



ÚDARÁS
CRAOLACHÁIN
NA hÉIREANN

BROADCASTING
AUTHORITY
OF IRELAND

Broadcasting Authority of Ireland

Broadcasting Complaint Decisions

November 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 September and October 2014, the Compliance Committee upheld one complaint in part and rejected 10 complaints. Five complaints were resolved by the Executive Complaints Forum at its meetings in August, September and October 2014.

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Upheld in Part by BAI Compliance Committee

Complaint made by: Mr. Ray McIntyre

Ref. No. 101/14

Station:

Newstalk 106-108

Programme:

Newstalk Breakfast Show

Date:

27th June 2014

Complaint Summary:

Mr. McIntyre's complaint is submitted under the Broadcasting Act 2009, Section 48(1) (a) (fairness, objectivity & impartiality in current affairs) and *Code of Fairness, Impartiality and Objectivity in News and Current Affairs* (Rules 4.21 and 22).

The complainant states that during the course of an item on the Gay Pride March, two panellists (one of whom was a director of Dublin Pride and the other was formerly of the organisation – BelongTo) were given what he describes as 'free rein' to talk about the importance of passing the same-sex marriage referendum, completely unopposed during the programme by any challenge from dissenting voices.

The complainant claims that the presenters were completely sympathetic to all of the panel's arguments and did not challenge them on a single point. He states that the questions were all of the "please, tell us more" variety. He states that this reached its apotheosis when one of the presenters, Chris Donoghue, stated that he would vote in a referendum in favour of changes to Irish law to permit same-sex marriage – the complainant states that the presenter didn't even ask a question, merely stating his impatience with not being able to vote immediately.

The complainant is aware that many people regard changing Irish law to permit same-sex marriage as an essential step in the march of civil rights. He believes that they are fully entitled to that view and to the free expression of it. However, he states that there are also those who take a different view, emphasising the importance of marriage as a social institution designed to provide children with a mother and a father. The complainant states that it is not Newstalk's role as a broadcaster, to act as a cheerleader for one side or the other in a matter of current public debate. He believes that this kind of conduct, if continued, threatens to make next year's referendum a farce of epic proportions.

Broadcaster's Response:

Initial response to complainant:

Newstalk acknowledged receipt of the complaint and said they would fully respond to it in due course. The complainant states he did not receive a further response.

Response to BAI:

Newstalk 106 submits that this broadcast was not news or a current affairs broadcast. It was a feature on the Gay Pride Parade in Dublin and the listeners were clearly informed of this. They state that it was not a debate or a discussion on the issue of same-sex marriage. The Dublin Pride festival is a festival which takes place every year and the two guests that featured on the show were, crucially, all questioned about what it meant to them and their personal experience of it.

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The broadcaster states that it was a human-interest piece which happened to touch on other issues which briefly included the issue of same-sex marriage and mentioned a proposed referendum for approximately one minute out of a total time of the 10-minute piece.

The broadcaster states that the presenter introduced the item by explaining how Dublin had just hosted the two week pride festival Gay Pride Parade some 40 years after the first public demonstrations against anti-gay laws in Ireland. They state that he introduced the guests and the discussion focused on the personal lives and attitudes of the two men who are heavily involved in the festival. The interview turned briefly to the general political agenda involved in the gay community and how there are issues that still need to be addressed to include the new family bill and the possible referendum, for which a date has not been set. The broadcaster states that it was purely in a personal context and did not at any point develop into a debate on the merits, for or against, the proposed same-sex marriage referendum.

The broadcaster states that, significantly, not one of the guests made an explicit statement supporting same-sex marriage or actually encouraged people to vote in favour of it. Newstalk state that it is safe to assume, in the context of the whole piece, that the guests were pro-same sex marriage but the fundamental point is that they did not encourage or force their view on the listener. In the short time that it was mentioned, they discussed the government having a commitment to the issue generally and also how important it was that young people register to vote – both neutral topics on the issue.

Newstalk acknowledges that their presenter did proffer his voting preference but argues that in the overall context of the piece and the fact that there were no expressions of opinion other than that, this did not constitute a breach of section 39(a) of the Code.

Decision of the Compliance Committee: Uphold in Part (Unanimous):

The Committee 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. In reaching this view the Committee had regard to Section 48(1)(a) of the Broadcasting Act 2009 (fairness, objectivity & impartiality in current affairs) and the *BAI Code of Fairness, Impartiality and Objectivity in News and Current Affairs* (Rules 4.21 and 22).

In this regard:

- The Committee noted that the programme item included a discussion contextualised by the Dublin Gay Pride celebrations taking place during the week of the broadcast. The Committee noted that the programme included a discussion of the Pride festival, how celebrations of the LGBT community had changed and grown in Ireland over recent decades, the personal experiences of the two guests on the programme as well as a discussion on potential changes to Irish law to permit same-sex marriage, amongst other items.

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- Upon its review of the programme, it was the Committee's opinion that it included some content that was general in nature and did not constitute news and current affairs. However, those elements of the programme item that discussed changes to Irish law to permit same-sex marriage were considered news and current affairs as this issue is a matter of current public debate. In this context, the requirements for fairness, objectivity and impartiality in news and current affairs were relevant.
- The Committee noted that contributors to programmes should have the reasonable expectation that they can express their opinions on matters, including matters of current affairs, such as same-sex marriage, and in this regard, the Committee noted that no issues arose with the contributions made by the programme guests.

However, the *BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs* does recognise the special responsibilities of programme presenters. While this Code does not prevent programme presenters from conveying their professional views or pursuing vigorous lines of questioning (indeed this is a critical role for news and current affairs presenters) it does place certain prohibitions on the type of contributions that may be made by a presenter.

In particular, Rule 4.22 states:

"It is an important part of the role of a presenter of a current affairs programme to ensure that the audience has access to a wide variety of views on the subject of the programme or item; to facilitate the expression of contributors' opinions – sometimes by forceful questioning; and to reflect the views of those who cannot, or choose not to, participate in content. This being so, a presenter and/or a reporter on a current affairs programme shall not express his or her own views on matters that are either of public controversy or the subject of current public debate such that a partisan position is advocated."

This rule highlights that presenters of news and current affairs programmes play a critical role in ensuring objective and impartial coverage of items, particularly matters that are of public controversy or the subject of current public debate. It recognises that some current affairs output can be synonymous with personalities, where the manner in which the presenter presents or interviews contributors can be keenly anticipated by audiences and where the nature and style of the presenter is a key factor in what engages audiences and draws them into consideration and debate on matters of public controversy and current public debate. The audience will also often trust that the presenter's approach may be instrumental in getting to the heart of the issues at hand.

These factors contribute to some of the key reasons why news and current affairs coverage is trusted to such an extent by Irish audiences. However, with this level of trust comes a significant level of responsibility on the part of the broadcaster and, in the case of this and other rules contained in the Code, the presenter. The Code seeks to prevent a partisan position being advocated by the presenter and to guard against a presenter using his/her programme to pursue an agenda, via comments, choice of guest etc., such that a biased view on an issue is articulated.

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Having had regard to these considerations, it was the opinion of the Committee that the statement by one of the presenters that he would vote in favour of any forthcoming referendum on marriage equality and his stated impatience with not being able to vote immediately constitutes the statement of a partisan position by a news and current affairs presenter on a matter of current public debate, contrary to Rule 4.22 of the *BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs*.

- In view of this, the Committee has decided to uphold the complaint in part. In reaching this view, the Committee did not have regard to the views of the complainant or the contributors on the programme as to the desirability or otherwise of changing Irish law to permit same-sex marriage since such views are subjective matters of opinion.
- As the item constituted current affairs and not news content, Rule 4.21 of the *BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs* was not relevant and this part of the complaint was rejected.

Rejected by BAI Compliance Committee

Complaint made by: Mr. Leslie Stone

Ref. No. 81/14

Station:

RTÉ Two

Programme:

The Savage Eye

Date:

12th May 2014

Complaint Summary:

Mr. Stone's complaint is submitted under the Broadcasting Act 2009, section 48(1) (b) (harm and offence) (*Code of Programme Standards – sections 2.1 general community standards, 2.3 protection for children and 3.3.3 coarse and offensive language*).

The complainant wishes to complain in the strongest manner about what he describes as the foul mouthed language used in this programme. He states that the programme showed children saying "Fuck Protestants" which he states was an absolute disgrace. The complainant further states that this item was in his opinion deeply offensive, racist and irresponsible. The complainant questions how RTÉ could allow children to use foul mouthed language against a religious community.

The complainant states that children should not be used on this adult show and they should delete all child sketches from this programme and series which should be called '*The Savage Mouth*'.

Broadcaster's Response:

Initial response to complainant:

RTÉ states they acknowledged receipt of Mr. Stone's feedback as a contribution to the developing editorial process. They thanked him for raising his concerns about the programme and informed him his comments would be included in the RTÉ Audience Log for the attention of the producers of the programme and would be reviewed at RTÉ's Editorial Meetings. RTÉ has since confirmed that there was some confusion in the manner in which Mr. Stone's original complaint was handled. It would appear that he was sent a response treating his mail as feedback rather than a complaint, while at the same time his mail was forwarded to the responsible commissioning executive, to be replied to as a complaint.

Response to BAI:

RTÉ states the complainant alleges that the scene infringed Content Principles 2.1 and 2.3 and Content Rule 3.3.3 of the *BAI Code of Programme Standards*. In the context of Principle 2.4, RTÉ's response refers to other sections of the Code.

Content Principle 2.1

The broadcaster states that, as with much of the content of *The Savage Eye*, the scene aims to make a very serious satirical point, in this case about the promotion of sectarian division. The broadcaster states that it is done in the context of an edition devoted to the theme of 'Why Are the Irish Such Failures in Love?' whose editorial view includes the manner in which social forces have perverted that human quality. The editorial purpose of the scene is clear in that context of the entire programme.

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The broadcaster states that the scene shares a theme which runs through *The Savage Eye*, where the language of prejudice is used, often in its more extreme or challenging form, with the goal of exposing and undermining that prejudice.

The broadcaster states that many of these prejudices, which objectively should be shocking, have become a casual and even acceptable part of day-to-day public discourse. In this regard, where the inexcusable has become routine, there is a long historical tradition of the satirical use of exaggeration to convey a shocking reality. And that exaggeration, before and since Jonathan Swift's *A Modest Proposal* of 1729, frequently in itself causes shock, but always with the goal of bringing to the viewers' (or readers') attention a much greater real-life iniquity than anything it depicts in fictional terms. RTÉ asserts that, far from transgressing community standards, in its satirical attack on sectarianism the scene strongly supported and was motivated by the community standards of tolerance and of antagonism towards bigotry.

Content Rule 3.4

The broadcaster states that the target of satire in the scene is clearly not the Protestant community but perceived anti-Protestant or sectarian bigotry, in this case promoted by a priest and a teacher. The objective was to satirise the reality that people in positions of authority can propagate their own personal opinions as factual truths and in doing so manipulate vulnerable children who are susceptible to adult influence. No offence was offered to any group on the basis of religion, whether Protestant or Catholic. There was no suggestion of a religious basis for the sectarianism expressed and no implication that such bigotry is substantiated or supported by Catholic doctrine.

Content Rule 3.3

The broadcaster states that coarse language was used to achieve the editorial objective. RTÉ asserts that in the context, of satirical comedy whose target was sectarian bigotry, such language was justified and not inappropriate, reflecting the brutality of attitudes which have so often led to cruel and violent outcomes in the real world. And in real life, the language used to promote such bigotry is far more offensive than any used in this scene. RTÉ asserts that any offence given by the use of coarse language in this scene was an aspect of its coherent editorial purpose and in that context was not gratuitous and not undue.

Content Principle 2.3

The broadcaster states that the use of child actors in the scene served to underline the editorial purpose of showing the perversion by bigotry of worthwhile human qualities such as love and the manipulation of children to encourage hatred. Any shock produced by the use of child actors served the purpose of conveying the appalling and offensive reality of sectarianism and its tangible results, historical and contemporary.

The broadcaster states that the child actors who performed in the scene were engaged through a performance and dance school; as students at such a school, they would have a greater awareness than their non-professional peers of the nature of performance and of the distinction between performance and real life.

