



ÚDARÁS
CRAOLACHÁIN
NA hÉIREANN

BROADCASTING
AUTHORITY
OF IRELAND

Broadcasting Authority of Ireland

Broadcasting Complaint Decisions

September 2014

Broadcasting Complaint Decisions

Broadcasting Complaint Decisions

Under the Broadcasting Act 2009, viewers and listeners can complain about broadcasting content which they believe is not in keeping with broadcasting codes and rules. In line with the complaint process, the viewer or listener should direct their complaint to the broadcaster in the first instance with regard to the broadcaster's *Code of Practice for Handling Complaints*, a document which each broadcaster has available on its website. If a viewer or listener is not satisfied with the response from the broadcaster or if the broadcaster does not respond within the timeframe provided for in their *Code of Practice* (usually 21 days), then the viewer or listener can refer the complaint to the BAI for consideration.

In assessing complaints, and having regard to the codes and rules, the BAI considers all written material submitted by the relevant parties together with the broadcast material. Complaints are assessed at Executive level and/or by the Compliance Committee of the Authority. The details of the broadcasting complaints decisions reached by the BAI are set out in this document.

At its meeting held in July 2014, the Compliance Committee upheld one complaint *in part* and rejected six complaints. One complaint was resolved by the Executive Complaints Forum at its meeting held in August 2014.

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Upheld in Part by BAI Compliance Committee

Complaint made by: Mrs. Caoimhe Guilfoyle

Ref. No. 72/14

Station:
RTÉ One

Programme:
The Voice of Ireland

Date:
23rd March 2014

Complaint Summary:

Mrs. Guilfoyle's complaint is submitted under the Broadcasting Act 2009, section 48(1)(b) (*Code of Programme Standards* – sections 2.2.1 due care, 2.4 assessment, 3.2.2 sexual conduct and 3.6.2 children's programming).

The complaint concerns a dance routine which accompanied singer Danica Holland's performance. The complainant states she watched the programme with her young children and that, in her opinion, the content was completely unsuitable for this age group. She also believes that it was unnecessary.

The complainant states that she was appalled that RTÉ would sanction such a dance routine to be aired at the time in question i.e. 6.30pm. She states that there was no warning that this may not be suitable for children of a certain age. The complainant states that she is also tired of having her children subjected to increasing amounts of sexuality in the name of 'entertainment' and she states that it is her opinion that this content was purely intended to instil shock to gain votes and notoriety for the show. The complainant states that she reserves the right to decide what is appropriate for her children and it is her opinion that RTÉ removed this right from her by broadcasting this content at a family viewing time. The complainant states that when one of the judges likened the routine to '*a scene from Basic Instinct*' it reinforced her opinion of the programme. The complainant states that it is important to stand up for responsible broadcasting that protects children's innocence and outlook on life.

Broadcaster's Response:

Initial response to complainant:

As producers of the programme, Screentime ShinAwil responded by stating that public attitudes to matters of sexuality have changed dramatically in recent decades in Ireland and *The Voice of Ireland* reflects a diverse and modern Ireland. The dancers in the show were never sexually explicit; this term implies intercourse and nudity which most certainly is not the case. They have various dance routines that are professionally choreographed and the dancers are dressed appropriately and mostly feature in the background of a performance. They always take into consideration the fact that the audiences are a range of ages and opinions as well as the fact that they are broadcasting pre-watershed. When choreography is being worked out they only ever reflect the lyrics of a song in a dramatic manner, the routines are current and are often replicas of the original artists' music videos / live performances / stage shows.

No offence is ever intended when performances are worked out for *The Voice of Ireland*. They only aim to entertain the audience and depict the songs that are being performed.

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Response to BAI:

RTÉ states *The Voice of Ireland* has been a fixture of Sunday nights on RTÉ One television for more than three years.

Principle 2.2

Part of the appeal of *The Voice of Ireland* is its ability to reflect a contemporary approach to talent-based entertainment and professionally choreographed dance routines are an intrinsic part of the presentation. These dance routines are an expected background accompaniment to the competing singers. The choreography is contemporary and modern and audiences of shows such as *The Voice of Ireland* are well-used to seeing songs presented in such ways. A viewing of the entire episode of 23rd March will indicate this context, as will, in terms of the historical relationship between the audience and the programme, the excerpted dance routines from previous series provided to the Committee in the context of this complaint. These excerpts are given as examples of contemporary pop choreography from the series which is acceptable to and expected by the audience and which therefore obviates any need for any particular measures under Principle 2.2.1.

Principle 2.4

RTÉ submits that this programme conformed to all principles of the Code.

Rule 3.2.2

RTÉ submits that a choreographed dance routine such as the one complained of does not “feature detailed scenes of a sexual nature” or “strong sexual content” in the meaning of Rule 3.2. It further submits that the choreography’s physicality was of a stylised nature which was entirely justified in the editorial context of contemporary popular music.

Rule 3.6.2

The Nielsen figures available for 4-17 year old viewers of *The Voice of Ireland* indicate that for the purpose of the Code the programme is not a ‘Children’s Programme’. The consolidated data for the episode which is the subject of complaint showed that the 4-17 year-old audience comprised 12.1% of the total audience.

The Voice of Ireland 23rd March 2014

Total audience aged 4+	521,200
Children 4-17	62,900
Children 4-17	12.1% of the total audience

(Source: TAM Ireland Ltd/Nielsen TAM, consolidated data, National)

The broadcaster states that the above data demonstrates that the 4-17 year-old audience does not approach the threshold of 50% under 18 years of age, required to be considered a ‘Children’s Programme’ under Rule 3.6 of the Code.

Decision of the Compliance Committee

The Compliance Committee has considered the broadcast and the submissions from the broadcaster and the complainant. Following its review of the material the Committee has decided to uphold the complaint in part.

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In reaching this decision, the Committee has regard to the following:-

- The Committee noted that the programme was broadcast on a Sunday evening at 6.30pm. While agreeing with the broadcaster that the audience profile did not make the programme a children's programme, the Committee was of the view that the nature and timing of the programme was such that it constituted family viewing and regard should be had to the likelihood that children will be members of the viewing audience.
- Following its review of the programme content, it was the Committee's opinion that the programme element that is the focus of the complaint did not meet the requirements of the *BAI Code of Programme Standards*. In particular, the Committee noted that the dance routine in question was different in tone, content and style to the other performances during the programme. This was evident from the content but also from the reactions of the programme presenter and judges following its completion.
- Regarding the content, the Committee noted that the dance routine was led by and informed by the song and its lyrics, and both dealt with themes of human sexuality. The dance routine and the song included clear sexual overtones and in particular there were significant sexualised elements dealing with adult themes such as sexual submission, both emotional and physical.

The Committee considered these inappropriate for children and adolescents who were watching the programme at the time broadcast, some of whom are not likely to have the maturity to assess and negotiate the boundaries of appropriate sexual behaviour, including the complexities of adult sexual behaviour portrayed in the song and the dance routine.

