

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 4/93

Dated the 4th day of February 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

MONSIGNOR F.D. O'DEA  
of Dunedin

Broadcaster  
TV3 NETWORK SERVICES  
LIMITED

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

DECISION

Introduction

Alleged apparitions of the Virgin Mary in the United States were featured in an item on *Nightline* on 2 September 1992. It was followed by a broadcast of an allegedly satirical piece set in Auckland when passing pedestrians were asked whether they saw an apparition on the town hall's clock tower.

The Rev. Monsignor O'Dea complained to TV3 Network Services Ltd, as the broadcaster, that the item was highly insensitive and deeply offensive and, by mocking the religious sensitivities of many Catholics and other viewers, breached the broadcasting standards.

Arguing that because the item was satirical it was an exception to the prohibition on programmes which denigrated a section of the community on account of religious beliefs, TV3 declined to uphold the complaint. Dissatisfied with the decision, Monsignor O'Dea 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.

A news item about the crowd which gathered one evening to witness the apparent apparition of the Virgin Mary on a site in the United States was shown on TV3's *Nightline* between 10.30 - 11.15pm on 2 September 1992. It was followed by an item where a TV3 journalist stopped pedestrians in Auckland's Queen Street and asked them if they saw an apparition of the Virgin Mary on the town hall's clock tower.

The Rev. Monsignor O'Dea described the item set in Auckland as both insensitive and offensive to Catholics and other viewers. As TV3 would not have ridiculed Moslems, Jews or Maori in a similar way, he continued, he believed TV3 adopted a contemptuous attitude towards many viewers.

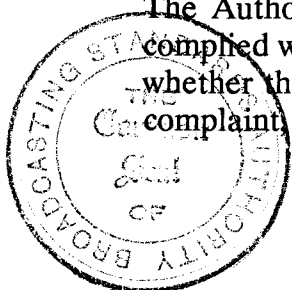
TV3 assessed the complaint under standard 26 of the Television Code of Broadcasting Practice. It reads:

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.

Referring to the definition of "satire" in the 1990 edition of *The Collins Concise Dictionary Plus* to the effect that it involved ridiculing topical issues, folly or evil, TV3 maintained that that was the approach adopted by the item. Accordingly, as the broadcast fell within exemption (iii) to standard 26, TV3 declined to uphold the complaint.

The complainant disputed that reasoning when he referred his complaint to the Authority. The item had not, he said, ridiculed "topical issues, folly and evil" as required by the definition of "satire" but had scorned legitimate and heartfelt religious beliefs.

The Authority did not approach the complaint by deciding whether or not the item complied with the requirements of the exemption for satire. Instead, it began by asking whether the item breached the substance of standard 26 which, for the purpose of this complaint, prohibits the broadcast of material which is likely to encourage the



denigration of or discrimination against Catholics on account of their religious beliefs. The Authority has noted in earlier decisions that a high level of abuse is required to breach the standard as denigration amounts to a blackening of reputation and discrimination involves unfavourable treatment based on prejudice.

The Authority examined the item by these criteria. It considered that the broadcast took a disrespectful attitude towards Catholics who believed in apparitions. However, the item was so amateurish and unsophisticated that the Authority considered it would not have affected anyone's opinions about Catholics, or encouraged denigration or discrimination of them on account of their religious beliefs. In fact, in the Authority's opinion, the item reflected badly on the broadcaster rather than on Catholics. The Authority has sympathy for the complainant that the item attempted to ridicule his and others' deep convictions but it has decided that the attempt was insufficient to achieve that goal.

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

Signed for and on behalf of the Authority.

  
Iain Gallaway  
Chairperson

4 February 1993



## Appendix

### Rev. Monsignor F.D. O'Dea's Complaint to TV3 Network Services Limited

In a letter dated 3 September 1992, the Rev. Monsignor O'Dea of Dunedin complained about an item broadcast on *Nightline* at 10.30 - 11.15pm on 2 September.

Describing the item as highly insensitive and deeply offensive, he wrote that the way it dealt with the alleged apparitions of the Blessed Virgin Mary mocked the religious sensitivities of many Catholics and would be deeply hurtful to many viewers.

Drawing analogies with news items which ridiculed Moslems, Jews or Maori, he concluded that TV3's attitude towards many viewers was contemptuous. Because of his concern about the quality of TV3's news, he said he would, and would encourage others, to watch TV1's news and, furthermore, was considering a campaign against those who advertised on TV3.

### TV3's Response to the Formal Complaint

TV3 advised the Rev. Monsignor O'Dea of its Complaints Committee's decision in a letter dated 2 November 1992.

It reported that the complaint had been assessed under standard 26 of the Television Code of Broadcasting Practice which prohibits the broadcast of programmes which denigrate a section of the community on the grounds, among other things, of religious beliefs. Noting that the item was clearly satirical and related to a news item claiming the appearance of the Virgin Mary in the United States, TV3 said that the broadcast fell within the exception to the prohibition in standard 26 which allowed for the broadcast of satirical material.

TV3 declined to uphold the complaint.

### Rev. Monsignor F.D. O'Dea's Complaint to the Broadcasting Standards Authority

Dissatisfied with TV3's response, in a letter dated 12 November the complainant referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Noting that TV3 made use of a definition of "satire" from The Collins Concise Dictionary Plus, the complainant argued that the item had not held up "topical issues, folly or evil" to scorn. Rather, the item had dealt with the legitimate expression of religious belief about which Catholics had a deep and heartfelt sensitivity.

He repeated the point made about Moslems, Jews and Maori, said it was unacceptable for *Nightline* to "ride roughshod over religious sensitivities" and



requested that TV3 be censured and required to make a public apology.

**TV3's Response to the Authority**

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 16 November and TV3's response, 26 November.

TV3 argued that the claimed appearance of the Virgin Mary was a topical issue as was evident by the supply of the item from the United States by satellite news service. It defined "topical", acknowledged the complainant's sincerity and said that there was no intent to denigrate or discriminate. Pointing out that this complaint was the only one received about the item, it continued:

We do not believe this item has caused a substantial or even partial change in the way those of other faiths demonstrate any attitude towards those of the Catholic persuasion.

**Rev. Monsignor O'Dea's Final Comment to the Authority**

When asked to comment on TV3's response, in a letter dated 7 December 1992 the complainant provided a completed Complaint Referral Form and his comments on TV3's 26 November letter.

In the letter, he stated that he was not questioning the fact that the news item from the United States about the apparitions of the Virgin Mary was topical. What he had questioned was what he described as the "stunt" which had used false camera work to portray supposed apparitions on an Auckland building. He continued:

This was no comment on, or even holding up to scorn by means of ridicule of a topical event in the United States, but a manufactured cheap sneering at the inferred credulity and crass stupidity of Catholics in believing in the reality, or even possibility, of apparitions of the Blessed Virgin Mary.

He objected to what he described as the condescending tone of TV3's Complaints Committee's letter, mentioned that he had been editor of the *New Zealand Tablet* for 16 years, and enclosed a comment from the *Otago Daily Time's* television columnist who had also recorded his objection to the item.

