



ÚDARÁS
CRAOLACHÁIN
NA hÉIREANN

BROADCASTING
AUTHORITY
OF IRELAND

Broadcasting Authority of Ireland

Broadcasting Complaint Decisions

August 2017

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BAI Complaints Handling Process

Under the Broadcasting Act 2009, viewers and listeners to Irish radio and television services can complain about broadcasting content which they believe is not in keeping with broadcasting codes and rules. When making a complaint, the relevant programme or commercial communication should be identified, including the date of broadcast and time. The complainant should explain what it is about the broadcast that has led them to make a complaint. It is important to set out clearly the grounds of the complaint and why the programme material or commercial content does not comply with the BAI's Broadcasting Codes. A copy of the codes may be found on the BAI's website: www.bai.ie, by emailing info@bai.ie or by phoning the BAI on 01 644 1200.

In line with the complaint process, the viewer or listener should direct their complaint to the broadcaster in the first instance and in the manner detailed in 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 complaint referrals, the BAI will have regard to the relevant codes and rules, the written material submitted by the relevant parties, together with the broadcast material. Complaints are assessed at Executive level by the Executive Complaints Forum and/or by the Compliance Committee of the Authority. Further information may be found on the complaints handling section of the BAI's website: www.bai.ie.

The details of the broadcasting complaints decisions reached by the BAI are set out in this document. The decisions deal with the issue of whether a programme or a commercial communication did or did not comply with the relevant legal requirements and the relevant broadcasting codes or rules. The decisions do not constitute endorsement or support for the views of either parties to the complaint nor will they address every aspect of a complaint submission. The BAI will not carry out a separate or independent assessment outside of the matters raised in the complaint.

In total, 11 complaint was considered and rejected by the Compliance Committee of the BAI. The decisions of the Compliance Committee were reached at its meeting held 31st May 2017.



Complaint made by: Ms. Bridget O'Byrne

Ref. No. 10/17

Station:

RTÉ One

Programme:

The Late Late Show

Date:

6th January 2017

1. Programme

The complaint concerns The Late Late Show, which is a lifestyle/entertainment programme broadcast each Friday evening from 9.35pm. The complaint refers to a comments by the panellists referring to The Eucharist.

2. Complaint Category

The complaint is submitted under the Broadcasting Act 2009, Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards (Principle 5 – Respect for Persons and Groups in Society).

3. Summary of Initial Complaint to the Broadcaster

The complainant states that during this panel discussion, one of the contributors referred to Holy Communion as “haunted bread”, while another stated it was like eating bits of body and that this is cannibalism. The complainant believes that using this language was an attempt to play to the audience while the presenter giggled.

The complainant also refers to one of the panellist stating that everyone that goes to midnight mass is ‘half-cut’ from drinking alcohol.

The complainant found these references hurtful and offensive and believes that this mocking of her religion requires an apology from the broadcaster. The complainant states that programme was broadcast on 6th January, also known as Little Christmas, which is a holy day in the Catholic calendar.



4. Broadcaster's Response

4.1 Summary of Broadcaster's Response to the Initial Complaint

The broadcaster states that the item in question was a conversation looking back on 2016 and looking ahead to 2017, as has taken place many times on The Late Late Show over the years. The broadcaster states that, on this occasion, it was decided to bring together three guests who have made interesting contributions to the show over the previous year to get their combined view on a number of items.

The broadcaster maintains that, as part of the conversation, the presenter brought up a theory advanced on his radio show earlier that week that some people in their thirties are returning to the Catholic Church after a period of difficulty and scandal for the church and asked the panel for their views.

The broadcaster states that, as someone from that age group, Blindboy Boatclub of The Rubberbandits was first to reply, and he did so in the language of his generation and his satirical character. The broadcaster states that the point he was making, to put the language to one side for a moment, was that in his view, people of his generation are not returning to the Church and that attendance at Christmas Eve midnight Mass is not an accurate barometer of religious conviction and there are many other reasons to attend that particular ceremony. These reasons include family pressure, tradition and community, as well as Catholicism.

The broadcaster accepts that the phrase "haunted bread" was certainly provocative. They state that this contributor used it to get a reaction, and indeed it did. The broadcaster does not believe that it was sacrilegious but was a linguistic phrase that encapsulates "The Holy Ghost" and Holy Communion to show his, and many of his generations, difficulty with Transubstantiation.

The broadcaster states that the difficulty of Blindboy Boatclub and others of his generation with the concept of The Eucharist was further supported by the assertion of another contributor that, growing up, she found Holy Communion a scary concept that equated to cannibalism in her young mind. That is to say, as a child, she was conflicted about eating the literal "Body of Christ".



The broadcaster states that in neither case did the guests deride or criticise the views of others, or their faith, but rather expressed their own difficulty with a core tenet of Roman Catholicism.

The broadcaster states that, in attempting to hear new voices on The Late Late Show, it is inevitable that some will not like what they hear. Uncomfortable or unpopular opinions are part of debate as are views that clash or disagree with mainstream consensus. Nonetheless, the broadcaster accepts that the phrase “haunted bread” has caused offence to some viewers and has been seen by some as disrespectful or mocking and for that the broadcaster does apologise.

4.2 Broadcaster’s Response to BAI

RTÉ refers to the response by the Executive Producer of The Late Late Show to the initial complaint.

As acknowledged in the response of the Executive Producer, the phrase ‘haunted bread’ in relation to the doctrine of Transubstantiation was provocative. The broadcaster states that, however, it was designed, as the comedy of The Rubberbandits generally is, to provoke thought and not to be pointlessly offensive. (The broadcaster states this is underlined by Blindboy Boatclub’s apology to panellist Mr. Michael Harding for any offence – “Sorry about the haunted bread stuff” – on discovering that Mr. Harding is a former priest.) The broadcaster states that, in fact, far from being the “coarse and/or offensive language” referred to in Principle 1 of the Code, the phrase was described by Mr. Harding as “the language of a poet,” going on to say: “The beauty of religion is the language of poetry.”

The broadcaster states that Blindboy Boatclub’s assertion of his difficulty in coming to grips with, what are to him personally the contradictions within some Christian beliefs, gave rise to a substantial, sincere and thoughtful discussion of truth and belief in contemporary society, in Ireland and internationally.

The broadcaster states that the discussion included Mr. Harding’s saying: “If it keeps me from depression, if it allows me to be a loving person, that’s a good truth. [Blindboy Boatclub nods]. And in the same way if Jesus or the haunted bread helps you to be more compassionate and caring to the people around you, then I’m all for the haunted bread.”



Blindboy Boatclub responded: "It's true like [referring to Harding's argument]. People think I have a problem with religion. I only have a problem with religion if it's in the school system or whatever but people are entitled to believe what – it's secularism, you know."

The broadcaster states that Mr. Harding also spoke of a world of conflicting truths being "a frightening but exciting place to be" and Ms. Stefanie Preissner and Blindboy Boatclub talked of challenges to their own beliefs; in the case of Ms. Preissner on her post-election visit to the USA and in that of Blindboy Boatclub, his embrace of opposing points of view on social media.

As referred to by the Executive Producer, the broadcaster states that the discussion was notable for its absence of mockery or derision of the views of others, or their faith, and – while two speakers expressed their personal difficulty with a certain tenet of Catholicism and some other Christian churches – was striking in its consensus that some form of spiritual or other transcendence of the everyday is necessary for humanity, in the words of the presenter: "You create somewhere for your brain, your soul, to be fulfilled."

RTÉ does not believe that this broadcast was in breach of Principle 5 of the BAI Code of Programme Standards or of any other section of that or any other code. That principle states clearly that it is: not intended to prevent the critical scrutiny of religion by means of information, drama or other programming. This is further supported in Principle 1 of the Code where it states in relation to community standards: This principle recognises that such standards are ever evolving and broadcasting must be facilitated in representing the rich diversity, plurality and realities of contemporary Irish society. This may sometimes involve making programmes that may cause offence to viewers and listeners but are justified for creative, editorial or other reasons. The broadcaster states that Principle 1 was therefore supported in that sense, not breached as alleged in the complaint.