- While noting that the dance routine was editorially justified in the context of the song, having had regard to the timing of the programme which was aired before the Watershed and in the absence of the inclusion of any prior audience warnings or notifications, the Committee found that the programme did not demonstrate due care appropriate for the time broadcast and the audience viewing. Accordingly, the programme was considered to infringe the requirements of section 2.2.1 of the *BAI Code of Programme Standards*.
- The programme was not a children's programme as defined by the *Code of Programme Standards* and this aspect of the complaint (relating to section 3.6 of the Code) has been rejected. The programme was also not found to infringe sections 2.4 or 3.2.2 of the Code.

Rejected by BAI Compliance Committee

Complaint made by: Ms. Gaye O'Brien

Ref. No. 55/14

Station:

RTÉ 2FM

Programme:

Drive By with Colm Hayes

Date:

13th March 2014

Complaint Summary:

Ms. O'Brien's complaint is submitted under the Broadcasting Act 2009, 48((1)(d) *General Commercial Communication Code, section 3.4.*

The complainant states that she got through to the final of a competition called "Last Man Standing" with a €1,000 prize for the winner. In order to win the prize she had to answer the question "What M would you find Lewis Hamilton in at the weekend?" The complainant states that she answered "Mercedes" but was told it was not the answer on the page. Another contestant then answered "Melbourne" and was deemed the winner.

The complainant believes that the answer she gave was the correct answer given the way the question was worded. If the correct answer was "Melbourne" then the question should have begun with "What place beginning with M?" or "Where beginning with M?" The complainant believes her answer makes more sense as "what?" would be associated with an object and "where?" with a place. The complainant believes there was a fundamental error in the way the question was worded and that in any general knowledge quiz there can only be one correct answer.

The complainant states that several complaints came into the programme via Twitter but the presenter stated that he had to take the answer on the page and that there could, in fact, be more than one answer. The complainant claims, however, that this was the first time he mentioned this since the competition started. The complainant states that she listened to over 40 questions from the competition on Podcast and every question could have had only one correct answer. The complainant believes she was the legitimate winner and states that the final question in this competition should be free of any ambiguity or confusion.

Broadcaster's Response:

Initial response to complainant:

RTÉ states that the idea behind the quiz is to begin the week with 40 questions – 4 asked between 4.50pm each day and 4 are asked at 5.50pm each day. The quiz begins on Monday at 4.50pm with question 40 and ends with question 1 on Friday at 5.50pm. The person who answers the fourth question correctly at 4.50pm on Monday is in control and is called back to answer the fifth question at 5.50pm and stays in control until they give the wrong answer to the question.

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RTÉ claims that the presenter does say several times during the course of the week that it must be the answer on the page. Sometimes there can be a couple of answers to the question as in the case with the complainant's question. An example of another question like this was asked on March 6th – “*What P can be found in the North and South?*”. This had a number of possibilities e.g. “Protestant” which one texter sent in and “Port” was another but the answer sought was “Pole”. The question is about a letter which can have a myriad of possible answers but the only correct answer is that which appear on the page. RTÉ claim they designed this quiz to be unique, quirky and to have a level of ambiguity.

Response to BAI:

RTÉ state that ‘Last Man Standing’ is a quiz devised for this new programme in the 2FM schedule. The quiz starts out at the beginning of the week with 40 questions. Each day, 4 questions are asked at 4.50pm and 4 at 5.50pm. Question 40 is asked on Monday at 4.50pm and question 1 on Friday at 5.50pm. The person who answers the fourth question correctly at 4.50pm on Monday is in control and is called back to answer the fifth question at 5.50pm and stays in control until they get the answer wrong – or progress successfully to answer question 1 on Friday and win the quiz.

RTÉ claim that on-air references are made frequently by the presenter to the requirements to give the answer on the page. In addition the *Terms and Conditions* of the quiz are displayed on the programmes website. The first line of the *Terms and Conditions* states: “*the correct answer is the answer on the page that the presenter is asking the question from.*”

The broadcaster states that some examples from quizzes of the previous weeks which illustrate the importance of this condition include:

Q: “What V destroyed Pompeii?”

A: “Vesuvius” – someone might have said “volcano” but it would have been incorrect as it was not the answer on the page.

Q: “What S would you find in The Showgrounds?”

A: “Sligo Rovers” – a contestant answered “show jumping” but was incorrect as it was not the answer on the page.

The broadcaster states that the question which occasioned this complaint clearly demonstrates the nature of the competition and the dynamic in which, following failure to answer correctly, other listeners are given the opportunity to progress to the prize. That question “*What M would you find Lewis Hamilton in this weekend?*” had a number of possible answers, including “menswear” and “motorcar”, if a contestant had little knowledge of Formula One racing.

The broadcaster states that the complainant answered “*Mercedes*” which was not the answer on the page. Rather, Lewis Hamilton is to be found in a Mercedes on any weekend in which he is racing. The correct answer “*Melbourne*” was specific to the coming weekend. The complainant was followed by a contestant who answered “*Maserati*” incorrectly, another who answered “*Monaco*” also incorrectly and a third who answered “*Melbourne*”.

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RTÉ state that while genuinely sympathising, as the presenter did on air, with the complainant who had done so well up to that point, RTÉ must nevertheless assert that the *Terms and Conditions* of entry to the quiz are clear and well-publicised to listeners and that the competition was conducted fairly and with those *Terms and Conditions* on this occasion.

Decision of the Compliance Committee

The Compliance Committee has considered the broadcast and the submissions from the broadcaster and the complainant. Following a review of the material, the Committee has decided to reject the complaint. In reaching this decision, the Committee had regard to the following:

- The Committee noted that during the week of the competition that the complainant was a participant, the programme presenter broadly outlined the competition mechanism, including the 4-second time-limit by which contestants had to provide a response to the quiz question and the concept of ‘controlling the round’ i.e. those who answer the four questions asked in each hour are then called back to answer the next set of questions in the following hour, with the winner of the prize each week being the person controlling the final round of questions.
- The Committee noted that during the week in question, the presenter made no reference to the correct answer being the answer written on the presenter’s piece of paper. The Committee also noted that there was no reference to terms and conditions for the competition being available on the broadcaster’s website. While the broadcaster highlighted two instances where the presenter stated that the correct answer was the one on the piece of paper in front of him, these comments were made during the week *after* the complainant had participated in the programme. In this context, the Committee did not agree with the broadcaster that the terms of entry to the quiz were fully transparent or well-publicised to listeners during the week of the programme that the complainant participated.
- Notwithstanding this, having reviewed the broadcasts for the week in question, it was the Committee’s view that the competition mechanism was sufficiently clear such that it is not unfair to participants in the manner specified by the complainant. In this regard, the Committee was of the view that it was apparent that different answers could be given and that the competition quiz as structured contained an element of chance.
- Regarding the phrasing of the complaint, the Committee also noted that all of the questions were phrased with reference to ‘What?’, for example, “*What ‘S’ scored the very first try Saturday against Italy?*”, and that in each case the answer referred variably to people, objects and places. Accordingly, the competition did not vary the question to accommodate the response.
- Having had regard to all of the above, the Committee has decided to reject the complaint.
- While rejecting the complaint, it was the view of the Committee that the interests of the audience would have been better served had the competition terms and conditions been more fully transparent and the broadcaster is asked to have regard to this view when conducting future competitions on-air.

