

Programme Classification as a broadcasting standard

Background

Under section 21(1)(e)(ii) of the Broadcasting Act 1989, the BSA is required to encourage the development and observance by broadcasters of codes of broadcasting practice in relation to the presentation of appropriate warnings in respect of programmes, including programmes that have been classified as suitable only for particular audiences.

Requirements related to programme classification and warnings are included in the Free-to-Air Television Code and the Pay Television Code.¹ These standards require broadcasters to ensure that programmes are appropriately classified, and to consider the use of warnings where appropriate. They also set out the requirements for the broadcast of promos – short advertisements for up-coming programmes.

Free-to-Air Television Code

Standard 7 Programme Classification

Broadcasters are responsible for ensuring that programmes are appropriately classified; adequately display programme classification information; and adhere to time-bands in accordance with Appendix 1.

Guidelines

- 7a** *Broadcasters should ensure that appropriate classification codes are established and observed (Appendix 1). Classification symbols should be displayed at the beginning of each programme and after each advertising break.*
- 7b** *Broadcasters should ensure that all promos (including promos for news and current affairs) are classified to comply with the programme in which they screen (“host programme”). For example:
 - (i) promos for AO programmes shown outside AO time must comply with the classification of their host programme*
 - (ii) promos shown in G or PGR programmes screening in AO time must comply with the G or PGR classification of their host programme.**
- 7c** *Where a promo screens in an unclassified host programme outside AO time (including news and current affairs), the promo must be classified G or PGR and broadcasters must pay particular regard to Standard 9 (Children’s Interests).*
- 7d** *Where a promo screens adjacent to an unclassified host programme outside AO time (including news and current affairs), the promo must comply with the underlying time-band.*
- 7e** *Broadcasters should consider the use of warnings where content is likely to offend or disturb a significant proportion of the audience.*
- 7f** *News flashes prepared for screening outside regular news bulletins, particularly during children’s viewing hours, should avoid unnecessary distress or alarm. If news flashes contain distressing footage, prior warning should be given. This guideline is not intended to prevent the broadcast of material which is of overriding public interest.*

Pay Television Code

Standard P1 Content classification, warning and filtering

Viewers should be informed by regular and consistent advice about programme content (including classifications and warnings) and, where available, filtering technology.

Guidelines

Classifications and warnings

- (a) *These classifications should be broadcast on all content except for news and current affairs and live content:*

- G Approved for General viewing*
- PG Parental Guidance recommended for young viewers*
- M Suitable for Mature audiences 16 years and over*
- 16 People under 16 years should not view*
- 18 People under 18 years should not view*

- (b) *Classifications should screen at the beginning of programmes, be included in all electronic programme guides and accompany printed guides where possible.*
- (c) *News, current affairs and live content is not, because of its distinct nature, subject to classification. However broadcasters must be mindful of children's interests and other broadcasting standards and include warnings where appropriate.*
- (d) *Visual warning labels should be broadcast immediately prior to content which is likely to distress or offend a substantial number of viewers, particularly where it is likely that viewers would not anticipate this effect due to the context or the nature of the content.*
- (e) *Visual warning labels will include:*
- C Content may offend*
 - L Language may offend*
 - V Contains violence*
 - VL Violence and language may offend*
 - S Sexual content may offend*
- (f) *Visual warning labels should also be included in electronic programme guides and in all relevant promotional material.*
- (g) *Verbal warnings should also be used when content is particularly likely to distress or offend a substantial number of viewers. When used, verbal warnings should screen at the start of the programme, with accompanying text if necessary.*
- (h) *Visual and verbal warnings are not required for live content on foreign "pass through" channels with no local editorial intervention.*

Barriers to accessing content

- (i) *Where filtering technology is not automatically made available in accordance with Guideline (j) below, content classified 18 may screen only between 8pm – 6am, or 9am – 3pm (other than weekend days, school holidays and public holidays when it may screen only between 8pm – 6am).*
- (j) *If filtering technology is automatically made available to subscribers free of charge, and regularly promoted by the broadcaster for subscriber use, content classified 18*

may screen at any time provided other applicable broadcasting standards are adhered to.

- (k) The filtering technology may be made available on the basis that subscribers elect to use it, provided that a subscriber is easily able to initiate use at any time through the television remote or similar device.*
- (l) Content classified 18 may screen at any time on premium channels (those where a separate and additional fee is payable by subscribers), provided other applicable broadcasting standards are adhered to.*

The purpose of this Practice Note is to provide guidance to complainants and broadcasters about the usual way the programme classification standards are interpreted by the BSA.