And the preamble to the Code states:

"Those matters which cause offence can, and frequently do, differ from person to person and are largely subjective in their nature. Acknowledging this, there can be no guarantee that programme material will be free from offence.



There is no right not to be offended and, for broadcasters, it is to be expected that, in fulfilling their duty to provide a diverse range of programming that caters to a diverse audience, there will be programming that causes offence to some members of the audience.”

The broadcaster also makes reference to the decision by the BAI to reject two recent complaints in relation to claims of causing offence to viewer/listeners and the reasons for rejection: a) Tommy Tiernan – Crooked Man (TV3) and b) The Ray D’Arcy Show (RTÉ Radio 1).

The broadcaster draws attention to the timing of the broadcast which is the subject of this complaint. The broadcast began at 11.20pm, significantly after the watershed which marks the transition to purely adult viewing and would have met the expectations of The Late Late Show audience over more than fifty years that the programme will present voices and views which will stimulate thought and discussion amongst viewers.

5. Decision of the Compliance Committee: Reject (Majority)

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the Broadcasting Act 2009, Section 48(1)(b)(harm and offence) and the BAI Code of Programme Standards: Principle 5 – Respect for Persons and Groups in Society, the Committee has decided to reject the complaint.

In this regard:-

- The Committee considered the provisions of the BAI Code of Programme Standards in the context of the content as broadcast. It noted the distinction between offence and harm set out in the Code, specifically, the recognition that matters which cause offence can, and frequently do, differ from person to person and are largely subjective in nature. It also noted that the Code states that in fulfilling their duty to provide a diverse range of programming that caters to a diverse audience, there will be programming that causes offence to some members of the audience.

Recognising this and recognising also the legitimate interests of audiences, the Code requires broadcasters to provide audiences with information so as to minimize the potential for offence and to schedule appropriately.



The Code also places limits intended to guard against undue offence, which is where programme content, even where editorially justified and in the public interest, could still be regarded to have crossed a line that has resulted in audiences being unduly offended. The Code also recognises that offence can become harmful in certain circumstances.

- In this context, the Committee was of the view that the programme, while evidently causing offence to some audience members, was editorially justified and did not infringe the principle of the BAI Code of Programme Standards dealing with respect for persons and groups in society.

In particular:-

- The Committee noted the discussion as a whole. In this respect, the comments that were deemed by the complainant to be offensive were articulated as part of a broad conversation on faith, which arose from the presenter asking the panellists about the manner in which they spent the Christmas period. The first contributor, Mr. Michael Harding, outlined how he shied away from the traditional Christmas dinner and instead ate Indian food. He noted his fondness for Diwali, the Indian festival of lights and commented on the beauty of this festival. The conversation turned to Mr. David Chambers of The Rubberbandits who detailed his Christmas celebrations in a surrealist manner that is the hallmark of the artistic/comedy act of which he is one member. Finally, Ms. Stefanie Preissner spoke about her disillusionment with the commercial nature of Christmas festivities.

The conversation then progressed to a discussion about Catholic belief and practice, in terms of the decline of vocations and the rise and impact of secularisation on Irish life and faith, the issue of how young people have responded to a decline in traditional Catholic faith and practices and the question of where they can find spiritual 'refuge', if at all or indeed if even necessary. It was at this point in the programme that one of the contributors also featured made reference to The Eucharist as 'haunted bread'.



- While not agreeing with the contention by the broadcaster that this panellist was speaking for his generation, the Committee considered it legitimate for a panellist to articulate their own personal views. In this instance, his views dealt with a religious tenet which rests on a belief in the real presence of Jesus Christ in The Eucharist, a belief which may be difficult to reconcile for those who hold other religious beliefs or no religious belief and one which the panellist did not appear to hold. At that point in the programme, the other contributors reflected on this topic. Ms. Preissner spoke about how, as a child, The Eucharist being described as the body and blood of Christ conjured up images of cannibalism. Mr. Harding spoke about how, over time, the belief in Transubstantiation has for some become difficult to understand, either for those who may only value the empirical or those who value only their own perspective regardless of facts. Mr. Harding also spoke about the value of belief once it is not a belief that is imposed on others. Learning that Mr. Harding was a former priest, Mr. Chambers apologised for any offence that his description of The Eucharist may have caused him.
- The Committee did not agree with the view of the complainant that Ms. Preissner was equating The Eucharist with cannibalism as it was clear that she was describing her thoughts as a child. Regarding the comments by Mr. Chambers, the Committee considered his comments an expression of his own views rather than a comment on the views of others and did not agree that they were intended to mock the faith of others. Regarding the view of the complainant that a reference to the attendance at Christmas midnight mass of people who are 'half-cut' with drink as being offensive; the Committee considered this a humorous reference to what may, on occasion, have been the experience of some parishioners at Christmas.
- In considering this complaint, the Committee also had regard to a number of other factors. It considered the timing of the discussion, which was after 11pm, a time at which content with a higher likelihood to offend may be broadcast. It also considered the fact that audiences would have been familiar with the comedic/artistic style of The Rubberbandits and it found the comments made were aligned with their comedic/artistic style.



Furthermore, the Committee noted that RTÉ took steps to address the concerns of the complainant and offered, as part of their response to their letter of complaint, an apology for the offence that they had experienced.

- The Committee also noted that the complainant criticised the handling by the presenter of the comments that the complainant considered offensive. It was the Committee's view that the presenter mis-judged the offence likely to have been caused by the use of the term 'haunted bread' and that his comments compounded the offence caused to the complainant.

While the Committee did not believe that the comments or the presenter's contributions crossed a line such that undue offence was caused to the audience as a whole, the degree of offence may have been minimised if the presenter had demonstrated greater sensitivity to the potential for offence and RTÉ is advised to have regard to the Committee's view in this regard.

- In view of the above, the Committee did not agree with the view of the complainant that the programme infringed the Broadcasting Act 2009 or the BAI Code of Programme Standards in the manner specified. Accordingly, the Committee had decided to reject the complaint.



Complaint made by: Mr. Niall Guinan LL.M.

Ref. No. 14/17

Station:
RTÉ One

Programme:
The Late Late Show

Date:
6th January 2017

1. Programme

The complaint concerns The Late Late Show, which is a lifestyle/entertainment programme broadcast each Friday evening from 9.35pm. The complaint refers to comments by panellists referring to The Eucharist.

2. Complaint Category

The complaint is submitted under the Broadcasting Act 2009, Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards (Principle 1 – Respect for Community Standards and Principle 5 – Respect for Persons and Groups in Society).

3. Summary of Initial Complaint to the Broadcaster

The complainant states that during this panel discussion one of the contributors mocked The Eucharist by describing it as “haunted bread” and then went on to say, “they’re asking us to eat the ghost of a 2000-year-old carpenter, you know”. The complainant states that another contributor then described the act of taking Communion as “cannibalism”. The complainant states that, far from making any attempt to minimise any offence caused, the presenter merely stated, “When you think it through, maybe that’s what was happening.”

The complainant believes these comments crossed a line into, not merely, gratuitous offence, but sheer nastiness, hatred and contempt for the Roman Catholic faith and for those who sincerely profess it.



4. Broadcaster's Response

4.1 Summary of Broadcaster's Response to the Initial Complaint

The broadcaster states that the item in question was a conversation looking back on 2016 and looking ahead to 2017, as has taken place many times on The Late Late Show over the years. The broadcaster states that, on this occasion, it was decided to bring together three guests who have made interesting contributions to the show over the previous year to get their combined view on a number of items.

The broadcaster maintains that as part of the conversation, the presenter brought up a theory advanced on his radio show earlier that week that some people in their thirties are returning to the Catholic Church after a period of difficulty and scandal for the church and asked the panel for their views.