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In this regard, the production company took measures to ensure that the welfare of the child actors was always at the forefront of production, including:

- The securing of parental consent forms for each child's participation. Every script that would involve child actors was sent to parents for approval and the decision as to whether the young performer would take part was entirely left to their parents.
- After discussion, each parent decided how much explanation of the scripts they felt they needed to give their children. In the case of a sketch which included language which would normally be viewed as age-inappropriate but was being used to support the editorial impact of the scene, this was discussed in detail and agreed with parents in advance.
- All necessary information was obtained in relation to each child actor: parental contact information, any relevant medical or dietary information, written permission from parents and schools and child licenses for each child.
- Child actors were transported to set with their parents or chaperones.
- When on set, the young performers were constantly in the company of two chaperones. They were also made aware of the crew members that they should go to with any issues. They were provided with space to change and in which to spend time when they were not needed on set. They were provided with ample food and access to a bathroom at all times
- The production company had a strategy in place to address the situation if any of the child performers became distressed on set: they and their chaperone or parent would be guided to a quiet place away from cameras and crew, to be listened to, in order that the chaperone or parent could comfort them and resolve the issue immediately. Thankfully, there was no occasion on which this contingency plan was required.
- The child actors were never on set for longer than the allowed time.
- The child actors were never left unattended and were kept away from any potentially dangerous environments.
- After each shooting day, the designated production personnel would check in with the chaperones and parents before they left to make sure each young performer was happy about the day's events.

Content Rule 3.6

The broadcaster states that *The Savage Eye* is of course very clearly presented as adult viewing and the use of child actors, in the context of its post-watershed scheduling on a channel (RTÉ Two) known to viewers for challenging comedy, does not encourage imitative behavior of any kind or indeed place the broadcast in the category of children's programming which is the subject of Rule 3.6.

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Content Principle 2.2

The broadcaster states that Due Care for the audience in relation to this programme was shown by:

- A prior warning by the continuity announcer stating that: “Now on two though, ‘Savage Eye’ is eye-opening, with savage wit and language to boot.”
- The scheduling of the programme after the ‘watershed’, at 10.00pm and on RTÉ Two, a channel with a well-known reputation and identity as the home for comedy of a challenging nature.
- The use of a ‘Mature Audience’ classification which appeared at 21:59:34 for five seconds. In summary, RTÉ asserts that: the editorial intention of the broadcast was to uphold the community standard of tolerance; there was no offence to any group on grounds of religious belief; the use of coarse language was editorially considered and justified and did not give undue offence; the engagement of child actors appropriately underlined the editorial focus on the sectarian indoctrination of children; every measure was taken to protect the welfare of the child actors; the broadcast was clearly presented as adult viewing; and due care for the audience was shown.

Decision of the Compliance Committee: Reject (Unanimous)

The Committee 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 Broadcasting Act 2009, section 48(1) (b) (harm and offence) (*Code of Programme Standards – sections 2.1 general community standards, 2.3 protection for children and 3.3.3 coarse and offensive language*).

In this regard:

- The Committee noted that the programme was preceded by a warning and was broadcast on RTÉ Two after the Watershed. For this reason, regular audiences of RTÉ Two would be familiar with the comedy shows in the schedule, including *The Savage Eye*, the humour of which can be irreverent and caustic.
- In reviewing the programme, it was evident to the Committee that the approach to the content was satirical and that characters played by the comedian and other cast members were caricatures. This was evident from their appearance, what they said, including their use of language and behaviour, all of which were exaggerated and clearly satirical in nature. Programming of this nature sets out to scrutinise or comment on facets of Irish society by highlighting in an exaggerated and caricatured manner such facets. Audiences are familiar with this genre of programming and would be aware that facets of society are, and can be, subjected to satirical comment.
- The Committee also noted that the programme chose to lampoon those who hold prejudicial views against other members of society. In the case of the content that was the subject of the complaint, the character in the sketch was playing a Catholic priest who was inculcating children in his classroom with sectarian beliefs in respect of members of the Protestant faith.

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The Committee was of the view that the target of the humour was the sectarian priest and not the Protestant faith or its members and that there was no evidence of any intent to condone or support discrimination against any group in society. The Committee also found that the use of coarse language was justified by the context in which it was spoken and did not infringe Rule 3.3 of the aforementioned Code.

- Concerning the inclusion of children in this programme and the use of coarse language by the children appearing; it was the Committee's view that the parents of the children had consented to their inclusion in the programme and that RTÉ had in place a range of measures to protect the interests of the children. Further, the intent of Section 2.3 of this Code is to ensure that broadcasters take care when children are likely to be viewing. Given the time of broadcast, it was the Committee's view that no issues arose in respect of this section of Code.
- While the Committee acknowledges that satirical content can often walk a tight rope, facets of society are open to scrutiny and are regularly challenged through the medium of comedy, which can be hard-hitting. The Committee is of the view that a significant majority of the audience would have understood the sketches in this context. Considering the time of broadcast, the audience information provided by the broadcaster, audience expectation, channel and the overall satirical content of the programme, the Committee was of the view that the broadcast was unlikely to cause widespread offence and did not infringe the requirements of Section 2.1 of the *BAI Code of Programme Standards*.

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Complaint made by: Mr. Frank Collins

Ref. No. 85/14

Station:

RTÉ Two

Programme:

The Savage Eye

Date:

5th May 2014

Complaint Summary:

Mr. Collins' complaint is submitted under the Broadcasting Act 2009, section 48(1)(b)(harm and offence)(*Code of Programme Standards* – sections 2.1 general community standards, 2.3 protection for children and 3.3 coarse and offensive language)

The complainant states that there is a scene in this broadcast which involved child actors using what he describes as extremely vile and violent language. The complainant states that the scene was meant to be a satirical observation on the loss of childhood innocence caused by their exposure to violence through the internet and the impact it has on normal childhood games. However, the complainant believes that the use of actual children, that look around 8 – 10 years old, is grossly irresponsible. The complainant states that as part of the scene, the children decide to play a game of cowboys and Indians where one boy declares that he will “*cut off your genitals*” and another boy interjects with “*and put them in your mouth*”. The complainant states that one of the girls says to another girl “*you'll be pregnant and I'll grab you, stab you and rip open your belly, mutilate the foetus and wear it as a hat*”. One of the boys says “*let's do it*” and all the children cheer.

The complainant believes this kind of material contravenes broadcasting guidelines regarding the protection of children.

Broadcaster's Response:

Initial response to complainant:

RTÉ failed to reply to the complainant's initial complaint.

RTÉ submit that Mr. Collins' original complaint was forwarded on 10.05.14 by the Complaints Section to the Television Executive responsible for commissioning *The Savage Eye*. Unfortunately, it appears to have been overlooked and no response was made. In his absence on leave, RTÉ apologise for being unable to be more specific.

RTÉ state that the establishment of a complaints tracking arrangement should result in incidents such as this being at least very rare and hopefully non-existent.

Response to BAI:

RTÉ states the complainant alleges that the scene infringed Content Principles 2.3 and Content Rule 3.3 of the *BAI Code of Programme Standards*. In the context of Principle 2.4, RTÉ's response refers to other sections of the Code including Principles 2.1 and 2.2 and Rules 3.3 and 3.6.

RTÉ further states that when viewed in the context of the entire programme, on the topic of childhood in contemporary Ireland and considered in the context of *The Savage Eye* series, the editorial purpose of the scene is plain. The broadcaster states that the script has a twofold target.

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It satirises the “loss of innocence” of contemporary childhood, which sees children have access to information on the internet, in this case about the Native American experience of conquest, which would not previously have been available. And it is also a satirical commentary on the gulf between the reality of Native American experience and the sanitised version of it presented in the game of ‘Cowboys and Indians’.

The broadcaster states that the language used in the scene is integral to its satirical point and any shock caused by the casting of child actors is a necessary and responsible aspect of the editorial purpose described above. In the context of satirical comedy, any offence to community standards in terms of language is justified by the greater support of ethical standards on childhood and on the slaughter of Native Americans with which a majority of the community would sympathise.

Content Principle 2.2

RTÉ states that due care for the audience in relation to this programme was shown by:

- A prior warning by the continuity announcer stating that: “Now though, with strong language and images that will never be unseen, it’s the return of *The Savage Eye*.”
- The scheduling of the programme after the ‘watershed’, at 10.00pm and on RTÉ Two, in a time-slot and on a channel with a well-known reputation to the audience as the home for comedy of a challenging and adult nature.
- The use of a ‘Mature Audience’ classification which appeared at 22:00:32 for five seconds.

Content Principle 2.3

The broadcaster states that the use of child actors in the scene absolutely served the editorial purpose of showing how the internet has contributed to the loss of childhood innocence and how childish games can be based in hard realities. The broadcaster states that any shock produced by the use of child actors served the purpose of conveying the reality that having access to unlimited information on the internet has led to a fundamental change in the way children behave amongst their peers. It also placed in the mouths of children some of the realities of the Native American experience, contrasting their appalling nature in reality with their sanitisation in ‘Cowboys and Indians’.

The broadcaster states that the child actors who performed in the scene were engaged through a performance and dance school; as students at such a school, they have a greater awareness than their non-professional peers of the nature of performance and of the distinction between performance and real life.

RTÉ states that the production company took measures to ensure that the welfare of the child actors was always at the forefront of production, including:

- The securing of parental consent forms for each child’s participation. As part of the process of securing this consent, every script that would involve child actors was sent to parents for approval and the decision as to whether the young performer would take part was entirely left to their parents.

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- After discussion, each parent decided how much explanation of the scripts they felt they needed to give their children. In the case of a sketch which included language which would normally be viewed as age-inappropriate but was being used to support the editorial impact of the scene, this was discussed in detail and agreed with parents in advance.
- All necessary information was obtained in relation to each child actor: parental contact information, any relevant medical or dietary information, written permission from parents and schools and child licenses for each child.
- Child actors were transported to set with their parents or chaperones.
- When on set, the young performers were constantly in the company of two chaperones. They were also made aware of the crew members that they should go to with any issues. They were provided with space to change and in which to spend time when they were not needed on set. They were provided with ample food and access to a bathroom at all times
- The production company had a strategy in place to address the situation if any of the child performers became distressed on set: they and their chaperone or parent would be guided to a quiet place away from cameras and crew, to be listened to, in order that the chaperone or parent could comfort them and resolve the issue immediately. Thankfully, there was no occasion on which this contingency plan was required.
- The child actors were never on set for longer than the allowed time.
- The child actors were never left unattended and were kept away from any potentially dangerous environments.
- After each shooting day, the designated production personnel would check in with the chaperones and parents before they left to make sure each young performer was happy about the day's events.

Content Rule 3.3

RTÉ states that to achieve the editorial objective, coarse language was used. RTÉ asserts that in the context of satirical comedy whose dual targets were the loss of innocence and the brutality of genocide such language was justified and not inappropriate.

In the context of Rule 3.3, RTÉ assures the complainant and the BAI that responsible editorial procedures to scrutinise and approve for broadcast are in place. (This was recently demonstrated in the widespread traditional and social media coverage of a decision by RTÉ Television not to broadcast material recorded for this series). The broadcaster also states that due regard is paid to the appropriateness and editorial justification for the inclusion of coarse language. RTÉ asserts that any offence given by the use of coarse language in this scene was an aspect of its coherent editorial purpose and in that context was not gratuitous and not undue.

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Content Rule 3.6

The broadcaster states that *The Savage Eye* is very clearly presented as adult viewing and the use of child actors, in the context of its post-watershed scheduling on a channel known to viewers for challenging comedy, does not encourage imitative behavior of any kind or indeed place the broadcast in the category of children's programming which is the subject of Rule 3.6.

To summaries, RTÉ asserts that:

- the use of coarse language was editorially responsible and justified and, while it may have given offence to some viewers, any such offence was not gratuitous or undue and was an aspect of the production of challenging satirical comedy;
- the engagement of child actors appropriately underlined the editorial focus on the disappearance of childhood innocence and on the contrast between childish games and the harsh reality they supposedly depict;
- every measure was taken to protect the welfare of the child actors;
- the broadcast was clearly presented as adult viewing;
- due care for the audience was shown.

Decision of the Compliance Committee: Reject (Unanimous)

The Committee 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 Broadcasting Act 2009, section 48(1)(b)(harm and offence)(*Code of Programme Standards* – sections 2.1 general community standards, 2.3 protection for children and 3.3 coarse and offensive language).

