

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 126/93
Dated the 6th day of October 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

KERRY SHARP
of Palmerston North

Broadcaster
TELEVISION NEW ZEALAND
LIMITED

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

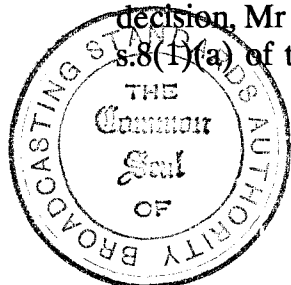
DECISION

Introduction

An incident which resulted in Bart Simpson being stuck at the bottom of a well shaft and having to devise a means of escape was featured in an episode of *The Simpsons* broadcast on Channel Two on 3 August 1993 at 7.30pm.

Mr Sharp complained to Television New Zealand Ltd, the broadcaster, that the incident was in breach of broadcasting standards because it promoted an unlawful activity, deceived impressionable children and depicted a false alarm which could easily be imitated by children.

In its response, TVNZ considered that the incident had to be seen in the context of the series overall. It explained that *The Simpsons* was a satire on family life, and that human weaknesses that everyone could recognise in themselves or those they knew, were exposed and exaggerated. It rejected the allegation that the incident breached any of the broadcasting standards, observing that the series had a positive overall message about family life and values and was suitable for children's viewing. Dissatisfied with TVNZ's decision, Mr Sharp referred the 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.

Mr Sharp complained that the episode of *The Simpsons* which was broadcast on Channel 2 on 3 August 1993 breached standards G5, G7, G9 and G12 of the Television Code of Broadcasting Practice. Those standards require broadcasters:

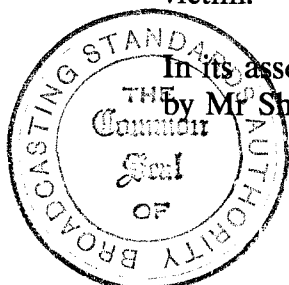
- G5 To respect the principles of law which sustain our society.
- G7 To avoid the use of any programme practice which takes advantage of the confidence viewers have in the integrity of broadcasting.
- G9 To take care in depicting items which explain the technique of crime in a manner which invites imitation.
- G12 To be mindful of the effect any programme may have on children during their normally accepted viewing times.

The programme breached the standards, Mr Sharp wrote, because it promoted activities which were unlawful, negative and anti-social. He accused TVNZ of being irresponsible in screening such an offensive programme at a time when impressionable children were watching, arguing that they could be influenced in a negative way by the antics of Bart Simpson.

In its response, TVNZ reasoned that *The Simpsons* was a satire on family life, and that Bart, one of its central characters, represented in a highly exaggerated form, "the mischievous and careless foibles of youth." It did not believe that Bart's lament that he had not had an opportunity to use a fake ID card amounted to a disrespect for the principles of law (standard G5), nor that the prank engineered by him amounted to an explanation of the technique of crime (standard G9). TVNZ regarded the incident as consistent with the exaggerated satire of adolescent mischief which was one of the hallmarks of the series. Further, it noted, the tables were turned when Bart became the victim of his own mischief. TVNZ rejected the complaint that the programme breached standard G7, being unable to detect any suggestion of a deceptive programme practice. It also rejected the standard G12 complaint, asserting that in its view even an unsupervised child would not have been harmed by the broadcast.

At the outset the Authority expressed its belief that this complaint bordered on the trivial. It was unable to detect the sinister and anti-social content ascribed to *The Simpsons* by Mr Sharp, and accepted TVNZ's description of the programme as an exaggerated satire of adolescent mischief where invariably the prankster became his own victim.

In its assessment of the complaint, the Authority examined each of the standards cited by Mr Sharp. It noted that Mr Sharp's loose paraphrasing of those standards resulted



in an interpretation which could not be sustained when applied to the actual words in the Television Code of Broadcasting Practice. Standard G5 requires broadcasters to respect the principles of law which sustain our society. Mr Sharp paraphrased this to "promoting unlawful activity". While the Authority accepts that in some instances promoting an unlawful activity might undermine respect for the principles of law, in this instance the unlawful activity (faking an identification card) was not "promoted" in the programme. The Authority concurred with TVNZ that standard G5 was not relevant.