The broadcaster states that as someone from that age group, Blindboy Boatclub of The Rubberbandits was first to reply, and he did so in the language of his generation and his satirical character. The broadcaster states that the point he was making, to put the language to one side for a moment, was that in his view, people of his generation are not returning to the Church and that attendance at Christmas Eve midnight Mass is not an accurate barometer of religious conviction, as there are many other reasons to attend that particular ceremony. Reasons, such as family pressure, tradition and community as well as Catholicism. The broadcaster believes this to be a rational and fair assessment of his views.

The broadcaster accepts that the phrase "haunted bread" in relation to the doctrine of Transubstantiation was certainly provocative. This contributor used it to get a reaction, and indeed it did. The broadcaster does not believe that it was sacrilegious but was a linguistic phrase that encapsulates "The Holy Ghost" and Holy Communion to show his, and many of his generations, difficulty in the belief in Transubstantiation.

The broadcaster states that the difficulty of Blindboy Boatclub and others of his generation with the concept of The Eucharist was further supported by the assertion of another contributor that, growing up, she found Holy Communion a scary concept that equated to cannibalism in her young mind. That is to say, as a child, she was conflicted about eating the literal "Body of Christ".



The broadcaster states that in neither case did the guests deride or criticise the views of others, or their faith, but rather expressed their own difficulty with a core tenet of Roman Catholicism.

The broadcaster states that, in attempting to hear new voices on The Late Late Show, it is inevitable that some will not like what they hear. Uncomfortable or unpopular opinions are part of debate as are views that clash or disagree with mainstream consensus. Nonetheless, the broadcaster accepts that the phrase “haunted bread” has caused offence to some viewers and has been seen by some as disrespectful or mocking and for that the broadcaster does apologise.

4.2 Broadcaster’s Response to BAI

RTÉ refers to the response by the Executive Producer of The Late Late Show to the initial complaint.

As acknowledged in the response of the Executive Producer, the phrase ‘haunted bread’ in relation to the doctrine of Transubstantiation was provocative. The broadcaster states that, however, it was designed, as the comedy of The Rubberbandits generally is, to provoke thought and not to be pointlessly offensive. (The broadcaster states this is underlined by Blindboy Boatclub’s apology to panelist Mr. Michael Harding for any offence – “Sorry about the haunted bread stuff” – on discovering that Mr. Harding is a former priest.) The broadcaster states that, in fact, far from being the “coarse and/or offensive language” referred to in Principle 1 of the Code, the phrase was described by Mr. Harding as “the language of a poet,” going on to say: “The beauty of religion is the language of poetry.”

The broadcaster states that Blindboy Boatclub’s assertion of his difficulty in coming to grips with, what are to him personally the contradictions within some Christian beliefs, gave rise to a substantial, sincere and thoughtful discussion of truth and belief in contemporary society, in Ireland and internationally.

The broadcaster states that the discussion included Mr. Harding’s saying: “If it keeps me from depression, if it allows me to be a loving person, that’s a good truth. [Blindboy Boatclub nods]. And in the same way if Jesus or the haunted bread helps you to be more compassionate and caring to the people around you, then I’m all for the haunted bread.”



Blindboy Boatclub responded: “It’s true like [referring to Harding’s argument]. People think I have a problem with religion. I only have a problem with religion if it’s in the school system or whatever but people are entitled to believe what – it’s secularism, you know.”

The broadcaster states that Mr. Harding also spoke of a world of conflicting truths being “a frightening but exciting place to be” and Stefanie Preissner and Blindboy Boatclub talked of challenges to their own beliefs; in the case of Ms. Preissner on her post-election visit to the USA and in that of Blindboy Boatclub, his embrace of opposing points of view on social media.

As referred to by the Executive Producer, the broadcaster states that the discussion was notable for its absence of mockery or derision of the views of others, or their faith, and – while two speakers expressed their personal difficulty with a certain tenet of Catholicism and some other Christian churches – was striking in its consensus that some form of spiritual or other transcendence of the everyday is necessary for humanity, in the words of the presenter: “You create somewhere for your brain, your soul, to be fulfilled.”

RTÉ does not believe that this broadcast was in breach of Principle 5 of the BAI Code of Programme Standards or of any other section of that or any other code. That principle states clearly that it is: not intended to prevent the critical scrutiny of religion by means of information, drama or other programming. This is further supported in Principle 1 of the Code where it states in relation to community standards: This principle recognises that such standards are ever evolving and broadcasting must be facilitated in representing the rich diversity, plurality and realities of contemporary Irish society. This may sometimes involve making programmes that may cause offence to viewers and listeners but are justified for creative, editorial or other reasons. Principle 1 was therefore supported in that sense, not breached as alleged in the complaint.

And the preamble to the Code states:

“Those matters which cause offence can, and frequently do, differ from person to person and are largely subjective in their nature. Acknowledging this, there can be no guarantee that programme material will be free from offence. There is no right not to be offended and, for broadcasters, it is to be expected that, in fulfilling their duty to provide a diverse range of programming that caters to a diverse audience, there will be programming that causes offence to some members of the audience.”



The broadcaster also makes reference to the decision by the BAI to reject two recent complaints in relation to claims of causing offence to viewer/listeners and the reasons for rejection: a) Tommy Tiernan – Crooked Man (TV3) and b) The Ray D'Arcy Show (RTÉ Radio 1).

The broadcaster draws attention to the timing of the broadcast which is the subject of this complaint. The broadcast began at 11.20pm, significantly after the watershed which marks the transition to purely adult viewing and would have met the expectations of The Late Late Show audience over more than fifty years that the programme will present voices and views which will stimulate thought and discussion amongst viewers.

5. Decision of the Compliance Committee: Reject (Majority)

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the Broadcasting Act 2009, Section 48(1)(b)(harm and offence) and the BAI Code of Programme Standards: Principle 1 – Respect for Community Standards and Principle 5 – Respect for Persons and Groups in Society, the Committee has decided to reject the complaint.

In this regard:-

- The Committee considered the provisions of the BAI Code of Programme Standards in the context of the content as broadcast. It noted the distinction between offence and harm set out in the Code, specifically, the recognition that matters which cause offence can, and frequently do, differ from person to person and are largely subjective in nature. It also noted that the Code states that in fulfilling their duty to provide a diverse range of programming that caters to a diverse audience, there will be programming that causes offence to some members of the audience.

Recognising this and recognising also the legitimate interests of audiences, the Code requires broadcasters to provide audiences with information so as to minimize the potential for offence and to schedule appropriately. The Code also places limits intended to guard against undue offence, which is where programme content, even where editorially justified and in the public interest, could still be regarded to have crossed a line that has resulted in audiences being unduly offended. The Code also recognises that offence can become harmful in certain circumstances.



- In this context, the Committee was of the view that the programme, while evidently causing offence to some audience members, was editorially justified and did not infringe the principles of the BAI Code of Programme Standards dealing with respect for community standards and respect for persons and groups in society.

In particular:-

- The Committee noted the discussion as a whole. In this respect, the comments that were deemed by the complainant to be offensive were articulated as part of a broad conversation on faith, which arose from the presenter asking the panellists about the manner in which they spent the Christmas period. The first contributor, Mr. Michael Harding, outlined how he shied away from the traditional Christmas dinner and instead ate Indian food. He noted his fondness for Diwali, the Indian festival of lights and commented on the beauty of this festival. The conversation turned to Mr. David Cambers of The Rubberbandits who detailed his Christmas celebrations in a surrealist manner that is the hallmark of the artistic/comedy act of which he is one member. Finally, Ms. Stefanie Preissner spoke about her disillusionment with the commercial nature of Christmas festivities.

The conversation then progressed to a discussion about the Catholic belief and practice, in terms of the decline of vocations and the rise and impact of secularisation on Irish life and faith, the issue of how young people have responded to a decline in traditional Catholic faith and practices and the question of where they can find spiritual 'refuge', if at all or indeed if even necessary. It was at this point in the programme that one of the contributors also featured made reference to The Eucharist as 'haunted bread'.