In this regard:

- The Committee noted that the programme was preceded by a warning and was broadcast on RTÉ Two after the Watershed. For this reason, regular audiences of RTÉ Two would be familiar with the comedy shows in the schedule, including *The Savage Eye*, the humour of which can be irreverent and caustic.
- In reviewing the programme, it was evident to the Committee that the approach to the content was satirical and that characters played by the comedian and other cast members were caricatures. This was evident from their appearance, what they said, including their use of language and behaviour, all of which were exaggerated and clearly satirical in nature. Programming of this nature sets out to scrutinise or comment on facets of Irish society by highlighting in an exaggerated and caricatured manner such facets. Audiences are familiar with this genre of programming and would be aware that facets of society are, and can be, subjected to satirical comment.

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- The Committee also noted that the programme examined the contrast between the experiences of Native Americans and chose to contrast the oppression and violence of the conflict between Native Americans and European settlers. It did so via the depiction of what the Child's game, 'Cowboys and Indians' might look like if it portrayed the reality of these experiences. As such, the inclusion of children was integral to the point being made in the programme.

In this regard, the Committee found the inclusion of children and the use of coarse language were both justified by the context in which it was spoken and did not infringe Rule 3.3 of the aforementioned Code.

- Concerning the inclusion of children in this programme and the use of coarse language by the children appearing; it was the Committee's view that the parents of the children had consented to their inclusion in the programme and that RTÉ had in place a range of measures to protect the interests of the children. For this reason, the Committee was also of the view that no issues arose in respect of Section 2.3 of the *Code of Programme Standards*. The Committee did not consider the programme a children's programme and the requirements of section 3.6 of the *Code of Programme Standards* were not relevant.
- While the Committee acknowledges that satirical content can often walk a tight rope, facets of society are open to scrutiny and are regularly challenged through the medium of comedy, which can be hard-hitting. The Committee is of the view that a significant majority of the audience would have understood the sketches in this context. Considering the time of broadcast, the audience information provided by the broadcaster, audience expectation, channel and the overall satirical content of the programme, the Committee was of the view that the broadcast was unlikely to cause widespread offence and did not infringe the requirements of Sections 2.1 or 2.2 of the *BAI Code of Programme Standards*.

Broadcasting Complaint Decisions

Complaint made by: Mr. Brendan O'Regan
94/14

Ref. Nos. 91/14, 92/14, 93/14 and

Station:
RTÉ Two

Programme:
The Savage Eye

Date:
5th, 12th and 19th May and
3rd June 2014

Complaint Summary:

Mr. O' Regan's complaints are submitted under the Broadcasting Act 2009, section 48(1)(b)(harm and offence)(*Code of Programme Standards* – sections 2.3 protection for children, 3.2 sexual conduct, 3.3 coarse and offensive language and 3.4 persons and groups in society).

5th May

The complainant found the use of children highly and particularly objectionable. He cites a number of examples from the programme of May 5th. The complainant states that in this episode a picture of a very young girl is overlaid with the words '*Wants her parents to fuck off*'. He states that in another scene in the same programme, children are involved in what he describes as sexualised dancing, and in another scene a young person is required to talk about cutting off a person's genitals and stuffing them in his mouth.

12th May

The complainant states that in the programme of May 12th a group of very young children, in a primary classroom setting, are made to say '*Fuck Protestants*'. The complainant states that the children were actually in the cast and made to use the offensive language themselves. He states that the fact that the sketches are satirical doesn't in his opinion excuse this crude use of children. The complainant states that he is used to so-called 'adult' content on RTÉ 2 comedy shows, but this use of children is uncalled for and it is the only time he has seen it on this show. The complainant states that at a time when we are rightly extra-sensitive about the welfare of children, he finds this content particularly offensive.

The complainant further states that the anti-Catholic element in this episode is pervasive. In this regard, he cites a scene in the programme of the 12th May where a priest is seen grabbing a child from the mother at a playground. The complainant doubts if this kind of stereotyping would have been tolerated against many other groups in the community and it is his opinion that it reinforces a stereotype that priests are paedophiles. The complainant also states that in this programme, a priest character is also made to say '*Fuck Protestants*'. The complainant states that, as with the earlier content, the satirical context doesn't justify the crudeness and disrespect which is evident.

19th May

The complainant states that in the programme of the 19th May, the segment with the 'Queer Farm' was particularly offensive. The complainant realises that this 'Bull Mick' character is a caricature of an extreme homophobe, and sending up homophobia in itself is fine. However, it is his opinion that in this instance the content was way over the top and as offensive as the homophobia it supposedly seeks to satirise. The complainant doubts if this kind of treatment would have been tolerated against many other groups in the community, for example, people with a disability.

The complainant states that in all referenced programmes the barman character has many offensive references to homosexuals which are similarly offensive.

Broadcasting Complaint Decisions

3rd June

The complainant states that this episode was also objectionable from a Catholic point of view. In this regard, he cites a scene set in Church during a religious ceremony where foul language was used, again by the priest character. He states that the scene of the funeral in Church was treated as if it was a horse race and was most tasteless, insensitive and offensive. He states that this again appeared to be an attempt at satire, but it was in his opinion way over the top in terms of offensiveness.

Broadcaster's Response:

Initial response to complainant:

The complainant states he did not receive a response within RTÉ's stated timeframe. RTÉ subsequently explained that the original complaint had been forwarded to the Head of Comedy, Talent Development and Music, RTÉ Television & Digital, for reply. The Head of Comedy does not appear to have responded and in his absence on leave, they are unable to establish a reason for this.

Response to BAI:

RTÉ states the following:

Content Principle 2.1 (General Community Standards)

The broadcaster states that *The Savage Eye* takes an essentially serious view of modern Irish society and its perceived flaws, conveyed through exaggeration, caricature and frequently raucous satirical comedy. Sectarianism, homophobia, racism and child abuse are examples of regular targets in the series.

The broadcaster states that the bigotry and hypocrisy which are the major targets of *The Savage Eye* are more inimical to general community standards than any use of crude and robust language in order to make its satirical points.

Content Principle 2.2 (Due Care)

The broadcaster states that due care for the audience in relation to this programme is shown by:

- Prior warnings by the continuity announcer before every broadcast of the programme;
- The scheduling of the programme after the 'watershed', at 10.00pm and on RTÉ Two, a channel with a well-known reputation and identity as the home for comedy of a challenging nature;
- The use of a 'Mature Audience' classification which appears at the beginning of each programme.

Content Principle 2.3 (Protection for Children)

The broadcaster states that, insofar as this Principle is directed towards the protection of child viewers, RTÉ would point out that the programme is broadcast in a post-watershed slot on a channel known for carrying adult comedy of a challenging nature, prefaced by warnings to the audience to that effect. *The Savage Eye* is not presented as children's or family viewing but clearly offered as the adult programming which is its editorial remit.

Broadcasting Complaint Decisions

The broadcaster also states, Insofar as Principle 2.3 of the Code may apply to the use of child actors, such use served the editorial purpose of the programme, for example highlighting how the internet has contributed to the loss of childhood innocence and how children's games can sanitise hard realities, or how sectarianism can be inculcated at an impressionable age. The broadcaster states that any shock produced by the use of child actors served the purpose of satirical comedy. The complainant states that in his opinion "satire is by nature subtle"; he is of course entitled to his opinion but Jonathan Swift might not agree.

The broadcaster states that child actors who performed in the programmes were engaged through a performance and dance school; as students at such a school, they have a greater awareness than their non-professional peers of the nature of performance and of the distinction between performance and real life. The broadcaster states that the production company took measures to ensure that the welfare of the child actors was always at the forefront of production, including:

- The securing of parental consent forms for each child's participation. As part of the process of securing this consent, every script that would involve child actors was sent to parents for approval and the decision as to whether the young performer would take part was entirely left to their parents.
- After discussion, each parent decided how much explanation of the scripts they felt they needed to give their children. In the case of a sketch which included language which would normally be viewed as age-inappropriate but was being used to support the editorial impact of the scene, this was discussed in detail and agreed with parents in advance.
- All necessary information was obtained in relation to each child actor: parental contact information, any relevant medical or dietary information, written permission from parents and schools and child licences for each child.
- Child actors were transported to set with their parents or chaperones.
- When on set, the young performers were constantly in the company of two chaperones. They were also made aware of the crew members that they should go to with any issues. They were provided with space to change and in which to spend time when they were not needed on set. They were provided with ample food and access to a bathroom at all times
- The production company had a strategy in place to address the situation if any of the child performers became distressed on set: they and their chaperone or parent would be guided to a quiet place away from cameras and crew, to be listened to, in order that the chaperone or parent could comfort them and resolve the issue immediately. Thankfully, there was no occasion on which this contingency plan was required.
- The child actors were never on set for longer than the allowed time.
- The child actors were never left unattended and were kept away from any potentially dangerous environments.

Broadcasting Complaint Decisions

- After each shooting day, the designated production personnel would check in with the chaperones and parents before they left to make sure each young performer was happy about the day's events.

Content Rule 3.2 (Sexual Conduct)

The broadcaster states that the complaint cites Rule 3.2 but does not appear to specify any examples of the sexual conduct referred to in this Rule. The broadcaster states that if any such sexual content is brought to the attention of RTÉ by either the complainant or the BAI, RTÉ would be glad to respond.

Content Rule 3.3 (Coarse and Offensive Language)

The broadcaster states that to achieve the editorial objective, coarse language is used. RTÉ asserts that in the context of satirical comedy driven by angry social criticism, such language is justified and not inappropriate. The broadcaster states that in the context of Rule 3.3, RTÉ also wishes to assure the complainant and the BAI that responsible editorial procedures to scrutinise and approve for broadcast are in place. (This was recently demonstrated in the widespread traditional and social media coverage of a decision by RTÉ Television not to broadcast material recorded for this series). The broadcaster states that due regard is paid to the appropriateness and editorial justification for the inclusion of coarse language.

Content Rule 3.4 (Persons and Groups in Society)

The broadcaster states that the complainant cites a sketch in which a Catholic priest tells schoolchildren that although God looks benignly on religions such as Buddhism and Judaism, the deity is not so tolerant of Protestantism. The target of satire in the scene is clearly neither the Protestant nor the Catholic communities or their beliefs but sectarian bigotry, in this case promoted by a priest and a teacher. The objective was to satirise the reality that people in positions of authority can propagate their own personal opinions as factual truths and in doing so manipulate vulnerable children who are susceptible to adult influence. The broadcaster states that no offence was offered to any group on the basis of religion, whether Protestant or Catholic. There was no suggestion of a religious basis for the sectarianism expressed and no implication that such bigotry is substantiated or supported by Catholic doctrine.

The broadcaster states that the complaint mentions also the depiction of a funeral scene with a racing-commentary style voiceover; the target of satire in the scene is clearly phoney or exaggerated grieving, with no reference whatsoever to Catholic faith.

The broadcaster states that the complaint also refers to the portrayal of an outrageously homophobic character called 'The Bull Mick'. Comedy frequently uses 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 broadcaster states that 'The Bull Mick' character is in that tradition, reflecting a theme which runs through *The Savage Eye*, where the language of prejudice is used in its more extreme or challenging form with the goal of exposing prejudice. Other commonplace prejudices which are a frequent target of the series include racism (as conveyed by a taxi-driving character).

Broadcasting Complaint Decisions

RTÉ believes that producing such social satire is a useful as well as entertaining aspect of our brief as a broadcaster and, far from infringing Rule 3.4, critiques prejudice and discrimination.

Decision of the Compliance Committee: Reject (Unanimous)

The compliance Committee considered each of the broadcasts about which the complaints had been made and the submissions from the broadcaster and the complainants. Following a review of the material the Committee has decided to reject the complaints. In reaching this decision, the Committee had regard to the Broadcasting Act 2009, section 48(1)(b)(harm and offence)(*Code of Programme Standards* – sections 2.3 protection for children, 3.2 sexual conduct, 3.3 coarse and offensive language and 3.4 persons and groups in society).

In this regard:

- The Committee noted that the programmes were preceded by a warning and were broadcast on RTÉ Two after the Watershed. For this reason, regular audiences of RTÉ Two would be familiar with the comedy shows in the schedule, including *The Savage Eye*, the humour of which can be irreverent and caustic.
- In reviewing the programme, it was evident to the Committee that the approach to the content was satirical and that characters played by the comedian and other cast members were caricatures. This was evident from their appearance, what they said, including their use of language and behaviour, all of which were exaggerated and clearly satirical in nature. Programming of this nature sets out to scrutinise or comment on facets of Irish society by highlighting in an exaggerated and caricatured manner such facets. Audiences are familiar with this genre of programming and would be aware that facets of society are, and can be, subjected to satirical comment.
- This approach was evident from a number of sketches highlighted by the complainant.