Comment

Free-to-air Television

The BSA has stated ([2008-137](#), [2008-102](#), [2008-066](#)) that the programme classification standard exists to create consistency and certainty for viewers, who rely on the classification of a programme to give them a fair indication of its content.

The free-to-air programme classifications and their corresponding times zones are contained in Appendix 1 to the Code:

G – General

Programmes which exclude material likely to be unsuitable for children. Programmes may not necessarily be designed for child viewers but must not contain material likely to alarm or distress them. G programmes may be screened at any time.

PGR – Parental Guidance Recommended

Programmes containing material more suited for mature audiences but not necessarily unsuitable for child viewers when subject to the guidance of a parent or an adult. PGR programmes may be screened between 9am and 4pm, and after 7pm until 6am.

AO – Adults Only

Programmes containing adult themes directed primarily at mature audiences. AO programmes may be screened between midday and 3pm on weekdays (except during school and public holidays as designated by the Ministry of Education) and after 8.30pm until 5am.

AO 9.30pm – Adults Only 9.30pm – 5am

Programmes containing stronger material or special elements which fall outside the AO classification. These programmes may contain a greater degree of sexual activity, potentially offensive language, realistic violence, sexual violence, or horrific encounters.

G (General) and Children's viewing time

Programme classification assists parents and guardians in making informed choices about children's viewing ([2008-137](#), [2008-102](#), [2008-066](#)). Programmes classified G should be free from swearing, sexualised imagery or realistic violence, regardless of whether the programmes are targeted at children ([2008-102](#)).

PGR (Parental Guidance Recommended)

There is more latitude in PGR programmes (which in the evening are usually scheduled between 7.00-8.30pm), when programmes might contain infrequent low-level swearing, inexplicit sexual content or innuendo, implied violence, and material more suited to adults. PGR-classified shows may deal with more mature themes than G-classified shows, but must not be unsuitable for child viewers when subject to the guidance of a parent or adult (2008-018, 2008-059).

AO (Adults Only) and AO 9.30pm

Any overtly sexual material, coarse or sustained bad language, explicit or realistic violence, or adult themes targeted at a mature audience will likely warrant an AO classification (e.g. 2008-018, 2009-016 and 2009-017). Programmes which contain even stronger content should be restricted to screening after 9.30pm (e.g. 2008-036 and 2008-039).

Unclassified Programmes

News and current affairs programmes can be scheduled at any time, and are unclassified (Appendix 1 of the Code). For that reason, Standard 7 of the Free-to-Air Code does not apply to these programmes (e.g. 2009-009, 2008-137, 2008-085).

However, guidelines 7c and 7f specify that broadcasters must consider children's interests when screening promos in unclassified host programmes.

Pay Television

Pay television overall enjoys a less restrictive environment because of the special choice subscribers make in paying to receive broadcasts. Pay television does not have time-bands, so programme classifications and warnings have increased importance, along with contextual factors such as a programme's target audience, and whether programmes are broadcast at a time when children are likely to be watching, or adjacent to programmes likely to attract younger viewers. Pay TV has different classifications from free-to-air – G, PG, M, 16 and 18 – which are set out in guideline (a) to Standard P1, and its warning system uses initials such as V for violence, S for sexual content, and L for language, which are set out in guideline (e).

BSA Decisions

Free-to-Air Television

The following summary explains the BSA's approach in decisions released between 2005 and 2009 on complaints that Standard 7 of the Free-to-Air Code was breached.²

Of the seven Standard 7 complaints upheld by the BSA since 2005 (see 2005-109, 2005-119, 2008-102, 2008-018, 2008-066, 2009-016, 2009-017), five concerned promos. Four of those promos included sexual material and one included violent content.

Guidelines 7b and 7c require that promos comply with the classifications of the programmes in which they are screened. In the case of unclassified news programmes, promos must be rated G or PGR.³ Guideline 7c also specifically requires broadcasters to pay particular regard to

children's interests when screening promos during unclassified programmes in other than AO time.

Most complaints to the BSA under Standard 7 are concerned with sexual material and violence.

Sexual Material and the G Classification

G programmes must exclude material that is unsuitable for children. The BSA has found that the following content was unsuitable for unsupervised child viewers, and therefore should have been classified PGR:

- obvious references to sexual activity (2008-102, in a promo for a drama about prostitutes; minority considered material warranted AO classification)
- salacious or sexual images and dialogue (2008-102, 2005-109)
- dialogue of a derogatory sexual nature, including references to "getting laid", "tap that", "how to bag a woman" (2008-066)
- sexual themes generally (2008-102, 2008-066, 2005-119)
- partially dressed characters in suggestive poses, barely clothed people, people undressing (2008-102, 2005-109, 2005-119).⁴

The BSA considered that the following broadcasts did not breach Standard 7:

- a promo for a documentary about homosexuality (2004-087) which avoided gratuitous material
- a promo discussing dressing up for sex (2005-065) which was light-hearted and not salacious.