- While not agreeing with the contention by the broadcaster that this panellist was speaking for his generation, the Committee considered it legitimate for a panellist to articulate their own personal views. In this instance, his views dealt with a religious tenet which rests on a belief in the real presence of Jesus Christ in The Eucharist, a belief which may be difficult to reconcile for those who hold other religious beliefs or



no religious belief and one which the panellist did not appear to hold. At that point in the programme, the other contributors reflected on this topic. Ms. Preissner spoke about how, as a child, The Eucharist being described as the body and blood of Christ conjured up images of cannibalism. Mr. Harding spoke about how, over time, the belief in Transubstantiation has for some become difficult to understand, either for those who may only value the empirical or those who value only their own perspective regardless of facts. Mr. Harding also spoke about the value of belief once it is not a belief that is imposed on others. Learning that Mr. Harding was a former priest, Mr. Chambers apologised for any offence that his description of The Eucharist may have caused him.

- The Committee did not agree with the view of the complainant that Ms. Preissner was equating The Eucharist with cannibalism as it was clear that she was describing her thoughts as a child. Regarding the comments by Mr. Chambers, the Committee considered his comments an expression of his own views rather than a comment on the views of others and did not agree that they were intended to mock the faith of others.
- In considering this complaint, the Committee also had regard to a number of other factors. It considered the timing of the discussion, which was after 11pm, a time at which content with a higher likelihood to offend may be broadcast. It also considered the fact that audiences would have been familiar with the comedic/artistic style of The Rubberbandits and it found the comments made were aligned with this comedic/artistic style. Furthermore, the Committee noted that RTÉ took steps to address the concerns of the complainant and offered, as part of their response to the letter of complaint, an apology for the offence that they had experienced.
- The Committee also noted that the complainant criticised the handling by the presenter of the comments that the complainant considered offensive. It was the Committee's view that the presenter mis-judged the offence likely to have been caused by the use of the term 'haunted bread' and that his comments compounded the offence caused to the complainant.



While the Committee did not believe that the comments or the presenter's contributions crossed a line such that undue offence was caused to the audience as a whole, the degree of offence may have been minimised if the presenter had demonstrated greater sensitivity to the potential for offence and RTÉ is advised to have regard to the Committee's view in this regard.

- In view of the above, the Committee did not agree with the view of the complainant that the programme infringed the Broadcasting Act 2009 or the BAI Code of Programme Standards in the manner specified. Accordingly, the Committee had decided to reject the complaint.



Complaint made by: Mr. Matt Moran

Ref. No. 15/17

Station:

RTÉ One

Programme:

The Late Late Show

Date:

6th January 2017

1. Programme

The complaint concerns The Late Late Show, which is a lifestyle/entertainment programme broadcast each Friday evening from 9.35pm. The complaint refers to comments by panellists referring to The Eucharist.

2. Complaint Category

The complaint is submitted under the Broadcasting Act 2009, Section 48(1)(b)(Harm and Offence); the BAI Code of Programme Standards (Principle 1 – Respect for Community Standards and Principle 5 – Respect for Persons and Groups in Society).

3. Summary of Initial Complaint to the Broadcaster

The complainant states that during this panel discussion one of the contributors mocked The Eucharist by describing it as “haunted bread” and “the ghost of a 2000 year-old carpenter”. The complainant states that, to add to the mockery, the presenter, responded by saying that he thought the phrase “haunted bread” was “a great expression”. The complainant claims this encouraged Mr. Chambers to state “that’s what it is.”

The complainant further states that another contributor described The Eucharist as “cannibalism”, thereby adding to what the complainant considered to be the public mockery of The Eucharist. The complainant refers to the BAI Code of Programme Standards which states that broadcasters should recognise that the use of terms, references and images that could be considered offensive to persons and groups in society and associated colloquial terms of abuse aimed at any group requires editorial justification for their inclusion in programming. The complainant states that not only did this programme not show due respect for religious views, it was a gross mockery of something that is sacred to members of the Catholic religion.

The complainant states that this broadcast caused great offence to him.



4. Broadcaster's Response

4.1 Summary of Broadcaster's Response to the Initial Complaint

The broadcaster states that the item in question was a conversation looking back on 2016 and looking ahead to 2017, as has taken place many times on The Late Late Show over the years. The broadcaster states that, on this occasion, it was decided to bring together three guests who have made interesting contributions to the show over the previous year to get their combined view on a number of items.

The broadcaster maintains that, as part of the conversation, the presenter brought up a theory advanced on his radio show earlier that week that some people in their thirties are returning to the Catholic Church after a period of difficulty and scandal for the church and asked the panel for their views.

The broadcaster states that, as someone from that age group, Blindboy Boatclub of The Rubberbandits was first to reply, and he did so in the language of his generation and his satirical character. The broadcaster states that the point he was making, to put the language to one side for a moment, was that in his view, people of his generation are not returning to the Church and that attendance at Christmas Eve midnight Mass is not an accurate barometer of religious conviction and there are many other reasons to attend that particular ceremony. These reasons include family pressure, tradition and community, as well as Catholicism.

The broadcaster accepts that the phrase "haunted bread" was certainly provocative. They state that this contributor used it to get a reaction, and indeed it did. The broadcaster does not believe that it was sacrilegious but was a linguistic phrase that encapsulates "The Holy Ghost" and Holy Communion to show his, and many of his generations, difficulty with Transubstantiation.

The broadcaster states that the difficulty of Blindboy Boatclub and others of his generation with the concept of The Eucharist was further supported by the assertion of another contributor that, growing up, she found Holy Communion a scary concept that equated to cannibalism in her young mind. That is to say, as a child, she was conflicted about eating the literal "Body of Christ".



The broadcaster states that in neither case did the guests deride or criticise the views of others, or their faith, but rather expressed their own difficulty with a core tenet of Roman Catholicism.

The broadcaster states that, in attempting to hear new voices on The Late Late Show, it is inevitable that some will not like what they hear. Uncomfortable or unpopular opinions are part of debate as are views that clash or disagree with mainstream consensus. Nonetheless, the broadcaster accepts that the phrase “haunted bread” has caused offence to some viewers and has been seen by some as disrespectful or mocking and for that the broadcaster does apologise.

4.2 Broadcaster’s Response to BAI

RTÉ refers to the response by the Executive Producer of The Late Late Show to the initial complaint.

As acknowledged in the response of the Executive Producer, the phrase ‘haunted bread’ in relation to the doctrine of Transubstantiation was provocative. The broadcaster states that, however, it was designed, as the comedy of The Rubberbandits generally is, to provoke thought and not to be pointlessly offensive. (The broadcaster states this is underlined by Blindboy Boatclub’s apology to panellist Mr. Michael Harding for any offence – “Sorry about the haunted bread stuff” – on discovering that Mr. Harding is a former priest.) The broadcaster states that, in fact, far from being the “coarse and/or offensive language” referred to in Principle 1 of the Code, the phrase was described by Mr. Harding as “the language of a poet,” going on to say: “The beauty of religion is the language of poetry.”

The broadcaster states that Blindboy Boatclub’s assertion of his difficulty in coming to grips with, what are to him personally the contradictions within some Christian beliefs, gave rise to a substantial, sincere and thoughtful discussion of truth and belief in contemporary society, in Ireland and internationally.

The broadcaster states that the discussion included Mr. Harding’s saying: “If it keeps me from depression, if it allows me to be a loving person, that’s a good truth. [Blindboy Boatclub nods]. And in the same way if Jesus or the haunted bread helps you to be more compassionate and caring to the people around you, then I’m all for the haunted bread.”



Blindboy Boatclub responded: "It's true like [referring to Harding's argument]. People think I have a problem with religion. I only have a problem with religion if it's in the school system or whatever but people are entitled to believe what – it's secularism, you know."

The broadcaster states that Mr. Harding also spoke of a world of conflicting truths being "a frightening but exciting place to be" and Ms. Stefanie Preissner and Blindboy Boatclub talked of challenges to their own beliefs; in the case of Ms. Preissner on her post-election visit to the USA and in that of Blindboy Boatclub, his embrace of opposing points of view on social media.

