

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 58/93

Dated the 13th day of May 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

IAN ANDREWS
of Waiheke Island

Broadcaster
TELEVISION NEW ZEALAND
LIMITED

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

DECISION

Introduction

"Ren and Stimpy", two cartoon characters, were depicted selling rubber nipples door-to-door on a programme broadcast by TV2 between 4.30 - 5.00pm on Saturday 23 January 1993.

Mr Andrews complained to Television New Zealand Ltd that as the programme featured an adult subject and involved violence and sexually suggestive content, it breached the broadcasting standard requiring good taste and decency.

Arguing that the series combined fantasy and farce and explaining that the rubber nipples referred to were known in New Zealand as teats, TVNZ said that "Ren and Stimpy" represented a substantial break from cartoons in the past. Although it was in bad taste, it was not offensive in context and, accordingly, TVNZ maintained that it had not breached the standards. Dissatisfied with TVNZ's response, Mr Andrews 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.

Mr Andrews complained about a segment from the cartoon programme "Ren and Stimpy" in which those two characters were shown selling rubber nipples door-to-door. Pointing out that the segment depicted, first, one of the characters being flattened on a door-step, secondly, another character telling them that he had been in jail for murder, and thirdly, a sexually suggestive interaction between a husband and his wife about the use of the nipples, Mr Andrews argued that the programme breached the standard requiring good taste.

TVNZ assessed the complaint against standards G2, G12 and V18 of the Television Code of Broadcasting Practice. The first two require broadcasters:

- G2 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.
- G12 To be mindful of the effect any programme may have on children during their normally accepted viewing times.

Standard V18 reads:

- V18 Cartoons must avoid excessive violence, especially those featuring humans and human-like creatures and depicting realistic story lines as opposed to clearly fanciful or farcical themes.

In its response to Mr Andrews and its report to the Authority, TVNZ has discussed at length the style of the "Ren and Stimpy" cartoon series and has explained that it is highly acclaimed in the United States. Rather than summarise TVNZ's comments, a part of them is recorded verbatim.

Initially repellent, the characters exude a gross sort of charm that endears them to young viewers in the same way that goofily grotesque creatures such as troll dolls and dinosaur families do (and have you noticed how children these days revel in such "toys" such as green mud, slimy snakes, goo and gunk?) At the same time, there is an honesty about the series which is both refreshing and welcome - placing the programmes apart from the run-of-the-mill children's fare (what one reviewer describes as the "the weekend schlock!"). We do not believe that children in New Zealand are any less sophisticated than their counterparts in North America.

TVNZ added:

Complementing the unconventional visuals are some shrewd and pointed



observations about life and its idiosyncrasies. The hypocrisies of modern society are mercilessly assailed.

Because of its non-conformist nature, it is very difficult to assess the series against a set of programme standards which make no allowance for this type of innovation.

Thus we agree that the programme does display a level of poor taste. It actually makes a virtue of it, and in doing so delivers its simple but perceptive messages with rather more bite than a conventional programme might do.

With regard to the specific standards allegedly breached, TVNZ acknowledged that the programme contained poor taste but, taking context into account, did not breach standard G2. Standard G12 was not contravened, TVNZ continued, as the humour aimed at children was inoffensive and, as the theme of the programme was clearly fanciful and farcical, it did not breach standard V18.

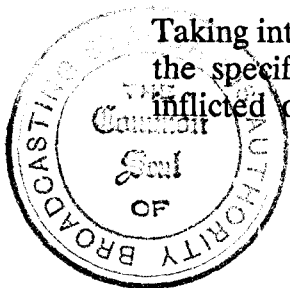
In response, Mr Andrews maintained that the item's context did not excuse the admitted bad taste and he questioned the relevance of the reaction of American youngsters to programmes broadcast in New Zealand.

The Authority began its examination of the complaint by referring to the topic of the segment complained about and then studying TVNZ's claim about the innovative style of the series.

The segment concerned the door-to-door sale of rubber nipples. The Authority acknowledged, as TVNZ explained, that rubber nipples in the United States equate with what are known in New Zealand as teats for baby bottles. While many people, especially adults, might be aware of that fact, the Authority noted that the item did not explain that a rubber nipple was a teat until some way into the segment. Because the term rubber nipple contained an ambiguity, the Authority decided that its use could well make the item seem to be of even more dubious taste than otherwise.