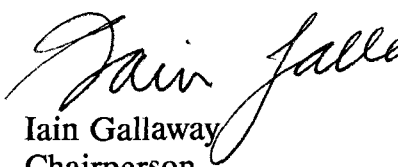
Standard G7 requires broadcasters to avoid the use of any deceptive programme practice which takes advantage of the confidence viewers have in the integrity of broadcasting. Mr Sharp in his formal complaint paraphrased the standard to read "deceiving children who are impressionable". In previous decisions on complaints made by Mr Sharp (Decision Nos: 10/93 - 18/93) the standard has been interpreted as applying to a situation where a contrived technique has been used to deceive viewers. The Authority was unable to identify any such contrived technique in this programme. It agreed with TVNZ that the standard did not apply and declined to uphold this aspect of the complaint.

The third standard cited by Mr Sharp, standard G9, requires broadcasters to take care in depicting items which explain the technique of crime in a manner which invites imitation. Mr Sharp considered that "depicting a false alarm situation in a way that could be imitated by children" breached that standard. The Authority was inclined to agree with TVNZ that the incident was in the context of the exaggerated adolescent mischief which typifies Bart Simpson, and that the aftermath of the incident, where Bart himself fell into the shaft, made it unlikely that children would be encouraged to imitate the prank. It declined to uphold the complaint that the programme breached standard G9.

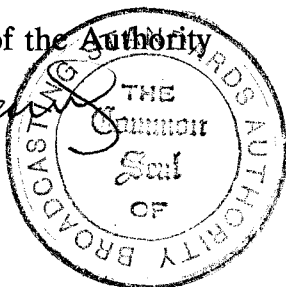
Finally, the Authority assessed the complaint under standard G12 which requires broadcasters to be mindful of the effects of any programme on children during their normally accepted viewing times. The Authority accepted that *The Simpsons* was screened during children's viewing times and that it was popular among children. However, it did not accept Mr Sharp's assessment that the programme promoted "detrimental activities to children". In the humorous context of being stuck at the bottom of the well shaft and contemplating his demise, Bart lamented that he had never smoked a cigarette, faked an ID card or shaved a swear word in his head. In the context, the Authority did not consider his suggestions would have had a detrimental effect on children and declined to uphold the standard G12 complaint.

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

Signed for and on behalf of the Authority


Iain Gallaway
Chairperson

6 October 1993



Appendix

Mr Sharp's Complaint to Television New Zealand Limited

In a letter dated 7 August 1993 Mr Kerry Sharp of Palmerston North complained to Television New Zealand Ltd about an incident in an episode of *The Simpsons* broadcast on Channel Two on 3 August 1993 at 7.30pm.

He expressed his concern about Bart Simpson causing a false alarm with the use of a radio microphone, describing it as irresponsible and objectionable because it could be easily imitated by children. Further, he claimed that Bart's reference to smoking a cigarette, using a fake identification card and shaving a swear word in his head were negative and anti-social activities and should not have been promoted to impressionable children. He accused TVNZ of being irresponsible by screening such programmes at a time when children would be watching and could be influenced in a negative way.

In his view, programmes like *The Simpsons* should be used to promote positive and wholesome activities.

TVNZ's Response to the Formal Complaint

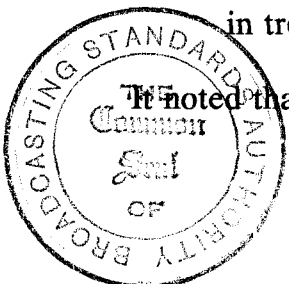
TVNZ advised Mr Sharp of its Complaints Committee's decision in a letter dated 18 August 1993. It reported that the complaint had been considered under standards G5, G7, G9 and G12 of the Television Code of Broadcasting Practice nominated by Mr Sharp, which require respect for the principles of law, avoiding the use of deceptive programme practices, taking care in depicting items which explain the technique of crime in a manner which invites imitation and being mindful of the effect of any programme on children during their normally accepted viewing time.