As referred to by the Executive Producer, the broadcaster states that the discussion was notable for its absence of mockery or derision of the views of others, or their faith, and – while two speakers expressed their personal difficulty with a certain tenet of Catholicism and some other Christian churches – was striking in its consensus that some form of spiritual or other transcendence of the everyday is necessary for humanity, in the words of the presenter: "You create somewhere for your brain, your soul, to be fulfilled."

RTÉ does not believe that this broadcast was in breach of Principle 5 of the BAI Code of Programme Standards or of any other section of that or any other code. That principle states clearly that it is: not intended to prevent the critical scrutiny of religion by means of information, drama or other programming. This is further supported in Principle 1 of the Code where it states in relation to community standards: This principle recognises that such standards are ever evolving and broadcasting must be facilitated in representing the rich diversity, plurality and realities of contemporary Irish society. This may sometimes involve making programmes that may cause offence to viewers and listeners but are justified for creative, editorial or other reasons. The broadcaster states that Principle 1 was therefore supported in that sense, not breached as alleged in the complaint.

And the preamble to the Code states:

"Those matters which cause offence can, and frequently do, differ from person to person and are largely subjective in their nature. Acknowledging this, there can be no guarantee that programme material will be free from offence. There is no right not to be offended and, for broadcasters, it is to be expected that, in fulfilling their duty to provide a diverse range of programming that caters to a diverse audience, there will be programming that causes offence to some members of the audience."



The broadcaster also makes reference to the decision by the BAI to reject two recent complaints in relation to claims of causing offence to viewer/listeners and the reasons for rejection: a) Tommy Tiernan – Crooked Man (TV3) and b) The Ray D’Arcy Show (RTÉ Radio 1).

The broadcaster draws attention to the timing of the broadcast which is the subject of this complaint. The broadcast began at 11.20pm, significantly after the watershed which marks the transition to purely adult viewing and would have met the expectations of The Late Late Show audience over more than fifty years that the programme will present voices and views which will stimulate thought and discussion amongst viewers.

5. Decision of the Compliance Committee: Reject (Majority)

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the Broadcasting Act 2009, Section 48(1)(b)(harm and offence) and the BAI Code of Programme Standards: Principle 1 – Respect for Community Standards and Principle 5 – Respect for Persons and Groups in Society, the Committee has decided to reject the complaint.

In this regard:-

- The Committee considered the provisions of the BAI Code of Programme Standards in the context of the content as broadcast. It noted the distinction between offence and harm set out in the Code, specifically, the recognition that matters which cause offence can, and frequently do, differ from person to person and are largely subjective in nature. It also noted that the Code states that in fulfilling their duty to provide a diverse range of programming that caters to a diverse audience, there will be programming that causes offence to some members of the audience.

Recognising this and recognising also the legitimate interests of audiences, the Code requires broadcasters to provide audiences with information so as to minimize the potential for offence and to schedule appropriately. The Code also places limits intended to guard against undue offence, which is where programme content, even where editorially justified and in the public interest, could still be regarded to have crossed a line that has resulted in audiences being unduly offended. The Code also recognises that offence can become harmful in certain circumstances.



- In this context, the Committee was of the view that the programme, while evidently causing offence to some audience members, was editorially justified and did not infringe the principles of the BAI Code of Programme Standards dealing with respect for community standards and respect for persons and groups in society.

In particular:-

- The Committee noted the discussion as a whole. In this respect, the comments that were deemed by the complainant to be offensive were articulated as part of a broad conversation on faith, which arose from the presenter asking the panellists about the manner in which they spent the Christmas period. The first contributor, Mr. Michael Harding, outlined how he shied away from the traditional Christmas dinner and instead ate Indian food. He noted his fondness for Diwali, the Indian festival of lights and commented on the beauty of this festival. The conversation turned to Mr. David Chambers of The Rubberbandits who detailed his Christmas celebrations in a surrealist manner that is the hallmark of the artistic/comedy act of which he is one member. Finally, Ms. Stefanie Preissner spoke about her disillusionment with the commercial nature of Christmas festivities.

The conversation then progressed to a discussion about the Catholic belief and practice, in terms of the decline of vocations and the rise and impact of secularisation on Irish life and faith, the issue of how young people have responded to a decline in traditional Catholic faith and practices and the question of where they can find spiritual 'refuge', if at all or indeed if even necessary. It was at this point in the programme that one of the contributors also featured made reference to The Eucharist as 'haunted bread'.

- While not agreeing with the contention by the broadcaster that this panellist was speaking for his generation, the Committee considered it legitimate for a panellist to articulate their own personal views. In this instance, his views dealt with a religious tenet which rests on a belief in the real presence of Jesus Christ in The Eucharist, a belief which may be difficult to reconcile for those who hold other religious beliefs



or no religious belief and one which the panellist did not appear to hold. At that point in the programme, the other contributors reflected on this topic. Ms. Preissner spoke about how, as a child, The Eucharist being described as the body and blood of Christ conjured up images of cannibalism. Mr. Harding spoke about how, over time, the belief in Transubstantiation has for some become difficult to understand, either for those who may only value the empirical or those who value only their own perspective regardless of facts. Mr. Harding also spoke about the value of belief once it is not a belief that is imposed on others. Learning that Mr. Harding was a former priest, Mr. Chambers apologised for any offence that his description of The Eucharist may have caused him.

- The Committee did not agree with the view of the complainant that that Ms. Preissner was equating The Eucharist with cannibalism as it was clear that she was describing her thoughts as a child. Regarding the comments by Mr. Chambers, the Committee considered his comments an expression of his own views rather than a comment on the views of others and did not agree that they were intended to mock the faith of others.
- In considering this complaint, the Committee also had regard to a number of other factors. It considered the timing of the discussion, which was after 11pm, a time at which content with a higher likelihood to offend may be broadcast. It also considered the fact that audiences would have been familiar with the comedic/artistic style of The Rubberbandits and it found the comments made were aligned with this comedic/artistic style. Furthermore, the Committee noted that RTE took steps to address the concerns of the complainant and offered, as part of their response to the letter of complaint, an apology for the offence that they had experienced.
- The Committee also noted that the complainant criticised the handling by the presenter of the comments that the complainant considered offensive. It was the Committee's view that the presenter mis-judged the offence likely to have been caused by the use of the term 'haunted bread' and that his comments compounded the offence caused to the complainant.



While the Committee did not believe that the comments or the presenter's contributions crossed a line such that undue offence was caused to the audience as a whole, the degree of offence may have been minimised if the presenter had demonstrated greater sensitivity to the potential for offence and RTÉ is advised to have regard to the Committee's view in this regard.

- In view of the above, the Committee did not agree with the view of the complainant that the programme infringed the Broadcasting Act 2009 or the BAI Code of Programme Standards in the manner specified. Accordingly, the Committee had decided to reject the complaint.



Complaint made by: Ms. Máire Daly

Ref. No. 17/17

Station:

RTÉ One

Programme:

The Late Late Show

Date:

6th January 2017

1. Programme

The complaint concerns The Late Late Show, which is a lifestyle/entertainment programme broadcast each Friday evening from 9.35pm. The complaint refers to comments by panellists referring to The Eucharist.

2. Complaint Category

The complaint is submitted under the Broadcasting Act 2009, Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards (Principle 1 – Respect for Community Standards and Principle 5 – Respect for Persons and Groups in Society).

3. Summary of Initial Complaint to the Broadcaster

The complainant states that during this panel discussion one of the contributors, Blindboy Boatclub from The Rubberbandits, by describing The Eucharist as 'haunted bread', made what she considers to be a disgraceful comment based on his erroneous and insulting understanding of the The Eucharist and of what she considers the presenter's shameful endorsement of the comedian's description of Holy Communion as a 'great description.'

The complainant states that, on behalf of all Catholics who believe in the real presence of the Blessed Sacrament and whose faith and worship are nurtured daily by the mystery of the Holy Eucharist, she suggests that the contributors comment was blasphemous in referring to Holy Communion as 'haunted bread' and was extremely offensive to Catholics in saying that the Church asks its followers 'to eat the ghost of a 2000-year-old carpenter'.

