

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 118/93

Dated the 16th day of September 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

ASHLEY FELDERHOF
of Takapuna

Broadcaster
TELEVISION NEW ZEALAND
LIMITED

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

DECISION

Introduction

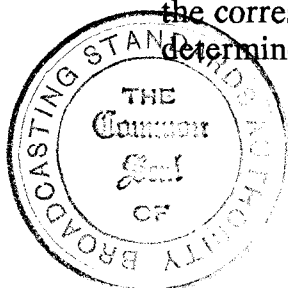
"Robocop" was broadcast as Channel Two's feature film at 8.30pm on Sunday 28 March 1993. It was a repeat screening of a science fiction action film containing violence.

Mr Felderhof complained to Television New Zealand Ltd that the broadcast of such a violent film breached a number of the standards in the Television Code of Broadcasting Practice dealing with violence.

Maintaining that the film was "classic escapism" and that the violence portrayed was of a comic book variety which lacked any sense of realism, TVNZ declined to uphold the complaint. Dissatisfied with TVNZ's response, Mr Felderhof referred his complaint to the Broadcasting Standards Authority under s.8(1)(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.



The second screening of the modified-for-television version of the successful cinema film "Robocop" was broadcast on Channel Two at 8.30pm on Sunday 29 March. Mr Felderhof complained that the violence portrayed breached a number of broadcasting standards, especially during an evening reserved for family viewing.

TVNZ assessed the complaint against standards V1, V2 and V10 of the Television Code of Broadcasting Practice. They read:

- V1 Broadcasters have a responsibility to ensure that any violence shown is justifiable, i.e. is essential in the context of the programme.
- V2 When obviously designed for gratuitous use to achieve heightened impact, realistic violence - as distinct from farcical violence - must be avoided.
- V10 The cumulative or overall effect of violent incidents and themes in a single programme, a programme series or a line-up of programmes back to back, must avoid giving an impression of excessive violence.

Acknowledging that the film "Robocop" contained violence, TVNZ said nevertheless that the film did not contain any sense of realism and moreover the viewer was aware that good would prevail in the end. It described the violence as of the "wam, kerpow, bang" variety used in "Superman comics".

When he referred his complaint to the Authority, Mr Felderhof described the violence as graphic. TVNZ, in response, drew the distinction between "deep-play" and "shallow-play" violence. The former, because it deals with situations which are realistic, has much greater impact on viewers and an example is the child victims of violence in Bosnia. Because shallow-play violence is fanciful and far-fetched, it has much less impact on viewers. Furthermore, TVNZ said, "Robocop" was a well-directed film with subplots which had received critical praise for its animation and as entertainment.

In a recent decision (No: 78/93), the Authority assessed a broadcast of the film "Hard to Kill" against standards V1 and V2. It was a film which had also been screened at 8.30pm which is the beginning of AO (Adults Only) time. Although standard V10 was not raised in that complaint, the Authority recorded that had it been, the complaint would have been upheld under that standard as well as under standards V1 and V2. Because of the similarity in the storylines of "Robocop" and "Hard to Kill", the Authority decided that it provided a benchmark against which to assess "Robocop". Both involved the death of or massive injury to a law enforcement officer near the beginning of the film who, on recovery (in one case as a robot), became an unstoppable one-person force for law enforcement against highly placed corruption. Achieving revenge in both cases involved considerable violence, destruction and mayhem.