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Complaint made by: Mr. Kieran Fitzpatrick

Ref. No. 71/14

Station:
RTÉ Radio 1

Programme:
Morning Ireland

Date:
12th March 2014

Complaint Summary:

Mr. Fitzpatrick's complaint is submitted under the Broadcasting Act 2009, 48(1)(a)(fairness, objectivity and impartiality in current affairs) (*Code of Fairness, Objectivity and Impartiality in News and Current Affairs, Rule 4.1*).

The complaint concerns an item on the subject of Electro Convulsive Therapy (ECT) discussed in an interview with Mr. John Saunders, Chairperson of the Mental Health Commission. The complainant states that public perception of ECT creates an even greater demand that a national radio station should discuss the subject in a sensitive, informed and balanced manner. The complainant objects to the fact that the interview did not clarify that the treatment does not cause any suffering, as those receiving it are under anaesthetic. The complainant contends that to allow this interview to be aired without contrary arguments being advanced contemporaneously, is a violation of the requirements under the Broadcasting Act to provide balanced coverage of a contentious matter of public concern. The complainant believes the interviewer failed to involve a psychiatrist to offer a counter point of view and also failed to balance the discussion by adopting a devil's advocate approach.

The complainant further argues that this is a matter of human rights and needs to be treated with appropriate caution. He states that the normal balancing of a contentious matter over a number of weeks approach, is not appropriate in this instance because the matter is of such a contentious nature that two sides of the argument should ideally be discussed in the same programme.

The complainant claims that the introduction to the item included commentary to the effect of:

The Mental Health Commission has urged the government to outlaw involuntary ECT. The Commission is charged with improving the quality and delivery of mental health services.

The complaint states that the Chairperson of the Mental Health Commission said words to the effect of:

One sentence in the law is all that is required to facilitate those who clearly expressed an unwillingness to receive ECT...it is a very minor provision.

We have a further role around the protection of human rights...

It is a significant infringement of human rights that persons are forced (to get ECT)...

The complainant state that Mr. Saunders claims that in 27 cases, persons were unable or unwilling to give consent, 4 cases received ECT against their consent. He also said that both the current Government and the previous Government had agreed in principle to outlaw involuntary ECT.

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The complainant states that the substantive issue is one of influencing public opinion at a time when the Commission itself believed the executive is on the cusp of passing a law to prohibit non-consensual ECT - [*“one sentence in the law is all that is required...”*]. He states that the Commission already has a legislative pathway to influence government; the complainant claims that RTÉ provided a further pathway via the national airways to bolster its campaign (to change legislation).

The complainant contends that the role of the media is particularly influential on a matter of this nature, predominantly where the opponents of the ban may be somewhat conflicted in making their arguments. The complainant states that the advocacy of the public interest on this issue is, inherently weak, not necessarily because of the weakness of the arguments but because the public advancement of some of those arguments may pose difficulties. He states that the comments of the Chairperson of the Mental Health Commission that [in effect] doctors who administer ECT to patients who are detained under the Mental Health Act, without the patient's consent, are violating the patients' "human rights" was, according to the complainant, a very loaded statement.

The fact that the Commission is a statutory authority gives its Chairperson special influence. The profession of psychiatrists is also a *de facto* statutory authority which holds a diametrically opposing view on the issue. The complainant believes that RTÉ has a statutory obligation to air these competing views.

Broadcaster's Response:

Initial response to complainant:

No reply was received by the complainant to his initial submission to RTÉ.

Response to BAI:

RTÉ states that the format of *Morning Ireland* is composed of brief reports and interviews designed to convey and illuminate, in the context of a fast-moving morning news programme, the events of the day.

The item which is the subject of complaint was introduced by the presenter as follows:

“The Mental Health Commission has urged the Government to change the law to ensure that electro-convulsive therapy will not be used on patients who say ‘no’ to the treatment. The Commission’s fifth report published this morning shows a fall in the use of ECT during 2012.”

RTÉ states that in line with this introduction, the interview which followed was structured to elaborate for the listener the Commission's report, on the use of ECT and of Seclusion & Restraint, published that morning; it was clearly flagged as such and did not lead the listener to expect a debate on the use of ECT. The item was not presented as a debate on the topics concerned; it was reporting the Mental Health Commission's report on these topics.

Although the use of ECT against the wishes of patients or their representatives is against the advice of the World Health Organisation, RTÉ recognises that, as the complainant states, there are differing views amongst psychiatrists in relation to its use.

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It should be noted that the Chair of the Commission was not arguing against the use of ECT in all cases but questioning the validity of its non-consenting use.

If such non-consenting use was a matter of immediate public debate or controversy, say in the context of Oireachtas debate on legislation, it could well be necessary to view the discussion as being of a current affairs nature, albeit on a news programme, and therefore requiring diverse views. In a longer interview of a current affairs nature, the question of whether or not there are cases where the medical professionals' decision to use ECT is in the interests of the patient, even where they or their representatives have opposed it, could have well been raised. RTÉ contends that this was not such a current affairs debate.

While appreciating the closely argued point of view of the complainant on the use of ECT, RTÉ asserts strongly the validity of this news report.

RTE further state that there was no suggestion in the broadcast that ECT treatment does not continue to be a topic of debate. The presenter stated in her introduction “*there continues to be a huge debate about [the use of ECT]*”. This item however, was not a development of the debate presented as such. It was a bulletin in a news magazine programme covering the publication that morning of the report of a statutory body, formatted as an interview designed to convey to listeners the headline points of that report.

A news magazine programme must, in the public interest of conveying information, have the editorial independence to include items which report on the news of the day without an obligation to present every such report as a current affairs debate. Insofar as the complainant's assertion that “*RTÉ should have sought an appropriate person to offer a countervailing opinion to that of Mr. Saunders*” suggests that every report should be presented as a debate between opposing points of view, it intrudes on editorial independence, proposes that reports should be formatted as debate wherever differing points of view are available and therefore does not service the best interests of public discourse.