The complainant agrees with another complainant (Fr. McNamara) when he says he is deeply hurt by the ridiculing of The Eucharist on The Late Late Show. The complainant states that the comedian on this programme may have been looking for some cheap laughs, but the host of the show added insult to injury by appearing to support him.



The complainant states that holiness has always found its centre in the sacrament of The Eucharist and it is as relevant today as it was from the moment Our Lord instituted the memorial of His Passion at the Last Supper.

4. Broadcaster's Response

4.1 Summary of Broadcaster's Response to the Initial Complaint

The broadcaster states that the item in question was a conversation looking back on 2016 and looking ahead to 2017, as has taken place many times on The Late Late Show over the years. The broadcaster states that, on this occasion, it was decided to bring together three guests who have made interesting contributions to the show over the previous year to get their combined view on a number of items.

The broadcaster maintains that, as part of the conversation, the presenter brought up a theory advanced on his radio show earlier that week that some people in their thirties are returning to the Catholic Church after a period of difficulty and scandal for the church and asked the panel for their views.

The broadcaster states that, as someone from that age group, Blindboy Boatclub of The Rubberbandits was first to reply, and he did so in the language of his generation and his satirical character. The broadcaster states that the point he was making, to put the language to one side for a moment, was that in his view, people of his generation are not returning to the Church and that attendance at Christmas Eve midnight Mass is not an accurate barometer of religious conviction and there are many other reasons to attend that particular ceremony. These reasons include family pressure, tradition and community, as well as Catholicism.

The broadcaster accepts that the phrase "haunted bread" was certainly provocative. They state that this contributor used it to get a reaction, and indeed it did. The broadcaster does not believe that it was sacrilegious but was a linguistic phrase that encapsulates "The Holy Ghost" and Holy Communion to show his, and many of his generations, difficulty with Transubstantiation.



The broadcaster states that the difficulty of Blindboy Boatclub and others of his generation with the concept of The Eucharist was further supported by the assertion of another contributor that, growing up, she found Holy Communion a scary concept that equated to cannibalism in her young mind. That is to say, as a child, she was conflicted about eating the literal “Body of Christ”.

The broadcaster states that in neither case did the guests deride or criticise the views of others, or their faith, but rather expressed their own difficulty with a core tenet of Roman Catholicism.

The broadcaster states that, in attempting to hear new voices on The Late Late Show, it is inevitable that some will not like what they hear. Uncomfortable or unpopular opinions are part of debate as are views that clash or disagree with mainstream consensus. Nonetheless, the broadcaster accepts that the phrase “haunted bread” has caused offence to some viewers and has been seen by some as disrespectful or mocking and for that the broadcaster does apologise.

4.2 Broadcaster’s Response to BAI

RTÉ refers to the response by the Executive Producer of The Late Late Show to the initial complaint.

As acknowledged in the response of the Executive Producer, the phrase ‘haunted bread’ in relation to the doctrine of Transubstantiation was provocative. The broadcaster states that, however, it was designed, as the comedy of The Rubberbandits generally is, to provoke thought and not to be pointlessly offensive. (The broadcaster states this is underlined by Blindboy Boatclub’s apology to panellist Mr. Michael Harding for any offence – “Sorry about the haunted bread stuff” – on discovering that Mr. Harding is a former priest.) The broadcaster states that, in fact, far from being the “coarse and/or offensive language” referred to in Principle 1 of the Code, the phrase was described by Mr. Harding as “the language of a poet,” going on to say: “The beauty of religion is the language of poetry.”

The broadcaster states that Blindboy Boatclub’s assertion of his difficulty in coming to grips with, what are to him personally the contradictions within some Christian beliefs, gave rise to a substantial, sincere and thoughtful discussion of truth and belief in contemporary society, in Ireland and internationally.



The broadcaster states that the discussion included Mr. Harding's saying: "If it keeps me from depression, if it allows me to be a loving person, that's a good truth. [Blindboy Boatclub nods]. And in the same way if Jesus or the haunted bread helps you to be more compassionate and caring to the people around you, then I'm all for the haunted bread."

Blindboy Boatclub responded: "It's true like [referring to Harding's argument]. People think I have a problem with religion. I only have a problem with religion if it's in the school system or whatever but people are entitled to believe what – it's secularism, you know."

The broadcaster states that Mr. Harding also spoke of a world of conflicting truths being "a frightening but exciting place to be" and Ms. Stefanie Preissner and Blindboy Boatclub talked of challenges to their own beliefs; in the case of Ms. Preissner on her post-election visit to the USA and in that of Blindboy Boatclub, his embrace of opposing points of view on social media.

As referred to by the Executive Producer, the broadcaster states that the discussion was notable for its absence of mockery or derision of the views of others, or their faith, and – while two speakers expressed their personal difficulty with a certain tenet of Catholicism and some other Christian churches – was striking in its consensus that some form of spiritual or other transcendence of the everyday is necessary for humanity, in the words of the presenter: "You create somewhere for your brain, your soul, to be fulfilled."

RTÉ does not believe that this broadcast was in breach of Principle 5 of the BAI Code of Programme Standards or of any other section of that or any other code. That principle states clearly that it is: not intended to prevent the critical scrutiny of religion by means of information, drama or other programming. This is further supported in Principle 1 of the Code where it states in relation to community standards: This principle recognises that such standards are ever evolving and broadcasting must be facilitated in representing the rich diversity, plurality and realities of contemporary Irish society. This may sometimes involve making programmes that may cause offence to viewers and listeners but are justified for creative, editorial or other reasons. The broadcaster states that Principle 1 was therefore supported in that sense, not breached as alleged in the complaint.



And the preamble to the Code states:

“Those matters which cause offence can, and frequently do, differ from person to person and are largely subjective in their nature. Acknowledging this, there can be no guarantee that programme material will be free from offence. There is no right not to be offended and, for broadcasters, it is to be expected that, in fulfilling their duty to provide a diverse range of programming that caters to a diverse audience, there will be programming that causes offence to some members of the audience.”

The broadcaster also makes reference to the decision by the BAI to reject two recent complaints in relation to claims of causing offence to viewer/listeners and the reasons for rejection: a) Tommy Tiernan – Crooked Man (TV3) and b) The Ray D’Arcy Show (RTÉ Radio 1).

The broadcaster draws attention to the timing of the broadcast which is the subject of this complaint. The broadcast began at 11.20pm, significantly after the watershed which marks the transition to purely adult viewing and would have met the expectations of The Late Late Show audience over more than fifty years that the programme will present voices and views which will stimulate thought and discussion amongst viewers.

5. Decision of the Compliance Committee: Reject (Majority)

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the Broadcasting Act 2009, Section 48(1)(b)(harm and offence) and the BAI Code of Programme Standards: Principle 1 – Respect for Community Standards and Principle 5 – Respect for Persons and Groups in Society, the Committee has decided to reject the complaint.



In this regard:-

- The Committee considered the provisions of the BAI Code of Programme Standards in the context of the content as broadcast. It noted the distinction between offence and harm set out in the Code, specifically, the recognition that matters which cause offence can, and frequently do, differ from person to person and are largely subjective in nature. It also noted that the Code states that in fulfilling their duty to provide a diverse range of programming that caters to a diverse audience, there will be programming that causes offence to some members of the audience.

Recognising this and recognising also the legitimate interests of audiences, the Code requires broadcasters to provide audiences with information so as to minimize the potential for offence and to schedule appropriately. The Code also places limits intended to guard against undue offence, which is where programme content, even where editorially justified and in the public interest, could still be regarded to have crossed a line that has resulted in audiences being unduly offended. The Code also recognises that offence can become harmful in certain circumstances.

- In this context, the Committee was of the view that the programme, while evidently causing offence to some audience members, was editorially justified and did not infringe the principles of the BAI Code of Programme Standards dealing with respect for community standards and respect for persons and groups in society.