When examining the item's style, the Authority was prepared to acknowledge that it contained, as TVNZ claimed, a mixture of the "icky and sophisticated" although it questioned TVNZ's use of the extended phrase - "a sublime blend of the icky and sophisticated". It agreed that the programme dealt with fantasy and farce and operated at two levels at least. It thought TVNZ's description of the series as a "merciless assailing of the hypocrisies of modern life" contained an element of hyperbole although it acknowledged that it was a series designed to entertain adults and, because it contained elements of traditional cartoons, it could well entertain children. The recent rescheduling of "Ren and Stimpy" to 6.00pm on Saturday appears to be an acknowledgment by TVNZ that the programme may appeal to adults as much as to children.

Taking into account these general conclusions, the Authority then proceeded to examine the specific aspect of the complaint. The first particular concern was the violence inflicted on Ren (the chihuahua) when he was squashed flat on the doorstep by a



potential customer who mistook the reason for the visit. Recalling the violence inflicted on characters in traditional cartoons (eg The Roadrunner), the Authority accepted, albeit reluctantly, that the violence although crass was not excessive given the farcical theme of the series. Consequently, the Authority decided it did not breach standard V18.


The Authority's reaction to the character - the horse - who clearly frightened Ren and Stimpy was to describe that portion of the episode as weird. It reached a similar conclusion about the portion which portrayed the two adults considering the purchase of some nipples. Although it did not agree with Mr Andrews that the size of the woman's breasts was exaggerated, it noted that that portion contained an unpleasant sexual innuendo. However, the Authority drew that inference as adult viewers and decided that children were highly unlikely to notice that aspect of the item.

In view of its reaction to the portions complained about, the Authority had no hesitation in agreeing with TVNZ that the series made considerable use of poor taste. It was then required to decide whether that questionable taste was excusable in context. It concluded, first, that although the series apparently appealed to adults, the poor taste was not unduly offensive to that audience who would be able to understand it.

Accordingly, although some doubts were held about whether an item of this nature should be broadcast during children's normally accepted viewing periods, the Authority concluded that the traditional cartoon humour would be recognised and would probably appeal to the younger viewer. The Authority decided that the script's more sophisticated innuendos would not be understood by younger viewers but only by an older audience and, as decided above, it believed that the poor taste of the item did not breach the standards which apply to the older audience. Accordingly, the Authority concluded that the broadcast did not breach standards G2 and G12.

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

Signed for and on behalf of the Authority


Iain Gallaway
Chairperson

13 May 1993



Appendix

Mr Andrew's Complaint to Television New Zealand Limited

In a letter dated 23 January 1993, Mr Ian Andrews of Waiheke Island complained to Television New Zealand Ltd about the programme "Ren and Stimpy" broadcast between 4.30 - 5.00pm on TV2 that day.

The programme featured, he continued, two adolescent cartoon characters who were shown selling rubber nipples door-to-door. The programme showed one of the featured characters being flattened on the doorstep, another character telling the adolescents that he had been in jail for murder and, in addition, a lengthy sexually suggestive passage when a man discussed with his wife - who had her breasts emphasised - the use of the nipples.

Mr Andrews argued that the programme did not take into account the currently accepted standards of decency and taste.

TVNZ's Response to the Formal Complaint

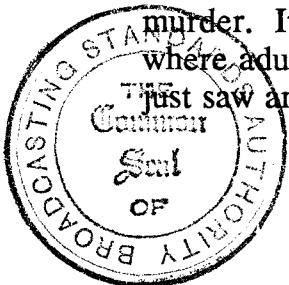
TVNZ advised Mr Andrews of its Complaints Committee's decision in a letter dated 10 February 1993. The complaint had been considered under (renumbered) standards G2, G12 and V18 which require broadcasters to take accepted norms of taste and decency into account and to be mindful of the effect of programmes on children during their normally accepted viewing periods, and for cartoons to avoid excessive violence when depicting realistic story lines.

TVNZ began by explaining that the "Ren and Stimpy" programme, a new cartoon series, had received enthusiastic reviews overseas because it combined the weird and the sophisticated. With reference to the specific episode complained about, TVNZ said that the "rubber nipples" being sold corresponded to what were known in New Zealand as teats for use on baby bottles.