In the case of the programme of the 5th May, the Committee noted that the programme examined the contrast between the experiences of Native Americans and chose to contrast the oppression and violence of the conflict between Native Americans and European settlers. It did so via the depiction of what the Child's game, 'Cowboys and Indians' might look like if it portrayed the reality of these experiences. As such, the inclusion of children was integral to the point being made in the programme. In this regard, the Committee found the inclusion of children and the use of coarse language were both justified by the context in which it was spoken and did not infringe Rule 3.3 of the aforementioned Code.

In the case of the programme of the 12th May, the Committee noted that the character in the sketch was playing a Catholic priest who was inculcating children in his classroom with sectarian beliefs in respect of members of the Protestant faith. The Committee was of the view that the target of the humour was the sectarian priest and not the Protestant faith or its members and that there was no evidence of any intent to condone or support discrimination against any group in society contrary to Rule 3.4 of the *BAI Code of Programme Standards*. The Committee also found that the use of coarse language was justified by the context in which it was spoken and did not infringe Rule 3.3 of the aforementioned Code.

Broadcasting Complaint Decisions

In the case of the programme of the 19th May, the Committee noted that the programme-makers chose to lampoon those who hold a prejudice against people based on sexual orientation. In this instance, the character in the sketch played the part of a bigot whose extreme views were highlighted through extreme actions. The Committee was of the view that, given the exaggerated appearance of the character and the language used, the audience in general, would be aware that this was meant as a farce and that the content did not infringe Rule 3.4 of the BAI's Code. For these reasons the content of the 3rd of June was also not deemed to infringe the BAI's *Code of Programme Standards*.

- Concerning the inclusion of children in the programmes of the 5th and the 12th May and the use of coarse language by the children appearing; it was the Committee's view that the parents of the children had consented to their inclusion in the programmes and that RTÉ had in place a range of measures to protect the interests of the children. For this reason, the Committee was also of the view that no issues arose in respect of Section 2.3 of the *Code of Programme Standards*.
- While the Committee acknowledges that satirical content can often walk a tight rope, facets of society are open to scrutiny and are regularly challenged through the medium of comedy, which can be hard-hitting. The Committee is of the view that a significant majority of the audience would have understood the sketches in this context. Considering the time of broadcast, the audience information provided by the broadcaster, audience expectation, channel and the overall satirical content of the programmes, the Committee was of the view that the broadcasts did not infringe the requirements of the *BAI Code of Programme Standards* in the manner specified by the complainant.

Broadcasting Complaint Decisions

Complaint made by: Ms. Sally McFadden Carroll

Ref. No. 99/14

Station:

TV3

Programme:

The People's Debate With Vincent Browne

Date:

4th June 2014

Complaint Summary:

Ms. McFadden Carroll's complaint is submitted under the Broadcasting Act 2009, Section 48(1) (a) (fairness, objectivity & impartiality in current affairs) and (b) (*Code of Programme Standards* – section 3.4 persons and groups in society).

The complainant states the motion for debate was '*Is Ireland Homophobic?*' She states that, as the programme progressed, it became clear in her opinion that the programme was dedicated to promoting the case for same-sex marriage to be included in Irish law. The complainant states that for a debate to be fair and impartial, one side should not have had what she describes as the following advantages over the other side:-

- Having far more speakers than the other side;
- Having a lot more speaking time than the other side;
- Having the Chair on one side of the debate and putting his views forward in a tone that she considered unfair;
- Having the final segment of the debate dedicated solely to the issue of whether Irish law should change to incorporate same-sex marriage and not the topic of the programme as advertised - '*Is Ireland Homophobic?*'

The complainant also maintains that the presenter spoke in what she describes as an inappropriate tone to anyone who held a different viewpoint to his own. For example, the complainant states that the presenter railed against the Catholic Church's use of the Old Testament, stated that Cain and Jesus Christ were homosexual – the complainant states that there is nothing in the Bible to suggest or even support this. The complainant further states that, on two occasions, the presenter claimed that Jesus said that homosexuality is an abomination. The complainant states that Jesus Christ never said any such thing and the complainant states she could not find any such reference in scripture made by Jesus on the issue of homosexuality.

The complainant states that all these statements by the presenter and the way he put them forward were offensive to the complainant and to every Christian be they Catholic, Evangelical etc. The complainant states that if the presenter made such offensive statements against any other belief systems he would have been thrown off air.

Broadcaster's Response:

Initial response to complainant:

TV3 states they have no record of receiving this complaint which is why it was not responded to. They have made numerous inquiries about where it might have been received but this has not shed any light on the history of the correspondence.

Broadcasting Complaint Decisions

Response to BAI:

TV3 states no less than three separate contributors highlighted the fact that to be opposed to same-sex marriage does not necessarily mean that a person is homophobic. Others contested that the refusal to grant access to the institution of marriage amounted to a form of discrimination that could not be justified. The importance of the language being used, specifically the meaning and the values attached to the words 'homophobia' and 'marriage', was well traversed during the course of the debate and a variety of opinions were offered.

By its very nature, an audience participation programme will take on a life of its own once the exchange of views opens up. Rather than any pre-determined agenda on the part of TV3 to associate opposition to same sex marriage with homophobia, it was instead the case that same-sex marriage became one of the focal points of a debate on how Irish society currently treats homosexuality, both legally and culturally.

TV3 submits that all of those participating in the debate and those watching at home were quite clear from the audience contributions and the interjections of the presenter about the manner in which the debate was evolving.

TV3 further submits this episode examined a highly emotive and contentious subject in Irish life. It was inevitable that strong opinions would be expressed but they are satisfied that the studio audience, participants and the viewers were all treated fairly in the manner in which the debate was conducted. While the presenter did interject robustly on a number of occasions, they do not believe he did so in such a manner as to advocate one particular position or another.

TV3 states that it is worth noting that between 40 and 50 minutes of the debate the presenter repeatedly defended the Church's right to reflect its ethos in the schools it runs or supports. However, he then moved on to challenge this position. All of this typified the role of a moderator who is responsible for ensuring a debate which covers as much ground as possible.

TV3 states that while the complainant is entitled to make a complaint, it is worth pointing out that this was the only complaint they received in respect of the programme. They also state that the manner in which the views of all those who participated in the programme were treated was appropriate and justified. While some views were robustly challenged both by the presenter and by other audience members, this was all part of a debate on an important and emotive topic. TV3 state that it is an unavoidable fact that Catholic/Christian teaching advocates that the act of homosexuality is sinful. Given the influence of the Church in Irish life and in particular in the Irish education system, this fact cannot be avoided or side stepped in any debate on homophobia, TV3 states that it is particularly relevant.

It is TV3's view that while the teachings of the Catholic Church did come under considerable scrutiny during the course of the debate, this scrutiny was at all times proportionate to the seriousness of the debate and at no time was the scrutiny carried out in an offensive manner.

Broadcasting Complaint Decisions

Decision of the Compliance Committee: Reject (Unanimous Decision)

The Committee has reviewed the broadcast and the submissions from the complainant and the broadcaster. Following its review of the material the Committee has decided to reject the complaint. In reaching this decision the Committee had regard to Section 48(1) (a) & (b) of the Broadcasting Act 2009 (fairness, objectivity & impartiality in current affairs) and section 3.4 of the *BAI Code of Programme Standards: persons and groups in society*).

In this regard:

- Following its review of the programme it was evident to the Committee that the programme examined the issue of homophobia from a range of perspectives. These perspectives included the issue of same-sex marriage, the teachings of the Roman Catholic Church (including the relationship between these teachings and Irish education) and the experiences of the LGBT community, amongst other issues. The meaning and application of the term 'homophobia' and its application to those who hold the view that certain rights should be limited on account of sexual orientation was also a central part of the discussion.
- The Committee found that the contributions from the audience represented a range of perspectives on the aforementioned issues and that it was not evident that the programme was deliberately positioned to favour any particular perspective. As a debate programme, the flow of a programme will depend on the contributions from the audience. As such, while noting that the programme as broadcast touched on a range of issues broader than homophobia, this is an editorial matter for the broadcaster. The issue for the Committee is whether the debate, as broadcast, raised any issues in terms of broadcasting law and broadcasting codes.
- The Committee also noted that the programme was a debate programme and that it will contain opposing arguments expressed in a manner that will range from the polite to the robust and that audiences would expect and be familiar with this format. In this context, the robust and sometimes confrontational style of the presenter would have been familiar to audiences. A robust engagement with contributors by a programme presenter is not evidence in and of itself of a lack of fairness, objectivity or impartiality and the Committee found that the presenter challenged the different arguments presented by those in the audience.
- Further, the Committee found that in the case of the issue of same-sex marriage in particular, that there were a range of views evident and it was apparent that these views, in favour of and against changes to Irish law to permit such marriages, were supported by audience members. It was also the view of the Committee that the emphasis on the issue of same-sex was appropriate given the topical nature of the programme and recent debates in Irish society linking the issue of homophobia and same-sex marriage.
- On the matter of the treatment of religious views, the Committee noted that the *BAI Code of Programme Standards* permits the critical scrutiny of religious views. Given the stated views of the Roman Catholic Church on homosexuality, a discussion of these views and their impact on society was considered appropriate. The Committee noted that the debate facilitated a range of views on these teachings and their appropriateness.

Broadcasting Complaint Decisions

- In view of these above considerations, it was the Committee's opinion that the programme did not infringe the requirement for fairness, objectivity and impartiality or the *BAI Code of Programme Standards* in the manner specified by the complainant. Accordingly, the complaint has been rejected.

Broadcasting Complaint Decisions

Complaint made by: Ms. Bronwen Maher on behalf of Ms. Nessa Childers MEP Ref. No. 103/14

Station:

RTÉ One

Programme:

6.01 News

Date:

21st May 2014

Complaint Summary:

Ms. Maher's complaint is submitted on behalf of Ms. Nessa Childers, M.E.P., under the Broadcasting Act 2009, Section 48(1)(a)(fairness, objectivity & impartiality in current affairs) and the *BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs* - Rule 4.1 and Rule 4.27.

The complainant states that a news item, featuring only one Dublin European Parliament candidate, the Green Party's Eamon Ryan, was in effect an uncontested interview contrary to the requirements of the aforementioned Act and Code. The complainant states that no other Dublin European Parliament candidate featured prominently in this news item. She states that while most of the parties were mentioned, their individual candidates in the Dublin constituency were not. Apart from the exclusion of Bríd Smith of the PBPA, which had two T.D.s elected to the Dáil in the last general election, the complainant states that the report failed to mention independent candidate Nessa Childers M.E.P. The complainant states that this candidate was excluded, despite the opinion polls showing that she was polling at a level that put her in with a realistic chance of winning a seat.

The complainant claims that the manner in which the interview with the Green Party candidate was presented and conducted allowed this candidate an opportunity to promote his own candidature and send a positive message to voters without any opportunity for those competing against him to have a similar opportunity. The complainant states that to give an uncontested interview to the Green Party candidate without reference to other candidates running in the same constituency cannot be justified on the grounds that this candidate is the leader of a political party. Mr. Ryan was included immediately after a similar interview with a genuinely neutral political commentator, Shane Ross. This may have given the impression that Mr. Ryan was somehow in a similar neutral position.

The complainant states that what is also of concern is the fact that the purpose of the interview with the selected candidate from a news perspective was unclear. It seemed to simply provide an opportunity for one particular candidate, selected by RTÉ on criteria that were most unclear, to send a message to viewers and voters that he and his party had a realistic chance of success. The complainant queries why the broadcaster Nessa Childers as a sitting M.E.P. was excluded from the report. The complainant also states that it is unacceptable for RTÉ to fail to include candidates with a realistic chance of success in its Six One News report so close to polling day. A more considerate approach should be adopted in situations where a candidate happens also to be a leader of a political party but is not himself/herself an elected representative.

Broadcasting Complaint Decisions

Broadcaster's Response:

Initial response to complainant:

RTÉ states the report was clearly headlined as follows in the news anchor's introduction: '*Many of the political parties and groups have been holding their last media events ahead of Friday's Local and European elections. Both Fine Gael and Fianna Fáil today launched strong attacks on Sinn Féin and its policies*'. The report was plainly not a report on the Dublin constituency in which Ms. Childers was a successful candidate and Mr. Ryan an unsuccessful one. RTÉ states, it is difficult to understand the complainant's claim that 'the purpose ... was unclear'.