TVNZ began by looking at the series overall, which it described as a satire on family life. It observed that the Simpson family was a strong and loving family unit, but that the pretension that family life always ran smoothly, that children were always well-behaved and adult behaviour was always exemplary was "stripped away by the producers". It continued:

The human weaknesses that everyone can recognise either in themselves or those they know are mercilessly exposed, and blown out of all proportion. In the same way that Archie Bunker represented an exaggerated satire on bigotry, so "The Simpsons" represents a satire on family relationships.

Bart Simpson, whose behaviour is at the centre of your complaint, is by now well-established as a ten-year-old larrikin, who spends most of his time either in trouble or hatching a juvenile scheme that will get him there very soon.

It is noted that in Bart, the viewer recognised - in highly exaggerated form - the



mischievous and careless foibles of youth.

With respect to the standards allegedly breached, TVNZ rejected the complaint that the suggestion made by Bart about using a fake identification card amounted to disrespect for the principles of law. In its view, the standard was intended for "rather more weighty matters than cartoon pictures of a young tearaway stuck down a mine shaft". It believed that most children would have little or no idea of what an identification card is.

Unable to detect any suggestion of a deceptive programme practice, TVNZ rejected the complaint that the programme breached standard G7. It did not agree that impressionable children would have been tempted to emulate Bart.

With respect to the false alarm call made by Bart, TVNZ considered that the incident was in keeping with the exaggerated satire of adolescent mischief characterised by Bart. Further, it noted that the prank delivered a moral message about how pranksters can become victims of their own mischief.

Finally, TVNZ rejected the complaint that the programme had potential to harm children viewing the programme. In its view, the series was suitable for children and it believed that even an unsupervised child would not have been harmed by the broadcast.

Mr Sharp's Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's response, in his Complaint Referral Form dated 22 August 1993, Mr Sharp referred the complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

Maintaining that the broadcast promoted negative and anti-social activities which had the potential to harm children, Mr Sharp accused TVNZ of attempting to justify everything it screened. He argued:

Tragically, because of liberal and amoral minded television programmers and producers, television is promoting evil and wrongdoing rather than what is good, worthwhile and beneficial for New Zealand society.

Responding to TVNZ's argument that *The Simpsons* is a satire on family life, Mr Sharp argued that the programme demeaned the family because it ridiculed marriage and family life. In his view, because children were impressionable, television has a powerful influence on them and they could be easily corrupted by what they watched. He disagreed with TVNZ's claim that children would not know what an identification card was, pointing out that such cards were a normal part of the modern world.

He concluded:

It is time for TVNZ to listen to New Zealanders who are sick and tired of the



liberal amoral rubbish on tv that assaults and attacks marriage, the family and the traditional family values upon which this nation was founded - values that are based on "The Ten Commandments", "The Beatitudes" and "The Golden Rule".

It is time for TVNZ to use television for good not for evil.

TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 23 August 1993, and TVNZ's reply 31 August.

Expressing its surprise at Mr Sharp's insistence that the series demeaned the family, TVNZ argued that it carried a strong pro-family message and that despite all of their trials and tribulations, the Simpson family stuck together, and displayed love and affection.

Further, it noted, each episode contained a moral. It continued:

In this case, any child watching must surely learn the perils of mischief which inconveniences and makes look foolish one's well-intentioned friends and acquaintances!

Expressing its respect for Mr Sharp's high moral principles, TVNZ added that on this occasion it believed he might have missed the positive theme which ran through *The Simpsons*.

Had the material about which Mr Sharp objects been delivered in anything approaching a serious tone the codes quoted by Mr Sharp may indeed have been endangered. In the widely recognised context of "The Simpsons" we do not believe they were put at risk.

Mr Sharp's Final Comment

When asked to comment on TVNZ's response, in a letter dated 7 September 1993, Mr Sharp disagreed with TVNZ's contention that *The Simpsons* carries a pro-family message, reminding it of the objectionable Halloween Special which screened last year.

He maintained that the actions of Bart Simpson in the programme were capable of imitation by children and not just "exaggerated behaviour" as claimed by TVNZ.

He questioned why TVNZ was constantly pushing the boundaries of acceptable television, arguing that it was preferable to have programmes which promoted wholesome family values.