Dealing with each of the scenes complained about, TVNZ said that the "child" flattened on the doorstep was an example of slapstick humour and the chihuahua character, Ren,

in the best tradition of cartoon characters was back on his feet without a scratch in the next scene.

The threatening character was a horse which, TVNZ maintained, did not admit to murder. It was, TVNZ continued, an example of humour operating at two levels where adults could conclude that the horse was disturbed while the younger viewers just saw another cartoon character.



Only older viewers would have possibly considered the interaction between the two adults was "sexually suggestive", TVNZ remarked, adding that youngsters would merely have seen Ren and Stimpy having a sequence of scary adventures.

TVNZ concluded in regard to each standard:

The [Complaints] Committee felt that in a series which makes a virtue of wallowing in bad taste, it is hard to uphold a breach of G2. This was clearly a case where context had to be taken into account.

As far as G12 was concerned, it is the Committee's view that the level of humour aimed at the children is inoffensive and that no breach can be found.

Code V18 allows for "farcical and fanciful" themes and the Committee felt it unlikely it would soon come across a programme which was better defined by those words.

Describing "Ren and Stimpy" as a "startling departure" from cartoons in the past, TVNZ argued that it was necessary to present new material in order to avoid the stagnation of television programming.

Mr Andrews' Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's response, in a letter dated 12 February 1993 Mr Andrews referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

He said that the cartoon creatures were human-like, that the children would not have realised the farcical aspects, that the cartoon's admitted "bad taste" breached the standards, and that American opinions were irrelevant in New Zealand. Moreover, he disagreed that the material was justified on the grounds of presenting new challenges to viewers.

He considered that his opinions were as relevant and as accurate as TVNZ's.

TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 2 March 1993 and TVNZ's response, 5 March.

Expressing the opinion that it had adequately dealt with Mr Andrews' contention that the programme dealt with an adult subject during a time normally set aside for children's programmes, TVNZ explained that "Ren and Stimpy" was a children's programme but was at a different intellectual level to the traditional animated features such as "Roadrunner" and "Donald Duck". It continued:



Initially repellant, the characters exude a gross sort of charm that endears them to young viewers in the same way that goofily grotesque creatures such as troll dolls and dinosaur families do (and have you noticed how children these days revel in such "toys" such as green mud, slimy snakes, goo and gunk?). At the same time, there is an honesty about the series which both is refreshing and welcome - placing the programmes apart from the run-of-the-mill children's fare (what one reviewer describes as the "the weekend schlock!"). We do not believe that children in New Zealand are any less sophisticated than their counterparts in North America.

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With reference to the standards allegedly breached, TVNZ said that the standard requiring good taste allowed for context to be considered which excused any breach of taste which might occur on "Ren and Stimpy".

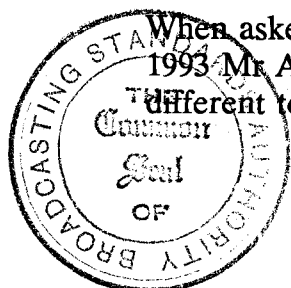
As for the requirement that consideration be given to children, TVNZ pointed out that the series was highly acclaimed in the United States as a children's programme. It accepted that the United States and New Zealand environments were not identical but believed that there was sufficient similarity for a new direction in children's animation to be welcomed here as it had been in the United States.

The violence prohibition was not relevant, TVNZ argued, as the programme did not contain realistic violence. It was, instead, clearly "farcical and fanciful".

Arguing that the level of sexual innuendo was only slight and would have gone over the heads of most young viewers, TVNZ concluded by expressing regret that Mr Andrews was offended but added that many viewers had expressed their appreciation for the series.

Mr Andrews' Final Comment to the Authority

When asked for a brief comment on TVNZ's response, in a letter dated 12 March 1993 Mr Andrews maintained that the attitude of children to New Zealand was different to that of American youngsters.



With reference to TVNZ's comment that "Ren and Stimpy" assailed the hypocrisies of modern society, Mr Andrews asked whether that was the role of children's television or whether it should be aimed at the sophisticated adult mind.

Finally, he wrote, if "Ren and Stimpy" delivered a message at two levels, as TVNZ acknowledged, then it should be reclassified as an adult programme and broadcast after 8.30pm.