The report followed through on this clearly stated editorial line, including interview clips with spokespersons for Fine Gael (Party Leader, Enda Kenny), the Labour Party (Tánaiste Eamon Gilmore T.D), Fianna Fáil (Party Leader, Micheál Martin), Sinn Féin (Finance Spokesperson, Pearse Doherty, (appropriately as it was the party's financial policy which was under particular attack by other parties) and the Green Party (Party Leader, Eamon Ryan).

Both the Journalism Guidelines of RTÉ, the broadcasting legislation and the relevant BAI codes mandate objectivity and impartiality in the reporting of elections. They do not dictate editorial coverage or undermine editorial independence. In that context, it is the belief of RTÉ that this item had a valid editorial purpose, clearly stated to the viewers, and objectively and impartially carried through.

Response to BAI:

RTÉ states it is clear from the news anchor's script that the item headline is the final media events of political parties and groups before the moratorium on media coverage. The reference to criticism of Sinn Féin financial policies is a sub-head: 'Both Fine Gael and Fianna Fáil today launched strong attacks on Sinn Fein and its policies'. The fact that Sinn Féin's financial policies are addressed by only two (Deputies Enda Kenny and Micheál Martin) of the five speakers is further evidence of the sidebar nature of this element of the report. The broadcaster states that, as was the case with three of the four political parties who appeared in the item, The Green Party put forward its leader as spokesperson on the general topic of prospects for the entire Local and European elections. The reporter asked in her voiceover script: 'But if this [protest vote referred to by Deputy Ross] happens, will the Greens capitalise on Friday?'

The broadcaster notes that Mr. Ryan stated: '*I hope we can come back. I hope we can get a team of councillors and I hope we can win at least one MEP seat, possibly two. And in each case we're in the running for the last seat*'. To characterise this interview clip as 'an uncontested interview', as the complainant does, seems both exaggerated and fundamentally inaccurate. Mr. Ryan expressed general hopes for his party on a national basis; he made no electioneering proposal on his own account, or that of any other Green Party candidate.

The broadcaster states that broadcasting legislation and associated BAI codes mandate objectivity and impartiality in the reporting of elections. They do not however dictate editorial coverage or undermine editorial independence; in that context, it is RTÉ's belief that this item had a valid editorial purpose, clearly stated to the viewers, and objectively and impartially carried through. Furthermore its timing – 'eve of poll' when the moratorium is taken into account – was valid, proper and objective.

Broadcasting Complaint Decisions

The complainant states that 'RTÉ should take care to ensure that [party leadership] is not exploited to the detriment of fair and balanced election coverage'. In response the broadcaster states that, in covering elections, RTÉ is consistently aware of the potential for exploitation for the sake of coverage not only of party leadership but of other positions within party and/or government and very frequently takes action as a result. There was no such exploitation in the appearance of Mr. Ryan alongside other party leaders, expressing his hopes for his party on a national basis and in all of the approaching polls.

The broadcaster states that the complaint is based on an invalid reading of the item as a report on the European election in the Dublin constituency. Reference is made in the complaint to the broadcaster to the absence of the non-appearance of other European candidates in Dublin, including the "exclusion" of sitting M.E.P. Nessa Childers. However, this was not a report on the Dublin constituency but on the viewpoint of the "political parties and groups" as polling day approached, and on the national arena, not that of one constituency.

The broadcaster states that, notwithstanding assertions to the contrary, it appears that the complainant wishes to restrict the editorial freedom of a broadcaster to decide on a legitimate editorial topic and angle and then carry it through impartially, respecting the entitlement of political parties to put forward spokespersons appropriate to the editorial context.

Decision of the Compliance Committee: Reject (Unanimous Decision)

The Committee reviewed 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 decision the Committee had regard to Section 48(1) (a) (fairness, objectivity & impartiality in current affairs) and the *BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs* - Rule 4.1 and Rule 4.27.

In this regard:

- The Committee noted that broadcasters have editorial freedom in terms of the news and current affairs stories that they cover and the angle of a story that is covered. In this context, the Committee noted that the broadcast was aired just prior to the Local and European Elections and that the editorial focus of the item was on the different political parties and other electoral interests and their final preparations.
- Upon its review of the broadcast, the Committee noted that the item reported on the main political parties and included footage and interviews with the leaders and representatives of these parties, including An Taoiseach Enda Kenny T.D., Mr. Micheál Martin T.D., Fianna Fáil Leader, Labour Party leader and former Tánaiste Eamon Gilmore T.D. and Mr. Eamon Ryan, leader of the Green Party. The item also included footage of a press conference held by the Socialist Party and its affiliates as well as a contribution from Mr. Shane Ross T.D. wherein he outlined the prospects of independent candidates in the imminent elections.
- In view of this, it was the Committee's view that the short news item was fair to the different electoral interests campaigning in the elections and no issues arose in the context of the requirements of the *BAI Code of Fairness, Objectivity and Impartiality* or the Guidelines provided for in Rule 4.27 of this Code.

Broadcasting Complaint Decisions

- Regarding the interview with the Leader of the Green Party, Mr. Eamon Ryan, the Committee noted that he was speaking in his role as the leader of this party and not as a candidate and that he was invited to provide his views on the broader prospects for Green Party candidates in both the Local and European Elections. Mr. Ryan did not discuss his own candidacy for a seat in the European Elections and accordingly the Committee did not agree with the complainant that the absence of an interview with other candidates campaigning in the same constituency as Mr. Ryan infringed the requirements of the BAI's rules and broadcasting law.
- For these reasons, the Committee did not agree with the complainant that the programme item infringed Section 48(1)(a)(fairness, objectivity & impartiality in current affairs) of the Broadcasting Act 2009 or the *BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs* - Rule 4.1 and Rule 4.27 in the manner specified by the complainant. Accordingly, the complaint has been rejected.

Broadcasting Complaint Decisions

Complaint made by: Mr. Thomas Mooney

Ref. No. 104/14

Station:

South East Radio

Programme:

News

Date:

5th August 2014

Complaint Summary:

Mr. Mooney's complaint is submitted under the Broadcasting Act 2009, Section 48(1) (a) (objectivity and impartiality in news) and *Code of Fairness, Objectivity and Impartiality in News and Current Affairs* (Rules 4.1 and 4.2).

The complainant states that on August 5th South East Radio began its hourly news coverage at 10am with a report by one of their freelance correspondents, that a man was staging a protest outside the premises of *The Wexford Echo*, in Enniscorthy, concerning alleged misrepresentation in the *Echo* newspaper of a court report in which he was a defendant. A short time later, the complainant states that he was informed by his Managing Director about the broadcast of his name and quotations from private correspondence he had sent to the man protesting outside the offices of the *Echo*.

The complainant states that, although the South East Radio reporter interviewed the man protesting outside the office of the newspaper and that the protestor had been there for three mornings previously, no attempt was made by either the reporter or South East Radio to solicit a comment from the complainant or his Managing Director. The complainant claims both have his contact details.

Believing the report was potentially defamatory of him as an editor, the complainant simultaneously contacted the News Editor of the broadcaster to express his shock and displeasure that he would choose to air a report completely devoid of balance and present it as a fait accompli of all available facts. The complainant claims that despite the complainant's concerns, the News Editor placed the item as a podcast on the station's website.

The complainant states that he received an email from the News Editor at 12.45pm (which he states he did not see for 20 minutes) offering him a right of reply by 2pm. The complainant believed this to be unreasonable as he was unlikely to obtain legal advice in such a short space of time, and at lunch hour. The complainant states that later in the afternoon, he replied to the News Editor, informing him that he had no confidence in the broadcaster to air a balanced report.

The complainant states it would appear South East Radio believes that a right of reply obviates the need to get a comment in the first place. The complainant believes the report was damaging to him professionally and to the reputation of the newspaper he edits.

Broadcaster's Response:

Initial response to complainant: - complaint made directly to the BAI.

Broadcasting Complaint Decisions

Response to BAI:

South East Radio states that on 5th August, shortly after 9am, they learned that a man was protesting outside the *Wexford Echo* newspaper offices in Enniscorthy. They state that their News Editor contacted their local freelance reporter in that area to investigate the matter. The freelance reporter went to the offices where he found a man protesting and handing out A4 sheets to members of the public. The broadcaster states that the document in question, an email from the *Echo* Editor to the man protesting outside the offices of the newspaper, proposed a clarification/remedy to a complaint between the parties. The broadcaster states that nowhere in this document was it stated that it was private and confidential information between the parties. The broadcaster states that the protestor was clearly unhappy and, therefore, decided to picket the offices of the *Echo* newspapers.

The broadcaster states that the Director of South East Radio received a telephone call at approximately 9.50am on the morning in question from the CEO of the *Echo* newspapers prior to airing the piece, stating that their reporter was talking to the person outside of the premises of the *Echo* newspapers. The broadcaster states that the Director of South East Radio requested the CEO of the *Echo* newspapers to contact the News Editor of South East Radio regarding their input into the story. South East Radio claims that the CEO of the *Echo* newspapers declined. The story was then aired at 10am. The broadcaster states that the complainant spoke with the News Editor of South East radio post-broadcast (at 10.40am) and in a heated discussion the complainant told South East Radio's Head of News that they had infringed the BAI guidelines by not offering the newspaper a right of reply prior to the broadcast.

South East Radio states that this was an assignment given to their reporter and they believe he reported the facts accurately in a fair, impartial and balanced manner. They states that the story was aired once at 10am on August 5th. The broadcaster claims that when they learned of the *Echo*'s dissatisfaction they refrained from re-broadcasting same pending a reply/input from the CEO and/or Editor of the *Echo*, which they state was never received.

Decision of the Compliance Committee: Reject (Unanimous)

The Committee 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 Section 48(1)(a) of the Broadcasting Act 2009 (objectivity and impartiality in news) and the BAI *Code of Fairness, Objectivity and Impartiality in News and Current Affairs* (Rules 4.1 and 4.2).

In this regard:

- The Committee noted that the item in question was a short news report on a protest by an individual outside of the offices of *The Echo* newspaper in Wexford. Upon its review of the item the Committee found that it was factual in nature and provided background to the protest, stating that it arose from an article published in the newspaper which referenced the individual protesting and to which he objected. The radio report stated that the newspaper had published a clarification on the original article and that the individual was protesting because he was not satisfied that the newspaper had, in his opinion, provided sufficient redress to him on foot of the publication of the original article.

Broadcasting Complaint Decisions

- It was the view of the Committee that there was nothing in the submission provided by the complainant to indicate that the content of the news item was incorrect. While noting that best practice would dictate that the broadcaster should have secured the views of the newspaper prior to broadcasting the item, the Committee did not agree that this failure warranted the upholding of the complaint given that there was no evidence provided of inaccuracies in the report and also given that the broadcaster had offered the newspaper a right of reply, which it declined.
- For these reasons, the Committee did not agree that the item infringed Section 48(1)(a) of the Broadcasting Act 2009 (objectivity and impartiality in news) or the BAI *Code of Fairness, Objectivity and Impartiality in News and Current Affairs* (Rules 4.1 and 4.2) in the manner specified by the complainant. Accordingly, the complaint has been rejected.
- Regarding reference in the complaint to defamation, as the complaint was made further to Section 48 of the Broadcasting Act 2009, the Committee did not address those aspects of the complaint relating to defamation.

Broadcasting Complaint Decisions

Complaint made by: Mr. Anthony Donnelly

Ref. No. 105/14

Station:

RTÉ Radio One

Programme:

Today with Seán O'Rourke

Date:

1st Aug 2014

Complaint Summary:

Mr. Donnelly's complaint is submitted under the Broadcasting Act 2009, Section 48(1) (a) (fairness, objectivity and impartiality in news and current affairs), the *BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs* - Rules 4.1, 4.2, 4.17, 4.19, 4.22, 4.25, section 48(1) (b) harm and offence and the *BAI Code of Programme Standards* - Sections 2.3, 3.4.1, 3.4.2, 3.5.1, 3.5.2, 3.5.3, 3.8.

The complainant states that his complaint refers to an item on the programme titled "*Everyday Sexism*" which he believes set the tone for the broadcast from the outset. He states that it was introduced so as "*to discuss the degree to which sexism against women still exists*". The complainant states that it is notable that the choice of words excludes sexism against males and other demographics, therefore framing sexism in gendered terms. He claims that the discussion, then, can only concern itself with the extent of that understanding of sexism, which further frames the discussion. The complainant states that sexism certainly exists (and possibly always will), but defining it in such a singular way demonstrates, in his opinion, a lack of objectivity.