In particular:-

- The Committee noted the discussion as a whole. In this respect, the comments that were deemed by the complainant to be offensive were articulated as part of a broad conversation on faith, which arose from the presenter asking the panellists about the manner in which they spent the Christmas period. The first contributor, Mr. Michael Harding, outlined how he shied away from the traditional Christmas dinner and instead ate Indian food. He noted his fondness for Diwali, the Indian festival of lights and commented on the beauty of this festival.



The conversation turned to Mr. David Chambers of The Rubberbandits who detailed his Christmas celebrations in a surrealist manner that is the hallmark of the artistic/comedy act of which he is one member. Finally, Ms. Stefanie Preissner spoke about her disillusionment with the commercial nature of Christmas festivities.

The conversation then progressed to a discussion about the Catholic belief and practice, in terms of the decline of vocations and the rise and impact of secularisation on Irish life and faith, the issue of how young people have responded to a decline in traditional Catholic faith and practices and the question of where they can find spiritual 'refuge', if at all or indeed if even necessary. It was at this point in the programme that one of the contributors also featured made reference to The Eucharist as 'haunted bread'.

- While not agreeing with the contention by the broadcaster that this panellist was speaking for his generation, the Committee considered it legitimate for a panellist to articulate their own personal views. In this instance, his views dealt with a religious tenet which rests on a belief in the real presence of Jesus Christ in The Eucharist, a belief which may be difficult to reconcile for those who hold other religious beliefs or no religious belief and one which the panellist did not appear to hold. At that point in the programme, the other contributors reflected on this topic. Ms. Preissner spoke about how, as a child, The Eucharist being described as the body and blood of Christ conjured up images of cannibalism. Mr. Harding spoke about how, over time, the belief in Transubstantiation has for some become difficult to understand, either for those who may only value the empirical or those who value only their own perspective regardless of facts. Mr. Harding also spoke about the value of belief once it is not a belief that is imposed on others. Learning that Mr. Harding was a former priest, Mr. Chambers apologised for any offence that his description of The Eucharist may have caused him.
- The Committee did not agree with the view of the complainant that Ms. Preissner was equating The Eucharist with cannibalism as it was clear that she was describing her thoughts as a child.



Regarding the comments by Mr. Chambers, the Committee considered his comments an expression of his own views rather than a comment on the views of others and did not agree that they were intended to mock the faith of others.

Regarding the view of one complainant that a reference to the attendance at Christmas midnight mass of people who are 'half-cut' with drink as being offensive; the Committee considered this a humorous reference to what may, on occasion, have been the experience of some parishioners at Christmas.

- In considering this complaint, the Committee also had regard to a number of other factors. It considered the timing of the discussion, which was after 11pm, a time at which content with a higher likelihood to offend may be broadcast. It also considered the fact that audiences would have been familiar with the comedic/artistic style of The Rubberbandits and it found the comments made were aligned with this comedic/artistic style. Furthermore, the Committee noted that RTÉ took steps to address the concerns of the complainant and offered, as part of their response to the letter of complaint, an apology for the offence that they had experienced.
- The Committee also noted the criticism by the complainant about the handling by the presenter of the comments that the complainant considered offensive. It was the Committee's view that the presenter mis-judged the offence likely to have been caused by the use of the term 'haunted bread' and that his comments compounded the offence caused to the complainant. While the Committee did not believe that the comments or the presenter's contributions crossed a line such that undue offence was caused to the audience as a whole, the degree of offence may have been minimised if the presenter had demonstrated greater sensitivity to the potential for offence and RTÉ is advised to have regard to the Committee's view in this regard.
- In view of the above, the Committee did not agree with the view of the complainant that the programme infringed the Broadcasting Act 2009 or the BAI Code of Programme Standards in the manner specified. Accordingly, the Committee had decided to reject the complaint.



Complaint made by: Mr. & Mrs. Donal & Jeanette Healy

Ref: 20/17

Station:
RTÉ One

Programme:
The Late Late Show

Date:
6th January 2017

1. Programme

The complaint concerns The Late Late Show, which is a lifestyle/entertainment programme broadcast each Friday evening from 9.35pm. The complaint refers to comments by the panellists when discussing The Eucharist.

2. Complaint Category

The complaint is submitted under the Broadcasting Act 2009, Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards (Principle 5 – Respect for Persons and Groups in Society).

3. Summary of Initial Complaint to the Broadcaster

The complainants state that during the discussion on this programme, which included a piece about religious practice, Mr. David Chambers of The Rubberbandits referred to the Holy Eucharist as “haunted bread”. The complainants state that the presenter agreed with the phrase and the phrase and the presenter’s view caused great offence and upset to the complainants. The complainants state that they are open to critical scrutiny of religion, however, when the debate reaches a low point of disrespect and results in the mocking of a person’s beliefs (especially a key tenet of their believe), then the complainants believe in taking a stand.

The complainants point out that Mr. Chambers, on realising that another panellist, Mr. Michael Harding, was a former priest, stated in a low tone “sorry about the haunted bread stuff”. The complainants state that this shows that Mr. Chambers knew what he had said regarding The Eucharist was offensive and lacked respect and that is why he apologised to Mr. Harding. The complainants state that he would not have apologised if he really felt there was nothing wrong with what he had said.



The complainant believes an apology should be communicated to all those viewers of The Late Late Show who, along with the complainants, were offended and upset by these remarks.

4. Broadcaster's Response

4.1 Summary of Broadcaster's Response to the Initial Complaint

The broadcaster states that the item in question was a conversation looking back on 2016 and looking ahead to 2017, as has taken place many times on The Late Late Show over the years. The broadcaster states that, on this occasion, it was decided to bring together three guests who have made interesting contributions to the show over the previous year to get their combined view on a number of items.

The broadcaster maintains that, as part of the conversation, the presenter brought up a theory advanced on his radio show earlier that week that some people in their thirties are returning to the Catholic Church after a period of difficulty and scandal for the church and asked the panel for their views.

The broadcaster states that, as someone from that age group, Blindboy Boatclub of The Rubberbandits was first to reply, and he did so in the language of his generation and his satirical character. The broadcaster states that the point he was making, to put the language to one side for a moment, was that in his view, people of his generation are not returning to the Church and that attendance at Christmas Eve midnight Mass is not an accurate barometer of religious conviction and there are many other reasons to attend that particular ceremony. These reasons include family pressure, tradition and community, as well as Catholicism.

The broadcaster accepts that the phrase "haunted bread" was certainly provocative. They state that this contributor used it to get a reaction, and indeed it did. The broadcaster does not believe that it was sacrilegious but was a linguistic phrase that encapsulates "The Holy Ghost" and Holy Communion to show his, and many of his generations, difficulty with Transubstantiation.



The broadcaster states that the difficulty of Blindboy Boatclub and others of his generation with the concept of The Eucharist was further supported by the assertion of another contributor that, growing up, she found Holy Communion a scary concept that equated to cannibalism in her young mind. That is to say, as a child, she was conflicted about eating the literal “Body of Christ”.

The broadcaster states that in neither case did the guests deride or criticise the views of others, or their faith, but rather expressed their own difficulty with a core tenet of Roman Catholicism.

The broadcaster states that, in attempting to hear new voices on The Late Late Show, it is inevitable that some will not like what they hear. Uncomfortable or unpopular opinions are part of debate as are views that clash or disagree with mainstream consensus. Nonetheless, the broadcaster accepts that the phrase “haunted bread” has caused offence to some viewers and has been seen by some as disrespectful or mocking and for that the broadcaster does apologise.

4.2 Broadcaster’s Response to BAI

RTÉ refers to the response by the Executive Producer of The Late Late Show to the initial complaint.

As acknowledged in the response of the Executive Producer, the phrase ‘haunted bread’ in relation to the doctrine of Transubstantiation was provocative. The broadcaster states that, however, it was designed, as the comedy of The Rubberbandits generally is, to provoke thought and not to be pointlessly offensive. (The broadcaster states this is underlined by Blindboy Boatclub’s apology to panellist Mr. Michael Harding for any offence – “Sorry about the haunted bread stuff” – on discovering that Mr. Harding is a former priest.) The broadcaster states that, in fact, far from being the “coarse and/or offensive language” referred to in Principle 1 of the Code, the phrase was described by Mr. Harding as “the language of a poet,” going on to say: “The beauty of religion is the language of poetry.”