In the concluding paragraph in decision No: 78/93, to illustrate the matters with which it was concerned, the Authority wrote:

The Authority has recorded above its view that the inclusion of the bottle store scenes was of little relevance to the story and consequently, gratuitous. Their



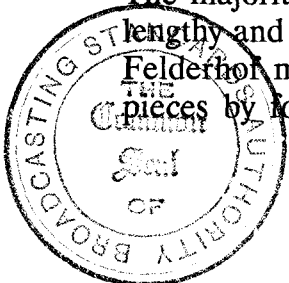
contribution seemed largely designed to set the scene for the forthcoming violence. The cold-blooded attack on the hero and his family in their home included an unacceptably drawn out scene of volleys of shots being fired at the retreating little boy. In a later lengthy sequence the recuperating hero and his companion survived a concerted onslaught on their house by what seemed to be a small army of well-armed gunmen. Subsequently, the hero and his son were reunited in a vicious scene when a friend was killed and the hero, using his unarmed combat skills, disposed of assorted assailants. There was also the inevitable face-to-face confrontation between the hero and the arch villain which was preceded by the yet more gruesomely violent confrontations between the hero and the villain's henchmen. In view of these sequences, the Authority decided that standard V2 - the prohibition on the use of realistic and gratuitous violence to achieve heightened impact - had been breached repeatedly. Indeed, of the three standards cited, the Authority regarded the breach of standard V2 to be the most serious contravention.

● The Authority was required to decide whether the similarities or the differences between the broadcasts were the more important in reaching its decision about "Robocop".

Having stated that the plots of each were broadly similar, the Authority noted some of the differing details. First, the Authority accepted that "Robocop" was a much more critically developed film. As TVNZ argued, it contained a number of sub-plots and the development to some extent of the characters other than the police officer who was reincarnated as a robot. Although his family was acknowledged, they were not involved in the explicit violence as had occurred in "Hard to Kill". Secondly, the Authority decided that the violence in "Robocop" was less real than in "Hard to Kill". Indeed, the "Robocop" violence occasionally introduced a touch of humour which clearly signalled the film's farcical approach. Most of the film - including the violence portrayed - the Authority accepted, was of a science-fiction variety and thus unrealistic.

● Whereas the Authority unanimously decided that the violence, after the police officer had been built into a robot, did not contravene the standards because of its comic book style, a majority was not prepared to accept that that description was applicable to one earlier lengthy scene. That scene involved two police officers as humans, chasing some criminals into a building. One officer was seriously injured, if not dead, and the other, after initially finding and disarming two of the villains, was surrounded and captured by the other criminals. Their leader arrived, taunted the officer and then knocked him to the ground with his gun. Continuing the mocking abuse at which the others laughed and while standing over the police officer, he then shot him in the chest. "All yours" he said to his followers who, as the officer struggled to his feet, laughed at him and let loose a volley of gunfire. Viewers watched the volley from the perspective of the other officer who had gained consciousness, found her partner but, helplessly, witnessed the brutal assault.

The majority decided that the scene, based on a credible situation, was unnecessarily lengthy and menacing in that the perpetrators appeared to be enjoying themselves. Mr Felderhor mentioned that the scene where "a police officer is shot systematically to pieces by four villains in a warehouse" was one of the four on which his complaint



focussed. The majority of the Authority decided that the realistic violence depicted was unduly long, was gratuitous and had been portrayed in order to heighten the impact of the particular scene. Accordingly, it had breached standard V2 in respect of this single scene.

The minority, while acknowledging the realism of the scene, did not accept in the entire context of the film that the violence portrayed had been gratuitous. Arguing that the plot of "Robocop" had been developed through the film, the minority stated that the scene in question was justified in order to show Robocop's motivation for his subsequent hunt for the villains.

For the reasons set forth above, a majority of the Authority upholds the aspect of the complaint that Television New Zealand Ltd's broadcast of the film "Robocop" on Sunday 28 March 1993 breached standard V2 of the Television Code of Broadcasting Practice as the scene in which a police officer is apparently slaughtered was unnecessarily lengthy.

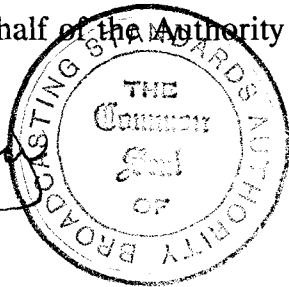
The Authority unanimously declines to uphold any other aspect of the complaint.