Decision of the Compliance Committee

The Compliance Committee considered the broadcast and the submissions from the complainant and the broadcaster. Following consideration of the material, the Committee has decided to reject the complaint. In reaching this decision, the Committee had regard to the following:-

- The context for the discussion was the release of a report by the Mental Health Commission on the day that the programme aired. It was the Committee's view that in this context, it was legitimate to include an interview with the Chairperson of the Commission on the findings and recommendations of this report. Interviews of this nature are a common element in news and current affairs programmes such as Morning Ireland. The responsibility on the broadcaster is to ensure that coverage is fair, objective and impartial having had regard to the need to balance the interests of listeners and contributors.

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- While the Committee was of the view that the item included elements of news, it was also considered to contain current affairs elements insofar as broader aspects of the report were discussed by the guest and the presenter. In this regard, the programme included a discussion about the likelihood that the Government would adopt recommendations made by the Commission to the Government concerning Electro Convulsive Therapy (ECT) and practices relating to the seclusion and restriction of patients in psychiatric care.
- Notwithstanding this, it was the Committee's opinion from its review of the programme content that the discussion was limited to a factual outline and discussion of the detail of the Commission's report and the recommendations contained therein and that that element of the programme dealing with recommendations to Government arose directly from the content of the report.
- In this context, and having regard to the fact that the programme item was focused on the detail of the report and not a general discussion on ECT, the Committee did not consider it necessary that a psychiatrist or other view opposing the report recommendations, were necessary to ensure fairness, objectivity and impartiality. For this reason, the complaint has been rejected.
- The Committee noted that the complainant had received no reply from the broadcaster to his initial complaint and the matter will be raised with the broadcaster.

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Complaint made by: Miss Geraldine Gavin

Ref. Nos. 77/14 and 78/14

Station:

RTÉ Two

Programme:

'The Centre'

Date:

24th & 31st March 2014

Complaint Summary:

Miss Gavin's complaints are submitted under the Broadcasting Act 2009, 48(1)(b)(harm and offence)(*Code of Programme Standards - sections 2.3 protection for children and 3.4, persons and groups in society*).

The complainant claims that RTÉ decided to put a man in a dress and wheel him out for the cast in this programme to slag off and then see how the licence fee payers would react. The complainant states that to allow a character to be treated in this way, by making a laughing stock out of her, shows what RTÉ thinks of the paying public. She queries if RTÉ know how many gay/lesbian/transsexual and transgendered people, not only in Ireland but in the world, have to put up with this type of ridicule and humiliation on a daily basis.

The complainant further claims that RTÉ then decided to have a go at the "larger" people in this country. The complainant states that one has to be less than 9 and a half stone to join the course at 'The Centre'. The complainant wonders if RTÉ realise that these two topics alone, have been the cause of many cases of depression and suicide in this country.

Broadcaster's Response:

Initial response to complainant:

RTÉ states that it accepts the broader point made by the complainant regarding the specific vulnerability of transgender people and the necessity to exercise caution in representations of transgender characters. It is not RTÉ's intention to go beyond what is appropriate or justifiable in depicting vulnerable groups, especially ones where inappropriate depictions could have negative impact on mental health.

RTÉ further states that 'The Centre' is a comedy full of exaggerated characters. In the case of 'Nualla', she is a transgendered character who is accepted unreservedly by her co-workers and those who use the community centre and is presented onscreen no differently from them. While, as with all comedy, the characters presented are, to some degree, 'types', they are also seen as individuals with particular traits and weaknesses; 'Nualla' is not presented as being representative of transgendered people.

The broadcaster states that she is the first leading character to appear at a point when life in The Centre is stable and cordial. It is made explicitly clear in the voiceover that she and other characters play a very positive role in creating a very normal, uneventful environment.

The broadcaster states that this routine, humdrum environment is thrown into disarray and challenged by the arrival of the comedy grotesque 'Amanda Menton' who is clearly introduced as a highly aggressive, dislikeable character.

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She represents the antithesis of the community spirit displayed by all the other characters, including 'Nualla', and is an unsavoury selfish creation. 'Amanda' outwardly has the trappings of 'Celtic Tiger' era success – glamorous clothes, media success, business acumen, high self-esteem, but is very obviously unscrupulous and self-serving to the core. In effect, the exaggerated cartoon character of 'Amanda' is an equal opportunities offender; she insults each and every character she comes across, in the interests of nakedly pursuing her own self-interest. Set against this, the people that she attacks and intimidates are overwhelmingly positive, likeable characters, who are interested in advancing the broader sense of community that 'The Centre' embodies. In this context, it is RTÉ's view that LGBT characters should not be treated differently. The particular character of 'Nualla' is presented alongside other characters – working and middle class, overweight and thin, obsessive and slovenly – and is treated no differently from them.

The broadcaster states that all the characters in the programme are exaggerated and there is a great deal of 'clowning'. It is not realistic observational comedy, but rather is designed to deliver absurdist gags, familiar to Irish and international audiences. Clearly this is not to everyone's taste; however, RTÉ claims it takes care to ensure that the sometimes challenging nature of the material is well-flagged in the promotion of the programme and specifically in the continuity announcement which introduces the programme.

Response to BAI:

In responding to the complainant's original complaint to RTÉ in respect of this programme, RTÉ did so in the context of Content Rule 3.4 of the *Code of Programme Standards*, cited by the complainant. For this reason, in respect of Rule 3.4 the RTÉ response to the referral to BAI will not differ greatly from that original response.

RTÉ accepts the broader point made by the complainant regarding the specific vulnerability of transgender people, and the necessity to exercise caution in representations of transgender characters. It is certainly not our intention to go beyond what is appropriate or justifiable in depicting vulnerable groups, especially ones where inappropriate depictions could have a negative impact on mental health.

The broadcaster states that *The Centre* is a comedy full of exaggerated characters. In the case of 'Nualla', she is a transgendered character who is accepted unreservedly by her co-workers and those who use the community centre and is presented onscreen no differently from them. While, as with all comedy, the characters presented are, to some degree, 'types', they are also seen as individuals with particular traits and weaknesses: 'Nualla' is not presented as being representative of transgender people, not as a stereotype, but as being a particular person, with her own foibles arising from her personality and not her gender identity.

The broadcaster states that 'Nualla' is the first leading character to appear in the programme, at a point when life in the centre is stable and cordial, before the arrival of the disruptive force which will propel the narrative. It is made explicitly clear in the voiceover that she and the other characters play a very positive role in creating a very normal, uneventful environment.

The broadcaster states that this routine, humdrum environment is thrown into disarray and challenged by the arrival of the comedy grotesque 'Amanda Menton' – who is clearly introduced as a highly aggressive, dislikeable character. She represents the antithesis of the community spirit displayed by all the other characters – including 'Nualla' – and is an unsavoury, selfish creation.

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'Amanda' outwardly has the trappings of 'Celtic Tiger' era success – glamorous clothes, media success, business acumen, high self-esteem – but is very obviously unscrupulous and self-serving to the core.