Violent Content and the G Classification

The BSA has considered and upheld two complaints about violent material screened during G-rated or unclassified programmes:

- a promo for an AO-classified criminal drama broadcast during a G programme contained references to a serial killer and dismemberment and should have been rated PGR (2008-018)
- a violent film scene shown during a G-rated programme at 7.55am on a Saturday should have been rated PGR because it contained material unsuitable for children (2006-055).

PGR and Sexual Content

The BSA has found that the following sexual material was acceptable in PGR-rated programmes or promos screened during PGR host programmes:

- promo for a sitcom; dialogue included "sleep with me now" and "two-dollar whore". Material was considered humorous, did not warrant an AO classification, and was not unsuitable for supervised children (2008-065)
- shots of bare breasts, buttocks and brief frontal shots of naked woman, in context of uplifting programme about women's bodies which was preceded by a warning for nudity (2007-116)
- fleeting shots of characters kissing and part of a bare breast did not warrant AO classification (2007-115)
- women kissing in promo during PGR programme (2005-065).

PGR and Violent Content

The BSA upheld a complaint that a promo for an AO-classified criminal drama broadcast during *One News*, which contained references to a serial killer and dismemberment should have been rated AO ([2008-018](#)).

The BSA did not uphold the following complaints under Standard 7:

- a PGR promo for an AO programme which showed a woman interrogating a man who was tied up and bleeding ([2007-064](#))
- a Halloween episode of *The Simpsons* broadcast at 7pm, which was preceded by a warning for low-level violence ([2007-027](#)).

AO and AO 9.30pm

The BSA has not received any complaints that a programme should have been classified as AO 9.30pm. However, the BSA considered the type of content that would warrant such a classification in [2008-039](#), with regard to Standard 10 (violence). That decision concerned a film that was classified AO and screened at 8.30pm, and which had previously been classified R18 by the Office of Film and Literature Classification. It contained sadistic violence, sexual themes and offensive language. The BSA considered that, even though the violence did not occur until after 9.30pm, its 8.30pm time of broadcast would have misled viewers as to the “extremely cruel and disturbing nature of the violence” in the film. It concluded that the film should have been classified AO 9.30pm and restricted to screening after that time.

The BSA similarly found that the film *Eyes Wide Shut* should have been classified as AO 9.30pm, rather than AO, in a complaint about Standard 9 (children’s interests) ([2008-036](#)).

Pay Television

Since the Pay Television Code was revised, taking effect from 1 August 2006, the BSA has determined only two complaints under Standard P1. One was upheld.

In [2007-092](#), the BSA upheld a complaint about a film classified “18 S” and broadcast on the Rialto Channel at 8.30pm, which contained explicit scenes of unstimulated sexual intercourse, oral sex, masturbation and ejaculation. The BSA considered that regular viewers of Rialto would not have expected to see this content at 8.30pm, and that the 18S classification and warning was not adequate.

The BSA did not uphold a complaint about a reality dating show that was rated M and broadcast at 8pm and 4.30pm. The BSA noted that any behaviour of a sexual nature was limited to kissing, and concluded that an M classification was acceptable ([2008-092](#)).

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Disclaimer: Nothing in this Practice Note binds the BSA in determining the outcome of any future complaint. Each complaint is determined on the particular facts surrounding a broadcast.

¹ As radio broadcasts are unclassified, the Radio Code does not contain a similar provision

² Cited by year and number of the complaint. Decisions can be viewed on the BSA website www.bsa.govt.nz

³ Prior to 1 July 2005, the equivalent of guideline 7c, then 7b, required promos during unclassified news programmes to be rated no higher than G. In [2004-058](#) and [2004-056/057](#), the BSA upheld complaints

that PGR-rated promos screened during news programmes did not comply with the underlying G time-band, even though it found that the promos were appropriately classified PGR.

⁴ The BSA also found, with regard to Standard 1 (good taste and decency), that a promo containing images of a topless man lying down on top of a woman in her lingerie and kissing her, other couples kissing, and sexual themes in the characters' dialogue were unsuitable for broadcast during a G-rated film targeted at children (2008-025).