Having upheld a complaint, the Authority may make an order under s.13(1) of the Broadcasting Act 1989. It does not intend to on this occasion as the broadcast of the film "Robocop", on 28 March, although after the broadcast of the film "Hard to Kill" on 10 February, occurred before the Authority released its benchmark decision on that complaint on 28 June 1993 and, furthermore, as the aspect of the complaint upheld related to only a small part of the film.

Signed for and on behalf of the Authority



Iain Galaway
Chairperson



16 September 1993

Appendix

Mr Felderhof's Complaint to Television New Zealand Limited

In a letter dated 30 March 1993, Mr Felderhof complained to Television New Zealand Ltd about the broadcast of the film "Robocop" on Channel Two at 8.30pm on Sunday 28 March.

He referred to three standards in the Violence section of the Television Code of Broadcasting Practice which he alleged were breached and added that he was appalled that the film was shown during an evening usually reserved for family viewing.

TVNZ's Response to the Formal Complaint

TVNZ advised Mr Felderhof of its Complaints Committee's decision in a letter dated 6 May 1993. It reported that the film had been assessed under the nominated standards.

TVNZ began by noting that the film which was broadcast was a repeat screening of a modified-for-television version of a cinema film. Noting that the story was "a highly fanciful science fiction tale", TVNZ described the violence it contained as the "wam, kerpow, bang" variety from Superman comics. It continued:

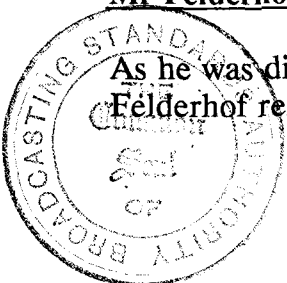
The absence of any sense of realism, and the security offered by the certain knowledge that in the end good would prevail and that evil would be expunged seemed to the [Complaints] Committee to remove from the film any detectable link between it and the community in which we live.

Quoting the introduction of the Violence Code which stressed a number of aspects of context, TVNZ said that "Robocop" represented the well-established genre where comic strip violence was accepted. Furthermore, it had been broadcast in AO (Adults Only) time and would not be harmful for a mature audience. By noting that 292,000 people had watched the repeat screening, TVNZ maintained that there was a market for this type of programme.

Dealing with the specific standards cited, TVNZ stated that standard V1 was not breached because of the film's escapist content. As standard V2 allowed for farcical violence, it had not been breached and because the successive fanciful acts would not have had a cumulative impact, V10 was not contravened.

Mr Felderhof's Complaint to the Broadcasting Standards Authority

As he was dissatisfied with TVNZ's decision, in a letter dated 26 May 1993 Mr Felderhof referred his complaint to the Broadcasting Standards Authority under



s.8(1)(a) of the Broadcasting Act 1989.

He did not accept that the film's escapist content or science fiction context were an excuse for excessive and gratuitous violence. Thus, he maintained, the broadcast breached standard V1. It also breached standard V2 as the violent scenes were graphic and not farcical. Standard V10 was also clearly breached, he continued, as the cumulative impact of scene after scene gave the impression of excessive violence.

TVNZ's Response to the Broadcasting Standards Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 18 July 1993 and TVNZ's reply, 22 July.

TVNZ acknowledged that the film was an action one but, in comparison to the deep-play human misery in various parts of the world seen on the news, it described the shallow-play violence in the "Robocop" film as fanciful and far-fetched. It was, it continued, "classic escapism" in the tradition of Western films.

Noting that aspects of the film's artistic qualities were relevant to context, TVNZ quoted a film critic who praised the film's "sharp, slick" entertainment and "fantastic" animation.

Mr Felderhof's Final Comment to the Authority

By telephone on 9 August 1993, Mr Felderhof stated that, after reading TVNZ's comments, his views were unchanged.