The broadcaster states that, in effect, the exaggerated cartoon character of 'Amanda' is an equal opportunities offender: she insults each and every character she comes across, in the interests of nakedly pursuing her own self-interest. Set against, this, the people that she attacks and intimidates are overwhelmingly positive, likeable and sympathetic characters – albeit with the comedy-generating weaknesses referred to above – who are clearly interested in protecting and advancing the broader sense of community that the Community Centre embodies. In this context, it is our view that LGBT characters should not be treated differently. The particular character of 'Nualla' is presented alongside other characters – working and middle class, overweight and thin, obsessive and slovenly – and is treated no differently from them.

The broadcaster states that all the characters in the programme are exaggerated, without exception, and there is a great deal of 'clowning'. *The Centre* is not realistic observational comedy, but rather is designed to deliver absurdist gags, many of them in the 'slagging' territory, familiar to Irish (and international) audiences. The characters consistently mock each other's vulnerabilities, but also show that they have a sense of where a line can be crossed and offence given, a sensitivity which 'Amanda' doesn't share. The role of the 'Amanda' character was underlined, for example, in the continuity announcement before the episode of 31st March 2014 which stated: "First though, Amanda Menton sets out to cause offence – let's face it, she is particularly good at it – in 'The Centre'."

The broadcaster states that in portraying the tension between community spirit and self-interest, centering on the satirical portrayal of a character such as 'Amanda' who voices prejudices in a ruthlessly inconsiderate manner, RTÉ appreciates that there is a fine line to be walked. Sitcoms here and abroad often use the device of including a character whose views and opinions are so risible – and unsympathetic – that they undermine prejudice (rather than perpetuate or amplify it). 'Alf Garnett' from the 1960s BBC comedy *Till Death Do Us Part* is a classic example. The 'Amanda' character is in that tradition and RTÉ is of the view that producing such social satire is a useful as well as entertaining aspect of our brief as a broadcaster. RTÉ believes that it is also clearly the case that the 'Amanda' character's point of view is neither supported nor condoned by other characters or by the programme.

As with much of our comedy programming, this production relies heavily on an irreverent, earthy comic voice, and satirical lampooning of contemporary Irish life and culture. Clearly this is not going to be to everyone's taste, but RTÉ do take care to ensure that the sometimes challenging nature of the material is signposted in the promotion of the programme and specifically in the continuity announcement which introduces the programme. Many of the performers promoted in the programme, such as Katherine Lynch, Jennifer Maguire, and Gary Cooke are relatively well known in Ireland and most RTÉ Two viewers will know what to expect when they appear on television. The tone and nature of *The Centre* is in keeping with their well established knockabout comic personalities. While RTÉ accepts that these performers and this programme are not going to be enjoyed by everyone, they are genuinely appealing to a significant number of Irish viewers.

Broadcasting Complaint Decisions

In relation to the complaint of infringement of Content Principle 2.3, RTÉ would point out that this post-watershed programme signposted as being for a 'Mature Audience' is broadcast at 10.00pm and therefore has due regard to the protection of children.

RTÉ wishes to emphasise again its recognition of the specific vulnerability of transgender people, and the need to exercise due caution in the context of both RTÉ Guidelines and Broadcasting Authority of Ireland codes. In the context described above, RTÉ is of the view that the nature of the comedy dialogue and character depictions is not inappropriate and does not overstep the mark of what is acceptable under Content Rule 3.4.

Decision of the Compliance Committee:

The Compliance Committee has considered the broadcast and the submissions from the broadcaster and the complainant. Following its review of the material, the Committee has decided to reject the complaint. In reaching this view, the Committee had regard to the following:-

- The focus of the *BAI Code of Programme Standards* is on ensuring a balance between the need to protect audiences from harm and from undue offence and the need to leave broadcasters free to air programmes that can, at times, be challenging and which therefore may on occasion offend some viewers and listeners. For this reason, the rules require the portrayal of different groups and individuals in society to be undertaken in an appropriate and justifiable manner. The Code also prohibits content that will support and/or condone discrimination against groups and individuals in society. Accordingly, the Code places an obligation on broadcasters to take particular care when portraying individuals and groups who may be subject to discrimination in Irish society.
- In this context, the Committee noted that the piece was in an established 'broad-comedy' tradition characterised by a style of humour that is unsubtle and treats characters as caricatures. This was evident to the Committee from the consistently exaggerated treatment in the programme of all characters. While noting that this type of comedy will not appeal to all viewers, the Committee did not consider that the treatment of the transgender character 'Nualla' differed from that of the other characters in a manner that would indicate that the portrayal of this character was inappropriate or unjustified or was one that would support or condone discrimination.
- Having reviewed the programme, the Committee was of the view that the content did not infringe the requirements of the *Code of Programme Standards*. The Committee also noted that the programme was aired during a time-slot where comedy content of an adult nature is broadcast. As such, audiences would have been familiar with the type of content for this time-slot. Furthermore, the broadcast time was after the watershed and for this reason, the Committee was satisfied that the broadcaster had complied with the requirements of the *Code of Programme Standards* in respect of the protection of children. Accordingly, the complaint has been rejected.

Broadcasting Complaint Decisions

Complaint made by: Mr. Patrick Swan

Ref. No. 79/14

Station:

Newstalk 106-108

Programme:

Promo for The Right Hook

Date:

15th May 2014

Complaint Summary:

Mr. Swan's complaint is submitted under the Broadcasting Act 2009, 48(1)(b)(Code of *Programme Standards* - section 3.4.2 Persons and Groups in Society). The complaint concerns a promo/bumper for 'The Right Hook'. The complainant states that during this promo, the broadcaster George Hook lambasted cyclists, claiming they were not citizens and made blanket assertions as to their character, lawlessness and other sweeping pejorative generalisations. The complainant further states:

- The presenter is, in the complainant's opinion, using a privileged position as a broadcaster to incite hatred for part of the general population.
- The complainant states that if the presenter's comments were directed at people in receipt of social welfare payments or immigrants, there would be a strong reaction.
- The complainant states that the promo would suggest that people who use bicycles as a mode of transport can be impugned with seemingly no response and this demonstrates that the inculcation of discreet and indeed revulsion towards this set of the population is already well embedded.
- The complainant further states that, set against this, is the fact that cyclists are increasingly in danger on our roads from hostile and aggressive motorists, who are given succour by the presenter and encouraged to put the safety of more vulnerable road users aside in favour of themselves.
- The complainant states that a large proportion of cyclists are children and thus doubly vulnerable.

The complainant states that as a motorist, he sees incidents on a daily basis where drivers fail to signal or use mirrors before turning; where they accelerate through amber lights and fail to stop on red, where they ignore speed limits, travel dangerously close to cyclists and use prohibited mobile phones.

The complainant states that, as a result, some 200 people are killed on the roads annually by motorists. The complainant states that, conversely, no people annually are killed by cyclists.