The complainant states that the programme included a pre-recorded *vox-pop* piece by a programme reporter which was introduced as finding out "*just how prevalent sexism was in modern life*". He states that the *vox-pop* further reinforced, in his opinion, the impartiality of the programme item. The complainant also states that the piece featured a series of questions which he describes as leading in nature. The complainant states that there did not appear in the *vox-pop* responses to be any examples of sexism against women (the opposite was evident) in the *vox pop*. The complainant states that the *vox pop* piece provided no purpose or support in line with the already framed discussion, and was immediately ignored by the subsequent studio interview.

The complainant claims that as the studio interview progressed, a number of assertions were made which he characterised as unsupported and without explanation and that what he describes as the absence of enquiry effectively meant endorsement further demonstrating a lack of impartiality.

Own views expressed:

The complainant states the presenter expressed her own views during the programme and cites a number of examples. One example includes a segment at the beginning of the programme where he states that the presenter expressed approval, support and endorsement for The Everyday Sexism Project, a website with which the complainant states many people strongly disagree. He states this is evidenced by the presenter's contribution when she described the Everyday Sexism website – "*[it]...has ... opened the door on the experiences of real women ... [re sexism] ...when it's all put together, this stuff is normal and it shouldn't be...*"

Broadcasting Complaint Decisions

Another example cited relates to content in the middle section of the broadcast during which he states the presenter equated threats of sexual assault and violence with female parliamentarians being described in fashion terms. He states that such pieces in tabloid media are indeed laughably sexist; however a fashion critique is not the same thing as a threat of sexual assault or violence. The complainant claims that this equation, whether conscious or otherwise, attempts to establish sexual assault and inappropriate fashion critique upon the same continuum and amounted to an expression by the presenter of a personal world view about a contentious issue.

Broadcast caused harm and offence:

The complainant claims that the overt promotion of The Everyday Sexism Project by the broadcaster is offensive in its failure to recognise what he describes as the inherent sexism of the website itself. He states that the broadcaster, by overtly endorsing, supporting and promoting the website, is culpable of encouraging what he states are the offensive portrayals of women evident from this website.

The complainant states that the programme also caused offence to men via what he describes as the constant references to men (contextually, heterosexual men) throughout the broadcast, which he states were negative and remained unchallenged. The complainant states that a nuanced proviso such as "not all men" is thoroughly inadequate to excuse this, as it only serves to highlight an apparent exception and has the obvious implication that any man who disagrees is, by definition, wrong.

In reference to the high and increasing rate of male suicide, the complainant states that the interviewee acknowledged the fact, but responded by saying that *"we have huge issue with male suicide ... but... Ireland also has one of the highest rates of female teenage suicide in Europe"*, thus suggesting that there is a hierarchy to be observed. Offence and harm is caused to both men and women by reference to *"...26% of Irish women over 15 ... sexually and/or physically assaulted by partner or non partner ...sexual violence is ... driven by pornography..."*. The complainant believes this is a reference to the European Union Agency for Fundamental Rights (FRA) 2014 publication, *"Violence against women: an EU-wide survey"*. The complainant states that it is likely that the obvious problems within the report are either deliberately ignored or welcomed by the broadcaster.

The complainant states that as the title suggests, only women were surveyed, which leaves the statistic without a reference. He believes that this distorts the available information to present a simplistic threat narrative with females as victims of male aggressors. He states that this narrative does not reflect society, but it does promote and generate hostility and fear in society, which is harmful to men and women.

The complainant also states that offence was also caused to both women and men by the correlation which was drawn during the programme between sexual pornography and violence. He states that this is not as linear as presented in the programme. He states that logically, all sexual pornography would have the same effect, including lesbian, gay, bisexual and transgender sexual pornography, so we would expect to see an increase in violence across the spectrum of sexual orientation. The complainant states that studies on the effect of sexual pornography are generally confined to heterosexual activity only.

Broadcasting Complaint Decisions

He states that in the context of the exchange during the broadcast, this was certainly the case. The complainant states that the singling-out of heterosexuality as somehow being predisposed to the transfer of sexual pornographic images to real-world violence is objectionable. There is additional offence caused to heterosexual males by insisting that this phenomenon only affects males. The complainant states that the logic is tautological as the majority of sexual pornography is consumed by males, thus one would expect that any damaging influence of sexual pornography would disproportionately affect males. However, the complainant states that the broadcast inferred that pornography incites only heterosexual males to violence — excluding the possibility of that phenomenon occurring with regard to homosexuality, lesbianism, transgenderism, female heterosexuality or any other sexual orientation. This very clearly conveyed the notion that heterosexual masculinity is, itself, somehow inherently abhorrent.

Content was not presented with due accuracy

The complainant cites a number of comments in the programme. These include:

- *"Feminism isn't about being anti men... but about exposing structures for what they are."*

The complainant claims that this statement is incorrect. He states that, more correctly, feminism is about exposing structures for what they are, *when viewed using feminist critical analysis*, so the statement is not valid in absolute, relative or inclusive terms. The complainant claims that obscuring this essential understanding has the same effect as a misrepresentation or untruth.

- *"Feminism advocates for men's rights too."*

The complainant claims that this is also incorrect. He states that feminism advocates for women's rights only. Feminism does not advocate for men's rights, but supports, to a limited extent, the inclusion of male benefit if it coincides with benefits for women. He states that, however, the test of this statement is where male and female interests collide. Currently and historically, feminism (as opposed to women) has strenuously resisted *any level of discussion* which might lead to a more beneficial social understanding between genders.

- *"...feminisms not Feminism"*

The complainant also claims this to be untrue and states that there are indeed many strands of feminism, but it is disingenuous to insist that they cannot be grouped. He states that by insisting there is no one true feminism is to claim that Feminism has no core principle.

Broadcaster's Response:

Initial response to complainant:

RTÉ state that to compile a *vox-pop* on the topic of "Everyday Sexism", it's reporter interviewed a cross-section of people over a three-hour period and compiled a representative selection of what people were saying on the subject. A '*vox-pop*' is an editorial device to sample the views of the public, is understood by listeners and presented as such and is not presented as a scientific survey.

Broadcasting Complaint Decisions

The broadcaster states that the general discussion about the website known as The Everyday Sexism Project, which “*exists to catalogue instances of sexism experience by women on a day-to-day basis*” was between Una Mullally and Claire McGing who express a variety of views. It was fairly moderated by the presenter Keelin Shanley, who adopted an inquisitorial role with the guests and she noted that “*both sexes are under enormous pressure*”. A number of comments from listeners were read out including one which said “*women are each other’s worst enemies*”.

Response to BAI:

RTÉ state that the complaint includes a significant amount of material extraneous to the broadcast. Therefore this response is confined to the content of the broadcast.

The item was introduced as being prompted by the Everyday Sexism Project which compiles examples of sexism directed towards women, specifically a blog in *The Guardian* which outlined ten of the most common sexist situations faced by women in the workplace. The editorial purpose of the item was made entirely clear to the listener.

BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs

Rule 4.1

The broadcaster states that insofar as a discussion of “*the degree to which sexism against women still exists in society*” could be considered to treat a matter of public controversy or current public debate this was done so fairly, recognising the structural nature of sexism against women and acknowledging, for example, that “*many women experience more bullying from women in the workplace than they do straight sexism.*”

The broadcaster also states that a number of the contributors to the ‘*vox-pop*’ interviews made comments such as: “*I haven’t experienced any sexism in the workplace . . . negative experiences with women, not with men in the workplace . . . men far straighter in general*”; comments of this nature were fairly reflected in the editing process. There were references also to “*women colluding [with sexism]*” and to the possibility that “*women can be sexist as well*”.

RTÉ believe that:

Rules 4.2 - all principles articulated in the Code were complied with in the broadcast.

Rule 4.17 - The item, which discussed the findings of the Everyday Sexism Project, was accurate in its references to those findings.

Rule 4.19 - The findings of the Everyday Sexism Project were represented accurately and a clear understanding presented.

Rule 4.22 - The presenter introduced to the discussion alternative views on the experience of women in the workplace in the context of the Everyday Sexism Project, for example putting to contributors’ text comments such as: “*Many women experience more bullying from women in the workplace than they do experience sexism*” and “*Women can very often be other women’s worst enemies.*” Another example of impartial presenting was her reference to the role of women journalists in arguably sexist coverage of the physical appearance of female politicians.

Broadcasting Complaint Decisions

Rule 4.25 - RTÉ does not understand the basis, on which a conflict of interest is alleged, cannot see in the complaint any evidence of such conflict and refutes the possibility that any such conflict exists in relation to the broadcast.

BAI Code of Programme Standards

Principle 2.3 Protection for Children - RTÉ can hear nothing in the broadcast which could be construed as inappropriate or harmful to children.

Rule 3.4 Persons and Groups in Society - RTÉ state that no group in society was presented in an unjustifiable or inappropriate manner. Insofar as this aspect of the complaint may relate to men, it is notable that the broadcast did not confine the discussion to male behaviour which disadvantages women in the workplace. For example, a contributor stated: *“Feminism is not about being anti-men . . . it’s about exposing structures for what they are . . . it’s about trying to make society better for everyone, and feminism of course advocates for men’s rights, too, it advocates for better work/life balance for all parents and ultimately that will help all of society and not just women.”*

Rule 3.5.1 - RTÉ cannot see in the complaint or in the broadcast any evidence of material prejudicial to human dignity.

Rule 3.5.2 - RTÉ cannot see in the complaint or in the broadcast any evidence of material that could reasonably be expected to cause undue distress or offence.

Rule 3.5.3 - Discussion of gender was justified and inevitable in the context of an item on the topic of sexism against women.

3.8 Imitative Behaviour - RTÉ can see no evidence in the broadcast or referred to in the complaint of content which could encourage the imitation of dangerous acts. Insofar as there might have been encouragement by any of the contributors of any actions whatsoever, it would have been of actions which would benefit not only women but men, an example being the statement: *“Feminism is not about being anti-men . . . but about trying to make society better for everyone”*

Decision of the Compliance Committee: Reject (Unanimous)

The Committee considered the broadcast and the submissions from the complainant and the broadcaster. Following a review of the material, the Committee has decided to reject the complaint. In reaching this view the Committee had regard to Section 48(1)(a) of the Broadcasting Act 2009 (fairness, objectivity and impartiality in news and current affairs), the *BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs* - Rules 4.1, 4.2, 4.17, 4.19, 4.22, 4.25, section 48(1)(b) of the Broadcasting Act 2009 (harm and offence) and the *BAI Code of Programme Standards* - Sections 2.3, 3.4.1, 3.4.2, 3.5.1, 3.5.2, 3.5.3, 3.8.

Broadcasting Complaint Decisions

In this regard:

- The Committee noted that the stated context for the radio item was 'The Everyday Sexism Project', a website which facilitates comments by women detailing their experience of sexism. The programme included a discussion of the website, observations by the programme presenter and guests concerning the content of the website and broader issues of Irish women's experiences of sexism. The programme discussion was also preceded by a *vox-pop* featuring the views of women in Cork on the issue of sexism and whether they had any experience of it in their personal and professional lives.
- Broadcasters as independent bodies have the freedom and right to determine content that will be broadcast and the focus of the content. The role of the BAI is to consider whether the content as aired was compliant with broadcasting law and the BAI's Codes. In this context, the Committee noted that the item was clearly introduced as an examination of sexism experienced by women. Accordingly, audiences were aware of the focus of the item and the issues that were discussed. It was the view of the Committee that the absence of a discussion of broader issues of sexism cannot be considered to demonstrate a lack of fairness, objectivity and impartiality in circumstances where the item did not set out to consider broader issues of sexism.
- Further, a broadcaster is not required in each instance to examine every aspect of a particular topic when examining one aspect of that topic since a requirement of this nature may be impractical as well as unnecessary.
- When reviewing the complaint, the Committee had regard to the broadcast item as a whole. In this regard, the Committee noted that a range of views were evident in respect of the issue of whether Irish women experience sexism. This included the views of women included in the *vox-pop*, the guests and the presenter.
- On the issue of those aspects of the Everyday Sexism website that the complainant references; the Committee did not have regard to the appropriateness, suitability or otherwise of the website and its content since it was not relevant to a determination of the complaint. The Committee limited its consideration of the website to comments made on air and while the complainant objected to the content of the website the Committee was of the view that the comments made on-air about the website were factual and no element of the complaint indicated that the references to the website were other than factual or accurate.
- The Committee also noted that the complaint set out the complainant's own views about comments made during the broadcast. It is the view of the Committee that programme contributors should be free to set out their own views on any topic and it is not the role of the Committee to adjudicate on differences of opinions between programme contributors and complainants on issues such as the relationship between pornography and violence or definitions of feminism since such issues are clearly editorial matters for broadcasters. Rather the Committee's role is to assess whether content infringes the requirements for fairness, objectivity or impartiality and other broadcasting codes.

