr Toomer wrote that the speaker's intention when using the word was irrelevant. The use of the word "Jesus" in a blasphemous way, he added, would offend most Christians and he alleged that its use on this occasion breached standards 2, 18 and 26 of the Television Code of Broadcasting Practice.

Standards 2 and 18 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.

Standard 26 provides:

- 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.

When considering complaints about blasphemy in the past (for example Decision No: 49/91 - the alleged blasphemous use of "Jesus" and "Christ" in *Waiting for God*, and Decision No: 54/91 - associating the Bible with toilet humour of a repugnant variety on *Funny Business*), the Authority reported that whether the use of blasphemy resulted in a finding that the standards have been breached depended substantially on the context in which the blasphemy was used. With Mr Toomer's complaint, the situation was not one of comedy which applied in the case of both of the decisions noted above. On this occasion the term was used during an item on the news.



The use of an expletive - an expression or word in exclamation - can be either raucous or restrained. In the situation to which the current complaint referred, it was used in a very restrained manner with genuine spontaneity and, as TV3 pointed out, in the context of exasperation and despair. In addition, the Authority noted that it was spoken reasonably softly by a police officer with his back to the camera and was used by him in his despair as an appeal to Christ about the music to which he was listening rather than with a desire to shock.

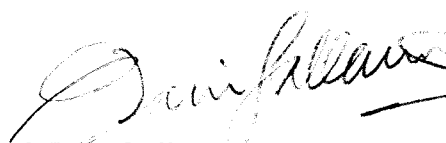
Taking into account the context in which the expression was used, the Authority then considered whether the broadcast had breached the standards noted. Standard 2 refers to accepted norms of decency and taste of language and behaviour in context. In view of the mild and understandable manner in which the word "Jesus" was used on the item and the reasons given in the previous paragraph, the Authority decided that standard 2 had not been breached. Standard 18 requires broadcasters to be mindful of the effect of a programme on children. Again, for the same reasons, the Authority decided that the broadcast did not breach standard 18.

In regard to standard 26, the Authority noted in Decision No: 54/91 that clear evidence was necessary to show that a programme encouraged the denigration of, or discrimination against, a section of the community for a breach to be substantiated. In this instance, the Authority decided that the evidence was insufficient to justify the conclusion that the use of the word "Jesus" quietly in exasperation amounted to the encouragement of, or discrimination against, a section of the community on account of its religious beliefs.

As it is aware that the use of blasphemy is highly offensive to some people, the Authority is not prepared to issue general rules as to when its use may be acceptable but will assess each complaint on its facts. Nevertheless, in the circumstances of the broadcast to which the current complaint referred, the Authority concluded that it did not breach standards 2, 18 and 26.

For the reasons set forth above, the Authority declines to uphold the complaint.

Signed for and on behalf of the Authority



Iain Gallaway
Chairperson



19 November 1992

Appendix

Mr Mark Toomer's Complaint to TV3 Network Services Limited

In a letter dated 20 July 1992, Mr Mark Toomer complained to TV3 Network Services Ltd about the use of the word "Jesus" on *Three National News* at 6.00pm on 17 July 1992. During an item about police concern about a possible visit by an American rap musician, one police officer had used the word in a non-religious way as an expletive.

Stating that the inappropriate use of "Jesus" was as offensive as use of the word "fuck", Mr Toomer said its blasphemous use breached the standard requiring good taste and decency and it also denigrated the beliefs of Christians. In addition, the use of the word "Jesus" in that way by a police officer breached the standard which requires broadcasters to be mindful of the effect of programmes on children. It should, he concluded, have been either edited or bleeped out.

TV3's Response to the Formal Complaint

TV3 advised Mr Toomer of its Complaints Committee's decision in a letter dated 3 August 1992.

Having considered the complaint against the standards cited, TV3 declined to uphold the complaint. It said that the word had been used in the context of exasperation and disgust and its use could not be construed as a blasphemous attack designed to denigrate Christians.

Mr Toomer's Complaint to the Broadcasting Standards Authority

As he was dissatisfied with TV3's response, on 29 August Mr Toomer referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

TV3's response, he wrote, missed the point. Regardless of the user's contention, "the use of blasphemy does offend Christians and denigrates Christianity". He also rejected any defence which might justify its use as an oath, adding that it only referred to an oath used when giving evidence in court. He argued:

Broadcasters have a responsibility to maintain standards of taste and decency, and common usage alone is not a good enough reason for curing something.

TV3's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. In a letter dated 1 October, TV3 advised that it did not wish to add anything to its 3 August response to the complainant.