Broadcaster's Response:

Initial response to complainant:

Newstalk states George Hook's remarks were intended to be tongue-in-cheek, humorous and colourful. They were not intended to be taken totally seriously. Many people do not agree with Mr. Hook's view on cyclists, however, Newstalk does not think his remarks qualify as bigoted or hate speech.

Broadcasting Complaint Decisions

Response to BAI:

Newstalk states the purpose of any promo is to drive listeners to a particular show by providing a brief clip of that show in approximately 30 seconds duration, in effect a trailer for the show.

The promo clip in question is taken from a longer discussion on cyclists held on The Right Hook. This particular edition of the Right Hook show discussed the role of cyclists, the rules of the road and public viewpoints. The discussion presented both supportive and critical views of cyclists. Newstalk utterly rejects the view of the complainant that George Hook used his 'position as a broadcaster to incite hatred'. George Hook uses his position to host and engage in debate on matters of public opinion. The Right Hook regularly discuss the topic of cyclists as this is frequently brought up by their listeners particularly as they commute home by car, by foot and by bicycle.

Newstalk states they set out to present debate and discussion in a robust and open manner and is happy to acknowledge when they get something wrong, however on this occasion they reject the specific charges of the complaint.

Decision of the Compliance Committee

The Compliance Committee considered the broadcast and the submissions from the complainant and from the broadcaster. Following a review of the material, the Committee has decided to reject the complaint. In reaching this decision, the Committee had regard to the following:-

- The Committee had regard to the fact that the item about which the complaint was focused was a programme promotion for The Right Hook, broadcast on Newstalk. The function of a programme promotion is to encourage audiences to listen to a particular programme and in this context, they will generally include content intended to gain the attention of audiences.
- In this context, the Committee noted that the short promotion included an extract from The Right Hook and in particular a number of provocative remarks about cyclists with the programme presenter illustrating a situation where a motorist is being questioned by a member of An Garda Síochána while cyclists are apparently breaking traffic lights without any intervention.
- It was the Committee's view that the content was playful and humorous in nature and was acceptable in the context of a programme promotion intended to catch the attention of audiences. It was also the Committee's view that, on the basis of a single promo, the content could not be considered as likely to condone or support discrimination against cyclists contrary to Section 3.4.2 of the *BAI Code of Programme Standards*. Accordingly, the complaint has been rejected.

Broadcasting Complaint Decisions

Complaint made by: Ms. Dee Vansont

Ref. Nos. 80/14

Station:

RTÉ Two

Programme:

'The Centre'

Date:

24th March 2014

Complaint Summary:

Ms. Vansont's complaint is submitted under the Broadcasting Act 2009, 48(1)(b)(harm and offence)(*Code of Programme Standards - sections 3.4.1 and 3.4.2, Persons and Groups in society*).

The complainant states that as a transgender person, she is horrified and hurt by the relentless abusive terms and bullying behaviour towards the transsexual character 'Nualla' portrayed in this programme, which she describes as offensive. The complainant believes the portrayal of this character has no place in the Ireland of today and is profoundly hurtful to transgender people attempting to live their lives with a little dignity and respect.

The complainant claims that this programme legitimises bullying, abusive behaviour and should cease immediately. The complainant states that transgender people live difficult lives often at the margins of society which is precisely where this programme portrays the character 'Nualla' and makes her the butt of cruel and hurtful abuse that transgender people, such as the complainant, received on routine basis. The complainant claims that transgender people are far more predisposed to depression and suicide and often struggle to just leave the house. The complainant further claims that RTÉ has reached a new low by picking on one of the most marginalised and defenceless of minorities.

Broadcaster's Response:

Initial response to complainant:

RTÉ states that it accepts the broader point made by the complainant regarding the specific vulnerability of transgender people and the necessity to exercise caution in representations of transgender characters. It is not RTÉ's intention to go beyond what is appropriate or justifiable in depicting vulnerable groups, especially ones where inappropriate depictions could have a negative impact on mental health.

RTÉ further states that 'The Centre' is a comedy full of exaggerated characters. In the case of 'Nualla', she is a transgendered character who is accepted unreservedly by her co-workers and those who use the community centre and is presented onscreen no differently from them. While, as with all comedy, the characters presented are, to some degree, 'types', they are also seen as individuals with particular traits and weaknesses; 'Nualla' is not presented as being representative of transgendered people. She is the first leading character to appear at a point when life in the centre is stable and cordial. It is made explicitly clear in the voiceover that she and other characters play a very positive role in creating a very normal, uneventful environment.

The broadcaster states that this routine, humdrum environment is thrown into disarray and challenged by the arrival of the comedy grotesque 'Amanda Menton' who is clearly introduced as a highly aggressive, dislikeable character.

Broadcasting Complaint Decisions

She represents the antithesis of the community spirit displayed by all the other characters, including 'Nualla' and is an unsavoury selfish creation. 'Amanda' outwardly has the trappings of 'Celtic Tiger' era success – glamorous clothes, media success, business acumen, high self-esteem, but is very obviously unscrupulous and self-serving to the core. In effect, the exaggerated cartoon character of 'Amanda' is an equal opportunities offender; she insults each and every character she comes across, in the interests of nakedly pursuing her own self-interest. Set against this, the people that she attacks and intimidates are overwhelmingly positive, likeable characters, who are interested in advancing the broader sense of community that 'The Centre' embodies. In this context, it is RTÉ's view that LGBT characters should not be treated differently. The particular character of 'Nualla' is presented alongside other characters – working and middle class, overweight and thin, obsessive and slovenly – and is treated no differently from them.

The broadcaster states that all the characters in the programme are exaggerated and there is a great deal of 'clowning'. It is not realistic observational comedy, but rather is designed to deliver absurdist gags, familiar to Irish and international audiences. Clearly this is not to everyone's taste; however, RTÉ states that it takes care to ensure that the sometimes challenging nature of the material is well-flagged in the promotion of the programme and specifically in the continuity announcement which introduces the programme.

Response to BAI:

In responding to the complainant's original complaint to RTÉ in respect of this programme, RTÉ did so in the context of Content Rule 3.4 of the *Code of Programme Standards*. For this reason, this RTÉ response to the referral to BAI will not differ greatly from that original response.

RTÉ accepts the broader point made by the complainant regarding the specific vulnerability of transgender people, and the necessity to exercise caution in representations of transgender characters. It was not their intention to go beyond what is appropriate or justifiable in depicting vulnerable groups, especially ones where inappropriate depictions could have a negative impact on mental health.

RTÉ accepts the broader point made by the complainant in her complaint to RTÉ regarding the specific vulnerability of transgender people, and the necessity to exercise caution in representations of transgender characters. It is certainly not our intention to go beyond what is appropriate or justifiable in depicting vulnerable groups, especially ones where inappropriate depictions could have a negative impact on mental health.