Broadcasting Complaint Decisions

- Taking this into account, it was the view of the Committee that, in the context of a discussion on sexism experienced by Irish women, that the views expressed did not infringe the requirements of the Broadcasting Act, the *BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs* or the *BAI Code of Programme Standards* in the manner specified by the complainant. Accordingly, the complaint has been rejected.

Broadcasting Complaint Decisions

Resolved at Executive Complaints Forum

Complaint made by: Mr. Peter Kennedy

Ref. No. 90/14

Station:

RTÉ One

Programme:

Advertisement - Guinness 'Sapeurs'

Date:

4th May 2014

Complaint Summary:

Mr. Kennedy's complaint is submitted under the Broadcasting Act 2009, section 48(1) (d) (*General Commercial Communications Code* – Sections 3.1, 3.2.2, 3.2.3, 3.2.4, 3.3.1 (general principles) and section 8.1-9 (rules pertaining to specific products and services)).

The complaint relates to an advertisement for Guinness featuring 'Le Societe des Ambianceurs et des Personnes Elegantes' of Brazzaville, Republic of the Congo which aired at approximately 6.15pm during the Six One News. The complainant states:-

- Historically, and in recent decades, the Congo has been a place of fierce conflicts, tribally, ethnically, religiously and colonially.
- Fifty years ago the Irish Army as part of the UN served in difficult conflicts. Also the Colonial Belgium Congo 100 years ago.
- These issues should not be separated from real life experiences by showing a tiny aspect of life being shown as to give the impression of a normal way of life in a region of massacre and fierce conflict.

The complainant further states the subliminal role of Guinness is on the one hand to 'dull the senses', while for a short period, initially, to 'enliven the senses'.

He also points out that the objectives of the BAI Codes is to assert that broadcasting editorial professionals i.e. (RTÉ) cannot ignore or live with their heads buried in the sand to what is the reality of the world in the Congo in Africa.

Broadcaster's Response:

Initial response to complainant:

RTÉ states that they and all alcohol advertisers operate under stringent guidelines for alcohol products which include Government, Voluntary, Industry and Internal Guidelines. There are strict guidelines in place which the marketing of alcohol products must adhere to. Alcohol advertising is currently one of the most heavily regulated and carefully controlled areas.

In addition to RTÉ's approval, in order to be accepted for broadcast by all Media owners, alcohol advertisers must also receive clearance from a separate independent body know as the CCCI – Central Copy Clearance Ireland. Such approval was received by Guinness for this commercial.

In terms of the placement of alcohol advertising in programmes, there are also strict guidelines governing this area and no alcohol advertising is placed in any programming which does not have an adult audience of 75% or greater.

Broadcasting Complaint Decisions

Both RTÉ and the client Diageo ensure that this guideline is fully complied with at all times. The commercial has been running since January 2014 without any other complaint to date.

Response to BAI:

RTÉ states the commercial in question was cleared for broadcast by Central Copy Clearance Ireland, was approved by the RTÉ Copy Clearance Committee and is in keeping with the *BAI General Communications Code* in all respects, including that of scheduling such alcohol advertising only within programmes with an adult audience of 75% or greater. In this case, the commercial was scheduled during the RTÉ Six One News, 96% of whose audience of 390,000 was over the age of 25.

Decision of the Executive Complaints Forum:

When considering the complaint, the Members of the Forum reviewed the broadcast, the submissions of the complainant and the broadcaster. The Forum also had regard to the Broadcasting Act 2009, section 48(1)(d) (*General Commercial Communications Code* – Sections 3.1, 3.2.2, 3.2.3, 3.2.4 and 3.3.1 (general principles) and Section 8.1-9 (rules pertaining to specific products and services).

The complaint relates to an advertisement for Guinness featuring ‘*Le Societe des Ambianceurs et des Personnes Elegantes*’ of Brazzaville, Republic of Congo. The complainant states that historically the Congo has been a place of fierce conflicts, tribally, ethnically, religiously and colonially.

The complainant believes that these issues should not be separated from real life experiences by showing a tiny aspect of life, as in this advert, to give the impression of a normal way of life in a region of massacre and conflict. The subliminal role of Guinness is on the one hand to ‘dull the senses’ while for a short period, initially, to ‘enliven the senses’. The complainant believes this advert was not an information documentary on special dancers in Congo/Africa as it was sponsored by an advert for alcohol.

The Forum noted that the item about which the complaint was made was an advertisement and that its objectives were to promote the brand and sale of the product promoted. The *General Commercial Communications Code* places a range of requirements on advertising content which can be summarised as the requirement to be legal, honest, decent and truthful. The Forum noted that the advert focused on a particular cultural aspect of life in the Republic of the Congo with a view to promoting the Guinness brand and its assessment of the complaint was therefore on the content of the advert. Therefore, the Forum did not consider other social and political aspects of life in the Republic of the Congo as relevant to its assessment as these were not reflected or relevant to the advert and because the advertisement was not attempting to present editorial content or analysis. The Forum also had regard to the range of requirements placed on advertisement for alcohol.

Having taken these factors into account, the Forum was of the view that nothing in the advert indicated that it was contrary to the principles of the *General Commercial Communications Code* or rules pertaining to alcohol promotion in the manner specified by the complainant. The Forum also noted that the advertisement was broadcast during the Six One News and therefore targeted at an adult audience. Further, the Forum felt the complainant made his complaint based on the creative concept of the advertisement, which is not relevant under the Codes.

Broadcasting Complaint Decisions

In conclusion, the Forum was of the view that, given the audience expectation and the scheduling of the advert it did not breach any of the Codes. The complaint did not raise issues that required further consideration and, accordingly, was deemed resolved and required no further investigation.

Broadcasting Complaint Decisions

Complaint made by: Mrs. Anne Heffernan

Ref. No. 95/14

Station:

RTÉ Radio 1

Programme:

Drivetime

Date:

26th March 2014

Complaint Summary:

Ms. Heffernan's complaint is submitted under the Broadcasting Act 2009, section 48(1) (b) (*Code of Programme Standards* – section 3.5.2 (factual programming)).

The complaint relates to an interview with the family of one of the pilots killed in an Air Corps crash in the West of Ireland, following the results of the investigation into the crash. The complainant states that her complaint refers mainly to the use of the sound effects of aeroplane engines plus the recreation of the final conversations of the two pilots up to the moment of impact. The complainant claims that this caused distress to the family and friends of Captain Furniss, who lost his life in this tragedy, as it made everyone relive the final moments of his life.

The complainant questions the insensitivity of RTÉ to the feelings of everyone concerned and states this interview could have been carried out without sound effects and the replaying of the pilots' final words.

Broadcaster's Response:

Initial response to complainant:

RTÉ states the family of Captain Furniss was contacted well in advance of the broadcast and they were informed of its content and invited to contribute, but declined. They also state the use of the transcript of the cockpit exchanges between Captain Furniss and Cadet Jevens was vital to the report, in order to clarify the assertion that conclusions of the Defence Forces Court of Inquiry did not tally with the conclusions of the Air Accident Investigation Unit and of the coroner. RTÉ understands that this will have brought back to family and friends of the Late Captain Furniss and Cadet Jevens the event of their deaths but believe that the use of this material was crucial to the report. The use of sound effects was a device to demonstrate that the words being broadcast were those of the two men in the cockpit and not of the reporter, the programme or any commentator.

Response to BAI:

RTÉ states the editorial justification and public interest value of this item is immediately evident in its meticulous and measured examination of the implications arising from the distinctions between the findings of civilian and military authorities in relation to the crash which took the lives of Captain Furniss and Cadet Jevens.

The use of sound effects in discreetly manipulating the voices of the two actors who spoke these exchanges was a device to demonstrate clearly that the words being broadcast were those of the two men in the cockpit and not of the reporter. Other effects – planes in flight, the sound of an altitude alarm – were used soberly as punctuation to underline the seriousness of the situation and its terrible consequences.

Broadcasting Complaint Decisions

The father of one of the men who died – Cadet Jevens – participated in the programme. The family of Captain Furniss was contacted well in advance of the broadcast; they were informed of its content and invited to contribute, but declined.

RTÉ understands that this item will have brought back to the families and friends of both the late Captain Furniss and Cadet Jevens, the event of their deaths but believes that the item, and its use of flight recordings, was crucial to a responsible report in the public interest.

Decision of the Executive Complaints Forum:

When considering the complaint, the Members of the Forum reviewed the broadcast, the submissions of the complainant and the broadcaster. The Forum also had regard to the Broadcasting Act 2009, section 48(1) (b) (Code of Programme Standards – Section 3.5.2 (factual programming)).

The complaint relates to the reconstruction of the final minutes of a crash which killed two Air Corps pilots in an aeroplane crash. The complainant states that her complaint refers to the use of the sound effects of aeroplane engines plus the recreation of the final conversations of the two pilots up to the moment of impact. The complainant claims that this caused distress to the family and friends of Captain Furniss, who lost his life in this tragedy, as it made everyone relive the final moments of his life.

The Forum was of the view that the reconstruction and use of sound effects was to provide context for the listener. The sound effects were also used to give a dramatic element to the broadcast and the use of music, sound effects and other actualities are a common element in radio broadcasting. It was the view of the Forum that the use of the aeroplane sound effects was therefore appropriate in a dramatic reconstruction in a radio environment. The Forum was cognisant of the difficult topic being recreated but believes it was not unduly offensive as the report on the investigation into the deaths of the pilots was editorially justified and was in the public interest. The Forum was also mindful that the family of the captain had been informed by RTÉ of the broadcast in advance.

In conclusion, the Forum was of the view that given that the story was editorially justified and in the public interest, the complaint did not raise issues that required further consideration and, accordingly, was deemed resolved and required no further investigation.

Broadcasting Complaint Decisions

Complaint made by: Mr. Gerald Duffy

Ref. No. 97/14

Station:

RTÉ One

Programme:

Nine News

Date:

22nd June 2014

Complaint Summary:

Mr. Duffy's complaint is submitted under the Broadcasting Act 2009, Section 48(1) (a) (*Code of Fairness, Objectivity & Impartiality in News and Current Affairs*) Rules 4.17 and 4.19.

The complainant refers to an item regarding the arrival of orphans from Belarus to Ireland which he states used the words *'150 children from Belarus have arrived in Ireland for their annual vacation that offers them respite from the continuing effects of nuclear radiation following the Chernobyl disaster 28 years ago'*. The complainant states that later in the broadcast, the reporter Seamus Ó Scanláin said that *'their monthly stay will offer them rest and recuperation from the effects of radioactive material which has blighted Belarus since the explosion of the reactor in Chernobyl'*.

The complainant states while these children are seriously ill and disabled, there is no medical or scientific evidence to suggest that any of their illnesses are as a result of the Chernobyl nuclear accident of 1986. He states that none of these children were born at that time or in the 10 years following the accident. He further states that to suggest that the causes of their illnesses are due to residual radiation from Chernobyl is pure conjecture and there is no scientific or medical evidence to back up any such claim.

The complainant quotes RTÉ's own guidelines and notes that its core value on standards and guidelines is that news coverage should be 'accurate and impartial' and that 'rumours or speculation must not be broadcast as facts'.

Broadcaster's Response:

Initial response to complainant:

RTÉ states the initial complaint to RTÉ by Mr. Duffy received no response due to the absence on leave of the News executive concerned, for which they apologise to Mr. Duffy and the BAI.

Response to BAI:

RTÉ states the report was a human interest item on children with disabilities who had arrived in Ireland from Belarus for a month long holiday. The children from orphanages, foster homes and other state run institutions were being welcomed into the homes of Irish volunteer families.

The focus of the report was on the act of generosity by these families in welcoming disabled children into their homes, and not on the science or politics surrounding the nuclear accident in Chernobyl. The first line in the report emphasised this human interest angle: *'Emotional scenes at Shannon airport as Ireland welcomes the children from Belarus'*.