The broadcaster states that *The Centre* is a comedy full of exaggerated characters. In the case of 'Nualla', she is a transgendered character who is accepted unreservedly by her co-workers and those who use the community centre and is presented onscreen no differently from them. While, as with all comedy, the characters presented are, to some degree, 'types', they are also seen as individuals with particular traits and weaknesses: 'Nualla' is not presented as being representative of transgender people, not as a stereotype, but as being a particular person, with her own foibles arising from her personality and not her gender identity.

The broadcaster states that 'Nualla' is the first leading character to appear in the programme, at a point when life in the centre is stable and cordial, before the arrival of the disruptive force which will propel the narrative. It is made explicitly clear in the voiceover that she and the other characters play a very positive role in creating a very normal, uneventful environment.

Broadcasting Complaint Decisions

The broadcaster states that this routine, humdrum environment is thrown into disarray and challenged by the arrival of the comedy grotesque 'Amanda Menton' – who is clearly introduced as a highly aggressive, dislikeable character. She represents the antithesis of the community spirit displayed by all the other characters – including 'Nualla' – and is an unsavoury, selfish creation. 'Amanda' outwardly has the trappings of 'Celtic Tiger' era success – glamorous clothes, media success, business acumen, high self-esteem – but is very obviously unscrupulous and self-serving to the core. The role of the 'Amanda' character was underlined, for example, in the continuity announcement before the episode of 31st March which stated: "First though, Amanda Menton sets out to cause offence – let's face it, she is particularly good at it – in 'The Centre'."

The broadcaster states that, in effect, the exaggerated cartoon character of 'Amanda' is an equal opportunities offender: she insults each and every character she comes across, in the interests of nakedly pursuing her own self-interest. Set against, this, the people that she attacks and intimidates are overwhelmingly positive, likeable and sympathetic characters – albeit with the comedy-generating weaknesses referred to above – who are clearly interested in protecting and advancing the broader sense of community that the Community Centre embodies. In this context, it is our view that LGBT characters should not be treated differently. The particular character of 'Nualla' is presented alongside other characters – working and middle class, overweight and thin, obsessive and slovenly – and is treated no differently from them.

The broadcaster states that all the characters in the programme are exaggerated, without exception, and there is a great deal of 'clowning'. *The Centre* is not realistic observational comedy, but rather is designed to deliver absurdist gags, many of them in the 'slagging' territory, familiar to Irish (and international) audiences. The characters consistently mock each other's vulnerabilities, but also show that they have a sense of where a line can be crossed and offence given, a sensitivity which 'Amanda' doesn't share.

In portraying the tension between community spirit and self-interest, centering on the satirical portrayal of a character such as 'Amanda' who voices prejudices in a ruthlessly inconsiderate manner, RTÉ appreciates that there is a fine line to be walked. Sitcoms here and abroad often use the device of including a character whose views and opinions are so risible – and unsympathetic – that they undermine prejudice (rather than perpetuate or amplify it). 'Alf Garnett' from the 1960s BBC comedy *Till Death Do Us Part* is a classic example. The 'Amanda' character is in that tradition and RTÉ is of the view that producing such social satire is a useful as well as entertaining aspect of our brief as a broadcaster. RTÉ believes that it is also clearly evident that the 'Amanda' character's point of view is neither supported nor condoned by other characters or by the programme.

The broadcaster states that, as with much of our comedy programming, this production relies heavily on an irreverent, earthy comic voice, and satirical lampooning of contemporary Irish life and culture. Clearly this is not going to be to everyone's taste, but RTÉ do take care to ensure that the sometimes challenging nature of the material is signposted in the promotion of the programme and specifically in the continuity announcement which introduces the programme. Many of the performers promoted in the programme, such as Katherine Lynch, Jennifer Maguire, and Gary Cooke are relatively well known in Ireland and most RTÉ Two viewers will know what to expect when they appear on television. The tone and nature of *The Centre* is in keeping with their well established knockabout comic personalities.

Broadcasting Complaint Decisions

While RTÉ accepts that these performers and this programme are not going to be enjoyed by everyone, they are genuinely appealing to a significant number of Irish viewers.

RTÉ wishes to emphasise again its recognition of the specific vulnerability of transgender people, and the need to exercise due caution in the context of both RTÉ Guidelines and Broadcasting Authority of Ireland codes. In the context described above, RTÉ is of the view that the nature of the comedy dialogue and character depictions is not inappropriate and does not overstep the mark of what is acceptable under Content Rule 3.4.

Decision of the Compliance Committee:

The Compliance Committee has considered the broadcast and the submissions from the broadcaster and the complainant. Following its review of the material, the Committee has decided to reject the complaint. In reaching this view, the Committee had regard to the following:-

- The focus of the *BAI Code of Programme Standards* is on ensuring a balance between the need to protect audiences from harm and from undue offence and the need to leave broadcasters free to air programmes that can, at times, be challenging and which therefore may on occasion offend some viewers and listeners. For this reason, the rules require the portrayal of different groups and individuals in society to be undertaken in an appropriate and justifiable manner. The Code also prohibits content that will support and/or condone discrimination against groups and individuals in society. Accordingly, the Code places an obligation on broadcasters to take particular care when portraying individuals and groups who may be subject to discrimination in Irish society.
- In this context, the Committee noted that the piece was in an established 'broad-comedy' tradition characterised by a style of humour that is unsubtle and treats characters as caricatures. This was evident to the Committee from the consistently exaggerated treatment in the programme of all characters. While noting that this type of comedy will not appeal to all viewers, the Committee did not consider that the treatment of the transgender character 'Nualla' differed from that of the other characters in a manner that would indicate that the portrayal of this character was inappropriate or unjustified or was one that would support or condone discrimination.
- Having reviewed the programme, the Committee was of the view that the content did not infringe the requirements of the *Code of Programme Standards*. The Committee also noted that the programme was aired during a time-slot where comedy content of an adult nature is broadcast. As such, audiences would have been familiar with the type of content for this time-slot. Accordingly, the complaint has been rejected.

Resolved at Executive Complaints Forum

Complaint made by: Mr. Dónal O'Sullivan-Latchford (On behalf of Family and Media Association)

Ref. No. 84/14

Station:
RTÉ Two

Programme:
Republic of Telly

Date:
12th May 2014

Complaint Summary:

Mr. O'Sullivan Latchford's complaint is submitted on behalf of Family and Media Association under the Broadcasting Act 2009, section 48(1)(b) harm and offence (*Code of Programme Standards* – section 3.4.5 undue offence in the treatment of religious views, beliefs or images).

The complainant states that this programme was highly offensive, without reason, of the beliefs of many hundreds of thousands of Catholics in this country, who '*recognise Him in the breaking of bread*' particularly in a scene where writing ... "call me" was shown on what was meant to be a Communion Host, which Catholics recognise as the Real Presence of Jesus, who is God. The complainant states that the programme was also allowed to remain on the RTÉ Player. The complainant further states it seems impossible to reconcile what has happened with RTÉ's Vision "*to grow the trust of the people of Ireland*".

The complainant refers to RTÉ's initial reply to his complaint and points to their argument that for essentially contextual reasons one of the skits in question "*did not cross the line into denigrating or mocking the Eucharist*". The complainant believes this is not credible and states that depicting writing, particularly in the irreverent context involved, on a Communion Host which Catholics truly believe and recognise to be Jesus Christ, truly present, Body, Blood, Soul and Divinity, cannot honestly and reasonably be seen as anything other than unduly offensive to some of the very deeply held religious beliefs referred to in section 3.4.5.

The complainant also refers to RTÉ's failure to directly address the issue of the irreverent and inappropriate writing on the depicted Host. The complainant further states that essentially RTÉ argues that:

- a) it is ok to have one's religious beliefs publically mocked provided one has been warned in advance and, therefore, does not have to witness it directly one's self, and;
- b) such public mocking of one's religious beliefs is somehow merely a matter of taste, are not worthy of comment.

Broadcaster's Response:

Initial response to complainant:

RTÉ states that as a general point it accepts the need to exercise caution in dealing with key religious iconography and the central tenets of all faiths and of the Catholic faith in this case.

Broadcasting Complaint Decisions

In relation to the particular sketch referred to, RTÉ further states that it was not their intention to go beyond a playful 'silly' skit to something that could genuinely cause offence to Catholics, or be seen to mock the Eucharist.

In terms of the specifics of the Republic of Telly sketch, RTÉ states that this was a parody of the 1980's US detective genre (that gave us *Magnum P.I.*), with the detectives replaced by two 1980's priests, who have a playful 'buddy-buddy' relationship. This skit was intended to be in the 'Father Ted' territory of silly and surreal priest characters, engaging in daft behaviour.

The sketch includes a scene where one of the priests is interrupted while giving out Communion, by the other priest, who makes an amorous play for the attention of a young female mass-goer. While the line and physical comedy interrupt the delivery of the Eucharist, this is merely the backdrop for a gag which is very clearly mocking an inappropriately amorous priest. Combined with the general silly, surrealist tone of the general skit, RTÉ states that it took the view that this did not cross the line into denigrating or mocking the Eucharist and authorised the broadcast.

RTÉ further states that as with much of its programming, this production relies heavily on an irreverent, earthy comic voice and satirical lampooning of contemporary Irish life and culture. Clearly this is not to everyone's taste but RTÉ takes care to ensure that the sometimes challenging nature of the material is well flagged in the promotion of the programme and specifically in the continuity announcement which introduces the programme. The tone and nature of this skit is in line with the performers' well established knockabout comic personalities. RTÉ states that while it accepts that these performers and this programme are not going to be enjoyed by everyone, they are genuinely appealing to a significant number of Irish viewers.

Response to BAI:

The Republic of Telly is a post-watershed comedy series broadcast on RTÉ Two, a channel known to its predominantly young adult audience for programming including irreverent comedy.

Due care for the audience is shown through:

- Post-watershed scheduling
- Use of the Mature Audience onscreen classification
- The continuity announcement which gives prior warning of the potential to offend, in the case of this programme: "Do not adjust your set – even when it gets rude – it's the 1980's on *The Republic of Telly*."

The edition of *The Republic of Telly* in which the sketch appeared was devoted to an absurd and satirical view of the manners and mores of 1980's Ireland, with particular reference to television programmes of the time. This is the context in which the sketch was presented to viewers.

The sketch itself was, as stated in the broadcaster's response to the complainant, a parody of the 1980's US crime/detective genre (such as *Magnum P.I.*, *Miami Vice* and *Chips*), titled 'Magnum P.P.'. It presented two completely fantastical clerics in surreal situations which exaggerated the absurdities of the programmes of which it was a parody. The two supposed clerics could not ever have existed in reality and the gap between their behaviour and that expected of any real-life cleric was such that they could not be seen as in any way representative of actual clerics or clerical behaviour.

Broadcasting Complaint Decisions

Similarly, the target of the comedy was not the Catholic religion or any of its views, beliefs or images; such absurdly implausible clerics could not be seen as ministers of the Eucharist and no offence was intended or offered to believers in the sacrament through their completely unlikely and incredible comic behaviour. A viewing of the sketch will show that these bizarre figures are not in fact engaged in a representation of anything which remotely approaches the actuality of the doctrine or liturgy of the Real Presence.

Decision of the Executive Complaints Forum:

The Forum, having considered the summary report prepared by the BAI Executive, and having listened to the relevant broadcast material in advance of the meeting, has decided that the complaint required no further consideration and is resolved.

In reaching this decision, the Forum had regard for the following:

- When considering the complaint, the Members of the Forum reviewed the broadcast, and the submissions of both the complainant and the broadcaster. The Forum also had regard to the Broadcasting Act 2009, Section 48(1)(b) (*Code of Programme Standards* – section 3.4.5 – undue offence in the treatment of religious views, beliefs or images).
- The complaint relates to a comedy sketch titled ‘Magnum P.P.’ which was a parody of the 1980’s detective programme *Magnum P.I.* in which two priests were doing detective work. The complainant took offence at a scene where ‘call me’ was written on a piece of Holy Communion and was given to an attractive member of the congregation by one of the main characters. The complainant was of the view that this scene was highly offensive to many thousands of Catholics who recognise God (referred to as ‘Him’ by the complainant) in the breaking of bread. Furthermore, the complainant was not satisfied with RTÉ’s response regarding its advance warning and its expressed view that such a parody remained a matter of public taste to which a member of the public could take offence or not.
- Following discussion, the Forum was of the view that the sketch was justified by context and did not therefore cause undue offence. In this regard, the Forum noted that the theme of the programme was the 1980’s and the chat between the presenters and the audience as well as the inserts throughout the programme focused on this theme. In this context, it was evident from a review of the sketch in question that the focus of the humour was on 1980’s television and that the item was not purposely mocking religion but setting the scene within a religious context in delivering its 1980’s comedy sketch.
- The Forum noted that the type of programme was a comedy and having had regard to the programme as a whole as well as the comedy sketch in question, the Forum did not agree with the complainant that the item was intended to, or likely to cause undue offence to members of the public in general, or adherents to the Catholic faith in particular.
- The Forum also noted that the broadcaster took measures to inform viewers that they could be offended by announcing: ‘*Do not adjust your set – even when it gets rude – it’s the 1980’s on The Republic of Telly*’.

Broadcasting Complaint Decisions

- In conclusion, the Forum was of the view that, given the content of the sketch, the type of programme in question, and the audience expectation, as well as the screening post-watershed, the complaint did not raise issues that required further consideration and, accordingly, was deemed resolved and requiring no further investigation.