Broadcasting Complaint Decisions

The reporter said the holiday would allow the children to recuperate from the effects of the nuclear explosion in 1986. This was reported accurately as the basis on which Chernobyl Children International runs these holidays, echoing the recommendation of The Chernobyl Forum that *'programmes targeting minimization of the psychosocial impact on children and those who were children at the time of the accident should be encouraged and supported'*. The editorial purpose of the item was not to test the veracity of this claim by Chernobyl Children International. In the words of a UNDP/UNICEF report, *The Human Consequences of the Chernobyl Nuclear Accident: A Strategy for Recovery* *'very considerable uncertainty remains over the possible long-term health effects of the accident. On the one hand, the nuclear industry acknowledges only very limited and closely defined consequences. On the other, some politicians, researchers and voluntary movement workers claim that the accident has had profound and diverse impacts on the health of many millions of people'*. Rather, the editorial objective was to reflect this annual act of charity by ordinary Irish families, similar to the way that RTÉ news would from time to time cover the coming-together of people to send consignments of aid to impoverished countries, or indeed acts of volunteerism like those involved in events like the Special Olympics or the Community Games.

Decision of the Executive Complaints Forum:

When considering the complaint, the members of the Forum reviewed the broadcast, the submissions of the complainant and the broadcaster. The Forum also had regard to Section 48(1) (a) and the *Code of Fairness, Objectivity and Impartiality in News and Current Affairs* – Rule 4.17 and 4.19, under which the complaint was submitted.

The Forum noted that the complaint related to a news item regarding the arrival of orphans from Belarus to Ireland. The complainant believes that the report was inaccurate and impartial in its claims that the children's health problems were due to the radiation from the Chernobyl Nuclear Reactor and the accident at this plant, a view which he does not believe is supported by scientific or medical evidence.

The Forum noted that the news item in question was specifically about the children of Belarus arriving in Ireland on the day of the broadcast in question. The Forum noted that the report took a human interest approach to the story and focused on the children's visit to Ireland. It was evident to the Forum that it was the editorial choice of RTÉ to report on this event in a way which aimed to highlight the charitable aspects of this trip, as opposed to it being about the Chernobyl Nuclear Reactor disaster or any possible side effects.

While the Forum noted that the broadcaster did not address each of the alleged inaccuracies highlighted in the complaint, the members considered the report as a whole and were of the view that, having regard to the focus of the item, no issues arose which would indicate that the subject matter was dealt with in a way which did not fulfil the requirements for news content to be objective and impartial.

The Forum was of the view that the complaint did not raise issues which required further consideration and, accordingly, the complaint did not require further investigation.

Broadcasting Complaint Decisions

Complaint made by: Mr. David Quinn

Ref. No. 102/14

Station:

RTÉ Radio One

Programme:

Advert – 'Ireland's Biggest Jukebox' RTÉ Gold

Date:

1st July 2014

Complaint Summary:

Mr. Quinn's complaint is submitted under the Broadcasting Act 2009, Section 48((1) (d) (*General Commercial Communication Code section 3.1.3*)

The complainant believes that this is an advertisement for a programme broadcast on RTÉ Gold. He found it misleading as it is available on DAB radio (Digital Audio Broadcasting) which the complainant points out, is a limited service only available in some areas of the country. He believes that this should have been made clear in the broadcast. The complainant claims that this advert would encourage people to buy DAB radios only then to find that there is no service available in many parts of the country.

Broadcaster's Response:

Initial response to complainant:

No reply was received by the complaint. RTÉ apologised to the complainant for the lack of response.

Response to BAI:

The broadcast complained of is a promotion for the programme 'Ireland's Biggest Jukebox' on RTÉ Gold.

RTÉ claim that such promotions are specifically excluded by the *BAI General Commercial Communications Code*, as below:

Exclusions

The following announcements shall not constitute advertising:

- Informational announcements about upcoming programmes on broadcast services, including the date and time of transmission of the named programme(s), and including "trailer" excerpts and/or a brief description of programme content, once such announcements do not contain advertising content.

No advertising content was contained in the announcement.

RTÉ state that without prejudice to the above, the programme promotion was approved as such by the Creative Audio Coordinator, Digital Station Editor and Head of Marketing (Radio) before being sent for broadcast, and is in keeping with the *BAI General Communications Code* in all respects and contains nothing surreptitious, subliminal or misleading.

Broadcasting Complaint Decisions

Decision of the Executive Complaints Forum:

When considering the complaint, the members of the Forum reviewed the broadcast and the submissions of the complainant and the broadcaster. The Forum noted that this complaint was submitted as an advertisement under the Broadcasting Act 2009, Section 48(1) (d) (*General Commercial Communication Codes, section 3.1.3*).

Following a discussion, the Forum was of the view that this was a station promotion and not an advertisement as claimed by the complainant and therefore was not valid under section 3.1.3 of the *General Commercial Communication Codes*. However, referring to the guidance notes of the Code, the Forum deemed it appropriate to consider this complaint under the *General Principles* applying to this Code.

The complaint relates to the airing of a station promotion for a programme entitled '*Ireland's Biggest Jukebox*' which is broadcast on RTÉ Gold and is available on DAB radio (Digital Audio Broadcasting). The complainant believes that because this programme is broadcast on DAB radio, which has limited availability throughout the country, and this is not made clear in the promo, then this is misleading for the listener. The complainant claims that this promo could encourage people to buy DAB radios and only then realise that they cannot listen to the programme due to a lack of DAB service in their particular part of the country.

Having considered the submissions by the complainant and the broadcaster and listened to the promotion footage, the Forum was of the view that this was a straight forward promotion for a particular programme broadcast on RTÉ Gold and that, in general, the listener would not have been misled in the manner claimed by the complainant.

The complaint did not raise issues that required further consideration and, accordingly, was deemed resolved and requiring no further investigation.

Broadcasting Complaint Decisions

Complaint made by: Mr. Noel Lysaght

Ref. No. 111/14

Station:

RTÉ One

Programme:

The Savage Eye

Date:

19th August 2014

Complaint Summary:

Mr. Lysaght's complaint is submitted under the Broadcasting Act 2009, section 39(1) (d); section 48(1) (b) harm and offence, *Code of Programme Standards*: sections 2.1 general community standards and 2.2 due care and 3.4.5 undue offence in treatment of religious views).

The complainant objects in the strongest possible terms to the sketch on the Savage Eye in which the actors insulted, demeaned and sneered at the most sacred doctrine of the Catholic Church, i.e. The Eucharist. The complainant queries if Mr. Savage, has any plans to make a similar programme insulting the Muslim religion and the Koran. The complainant also draws attention to the lack of response from RTÉ within the time limit.

Broadcaster's Response:

Initial response to complainant:

RTÉ state that as a general point it would accept 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. In terms of the particular sketch referred to, it was not RTÉ's 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 relation to The Savage Eye, the character appeared in a medical environment declaring his own set of beliefs in a way in which the medical staff were sceptical. While no particular faith or religious tenet was named in the piece, the actor made reference to a creator who is invisible but is everywhere and whose body he has eaten and whose blood he has drunk. It was part of a sequence which contracted the social acceptance of general religious beliefs with culturally less acceptable forms of supernatural belief. This skit was intended to be in the 'Father Ted' territory of silliness and, combined with the general surrealist tone of the programme, RTÉ took the view that this did not cross the line into denigrating or mocking the Eucharist and authorised the broadcast.

RTÉ state that 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; however, the broadcaster states that it does take 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. David McSavage is relatively well known in Ireland and most RTÉ Two viewers know what to expect when he appears on television. The tone and nature of this skit in 'The Savage Eye', is in line with his well established knockabout comic personality. 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

Response to BAI:

The item complained of appeared in the fourth series of the satirical comedy programme *The Savage Eye*. While always mindful that comedy, and particularly satire, is a matter of taste and mindful also of the sensibilities of viewers, RTÉ believes that, in providing a satirical view of contemporary life and culture in Ireland, the series contributes to RTÉ's delivery of its public service remit. In addition, RTÉ asserts that the series fulfils the expectations of its audience; both the programme itself and the RTÉ2 channel on which it appears are well known for robust, challenging comedy.

The theme of this edition of the series was 'Why is Ireland the unhealthiest nation in Europe?' The focus of the humour was the physical and mental health of people living in Ireland and their sometimes paradoxical attitudes towards health issues and health care.

RTÉ states that the format of the programme includes 'vox pop' clips from interviews with members of the public and the sketch complained of began with such an excerpt. In it, the interviewee told an anecdote which clearly set the sketch in the context of contradictory attitudes around mental health. Following directly on from this, the performance element of the sketch was focused not on religion but on differing attitudes to supposedly delusional thoughts or beliefs. The character articulating religious beliefs was not portrayed unsympathetically but actually played the role of highlighting the attitudes of the psychiatrists who were questioning him, in line with the interview clip which opened the sketch.

Neither religious beliefs nor any religious sacrament were the subject of the sketch and the item was not intended to or likely in the belief of RTÉ, to cause undue offence to the programme's ; audience, to members of the public in general, or to adherents of the Catholic faith, referred to in the complaint to the broadcaster. Therefore, RTÉ believes that there was no breach of Content Principle 2.1 or of section 39(1) (d) of the Broadcasting Act 2009 in respect of harm and offence.

In respect of Content Principle 2.2, due care for the audience in relation to this programme was shown by:

- A prior warning by the continuity announcer stating: "Please note that this programme contains mature content."
- The scheduling of the programme after the 'watershed', at 11.50pm and on RTÉ2, a channel with a well-known reputation to the audience as the home for comedy of a challenging and adult nature. (The broadcast complained of was a repeat of the programme which would originally have aired at 22.00).
- The use of a 'Mature Audience' classification which appeared at 23:50:44 for five seconds.

RTÉ claim that due care is also shown by the editorial process which includes responsible editorial procedures to scrutinise and approve all material broadcast in the series. Due regard is paid to the appropriateness and editorial justification for the inclusion of any material which has the potential for undue offence, always in the context of the programme's clear and coherent editorial purpose. This process was applied to the sketch and programme in question.

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RTÉ wishes to apologise to the complainant and to the BAI, for the delay in responding to this complaint which was caused by the relevant editorial executive being on annual leave.

Decision of the Executive Complaints Forum:

The Forum, having considered the submissions by the broadcaster and the complainant, 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 to the Broadcasting Act 2009, Section 48(1) (b) (*Code of Programme Standards* – sections 2.1 general community standards, 2.2 due care and 3.4.5 – undue offence in the treatment of religious views).

The Forum noted that the complaint relates to a comedy sketch between a doctor, his assistant and a patient lying on a trolley. The conversation goes as follows:

Patient: 'He's here ... He's my creator'.

Doctor: 'Can you see him?'

Patient: 'No, but He is everywhere, He's inside me, He loves me'.

Doctor: 'How do you know He's inside you?'

Patient: 'Because I ate His body and drank His blood'.

Doctor: 'One moment' and his colleague says 'cuckoo' [in reference to the Doctor's perceived view of the patient's mental health]...'ok we'll be right back'.

The complainant objects to the sketch which he states insults, demeans and sneers at what he describes as the most sacred doctrine of the Catholic Church i.e. The Eucharist. He also queries whether or not The Savage Eye plans to make a similar programme insulting the Muslim religion and the Koran. Furthermore, the complainant was not satisfied with the lack of RTÉ's response within the time limit set out in their *Code of Practice for Complaints Handling*.

Following discussion, the Forum was of the view that the sketch was justified by context and did not infringe the requirements of the *Code of Programme Standards* pertaining to the treatment of religious views. The Forum was also of the view that the item did not infringe community standards. In reaching this view, the Forum noted that the theme of the programme was health and that the sketch in question dealt with mental health. The Forum noted that the item in question was contextualised by a short interview preceding it wherein a contributor to the programme contrasted how society treats people who believe in the things which cannot be seen or proven in rational terms and who are considered to have mental health difficulties and those who believe in God. The sketch that followed and which is the subject of the complaint illustrated this contrast in the context of a doctor/patient consultation where the patient is describing his experience of God. The Forum was of the view that this was the focus of the sketch and that The Eucharist was not the focus of the sketch. The Forum was of the view that the item was satirical in nature and that it was a critical analysis of belief in God from the stand-point of secular society and that such content is permissible once it does not offend.

On another level, the Forum was also of the view that it could also be seen as a critique of attitudes to religious belief.

Broadcasting Complaint Decisions

Having regard to this but also taking account of the time of broadcast (post-watershed and close to Midnight), audience expectations for The Savage Eye and RTÉ 2, the nature of the programme (satirical comedy) as well as the inclusion of a prior warning about the programme, it was the view of the Forum that no issues arose.

Regarding RTÉ's response; the Forum noted that the response had been delayed but had been provided to the complainant. The Forum also noted that the broadcaster had apologised for the delay. Accordingly, the Forum was satisfied that no further action was warranted.