The broadcaster states that Blindboy Boatclub’s assertion of his difficulty in coming to grips with, what are to him personally the contradictions within some Christian beliefs, gave rise to a substantial, sincere and thoughtful discussion of truth and belief in contemporary society, in Ireland and internationally.



The broadcaster states that the discussion included Mr. Harding's saying: "If it keeps me from depression, if it allows me to be a loving person, that's a good truth. [Blindboy Boatclub nods]. And in the same way if Jesus or the haunted bread helps you to be more compassionate and caring to the people around you, then I'm all for the haunted bread."

Blindboy Boatclub responded: "It's true like [referring to Harding's argument]. People think I have a problem with religion. I only have a problem with religion if it's in the school system or whatever but people are entitled to believe what – it's secularism, you know."

The broadcaster states that Mr. Harding also spoke of a world of conflicting truths being "a frightening but exciting place to be" and Ms. Stefanie Preissner and Blindboy Boatclub talked of challenges to their own beliefs; in the case of Ms. Preissner on her post-election visit to the USA and in that of Blindboy Boatclub, his embrace of opposing points of view on social media.

As referred to by the Executive Producer, the broadcaster states that the discussion was notable for its absence of mockery or derision of the views of others, or their faith, and – while two speakers expressed their personal difficulty with a certain tenet of Catholicism and some other Christian churches – was striking in its consensus that some form of spiritual or other transcendence of the everyday is necessary for humanity, in the words of the presenter: "You create somewhere for your brain, your soul, to be fulfilled."

RTÉ does not believe that this broadcast was in breach of Principle 5 of the BAI Code of Programme Standards or of any other section of that or any other code. That principle states clearly that it is: not intended to prevent the critical scrutiny of religion by means of information, drama or other programming. This is further supported in Principle 1 of the Code where it states in relation to community standards: This principle recognises that such standards are ever evolving and broadcasting must be facilitated in representing the rich diversity, plurality and realities of contemporary Irish society. This may sometimes involve making programmes that may cause offence to viewers and listeners but are justified for creative, editorial or other reasons. The broadcaster states that Principle 1 was therefore supported in that sense, not breached as alleged in the complaint.



And the preamble to the Code states:-

“Those matters which cause offence can, and frequently do, differ from person to person and are largely subjective in their nature. Acknowledging this, there can be no guarantee that programme material will be free from offence. There is no right not to be offended and, for broadcasters, it is to be expected that, in fulfilling their duty to provide a diverse range of programming that caters to a diverse audience, there will be programming that causes offence to some members of the audience.”

The broadcaster also makes reference to the decision by the BAI to reject two recent complaints in relation to claims of causing offence to viewer/listeners and the reasons for rejection: a) Tommy Tiernan – Crooked Man (TV3) and b) The Ray D’Arcy Show (RTÉ Radio 1).

The broadcaster draws attention to the timing of the broadcast which is the subject of this complaint. The broadcast began at 11.20pm, significantly after the watershed which marks the transition to purely adult viewing and would have met the expectations of The Late Late Show audience over more than fifty years that the programme will present voices and views which will stimulate thought and discussion amongst viewers.

5. Decision of the Compliance Committee: Reject (Majority)

Having considered the broadcast and the submissions from the complainants and the broadcaster and having had regard to the Broadcasting Act 2009, Section 48(1)(b)(harm and offence) and the BAI Code of Programme Standards: Principle 1 – Respect for Community Standards, 2 - Importance of Context, 3 - Protection from Harm, Principle 5 – Respect for Persons and Groups in Society and Principle 6 – Protection of the Public Interest, the Committee has decided to reject the complaint.

In this regard:-

- The Committee considered the provisions of the BAI Code of Programme Standards in the context of the content as broadcast. It noted the distinction between offence and harm set out in the Code, specifically, the recognition that matters which cause offence can, and frequently do, differ from person to person and are largely subjective in nature.



It also noted that the Code states that in fulfilling their duty to provide a diverse range of programming that caters to a diverse audience, there will be programming that causes offence to some members of the audience.

Recognising this and recognising also the legitimate interests of audiences, the Code requires broadcasters to provide audiences with information so as to minimize the potential for offence and to schedule appropriately. The Code also places limits intended to guard against undue offence, which is where programme content, even where editorially justified and in the public interest, could still be regarded to have crossed a line that has resulted in audiences being unduly offended. The Code also recognises that offence can become harmful in certain circumstances.

- In this context, the Committee was of the view that the programme, while evidently causing offence to some audience members, was editorially justified and did not infringe the principle of the BAI Code of Programme Standards dealing with respect for persons and groups in society.

In particular:-

- The Committee noted the discussion as a whole. In this respect, the comments that were deemed by the complainants to be offensive were articulated as part of a broad conversation on faith, which arose from the presenter asking the panellists about the manner in which they spent the Christmas period. The first contributor, Mr. Michael Harding, outlined how he shied away from the traditional Christmas dinner and instead ate Indian food. He noted his fondness for Diwali, the Indian festival of lights and commented on the beauty of this festival. The conversation turned to Mr. David Chambers of The Rubberbandits who detailed his Christmas celebrations in a surrealist manner that is the hallmark of the artistic/comedy act of which he is one member. Finally, Ms. Stefanie Preissner spoke about her disillusionment with the commercial nature of Christmas festivities.



The conversation then progressed to a discussion about the Catholic belief and practice, in terms of the decline of vocations and the rise and impact of secularisation on Irish life and faith, the issue of how young people have responded to a decline in traditional Catholic faith and practices and the question of where they can find spiritual 'refuge', if at all or indeed if even necessary. It was at this point in the programme that one of the contributors also featured made reference to The Eucharist as 'haunted bread'.

- While not agreeing with the contention by the broadcaster that this panellist was speaking for his generation, the Committee considered it legitimate for a panellist to articulate their own personal views. In this instance, his views dealt with a religious tenet which rests on a belief in the real presence of Jesus Christ in The Eucharist, a belief which may be difficult to reconcile for those who hold other religious beliefs or no religious belief and one which the panellist did not appear to hold. At that point in the programme, the other contributors reflected on this topic. Ms. Preissner spoke about how, as a child, The Eucharist being described as the body and blood of Christ conjured up images of cannibalism. Mr. Harding spoke about how, over time, the belief in Transubstantiation has for some become difficult to understand, either for those who may only value the empirical or those who value only their own perspective regardless of facts. Mr. Harding also spoke about the value of belief once it is not a belief that is imposed on others. Learning that Mr. Harding was a former priest, Mr. Chambers apologised for any offence that his description of The Eucharist may have caused him.
- Regarding the comments by Mr. Chambers, the Committee considered his comments an expression of his own views rather than a comment on the views of others and did not agree that they were intended to mock the faith of others.
- In considering this complaint, the Committee also had regard to a number of other factors. It considered the timing of the discussion, which was after 11pm, a time at which content with a higher likelihood to offend may be broadcast.



It also considered the fact that audiences would have been familiar with the comedic/artistic style of The Rubberbandits and it found the comments made were aligned with this comedic/artistic style. Furthermore, the Committee noted that RTÉ took steps to address the concerns of the complainants and offered each, as part of their response to the letters of complaint, an apology for the offence that they had experienced.

- The Committee also noted that the complainants criticised the handling by the presenter of the comments that the complainants considered offensive. It was the Committee's view that the presenter mis-judged the offence likely to have been caused by the use of the term 'haunted bread' and that his comments compounded the offence caused to the complainants. While the Committee did not believe that the comments or the presenter's contributions crossed a line such that undue offence was caused to the audience as a whole, the degree of offence may have been minimised if the presenter had demonstrated greater sensitivity to the potential for offence and RTÉ is advised to have regard to the Committee's view in this regard.
- In view of the above, the Committee did not agree with the view of the complainants that the programme infringed the Broadcasting Act 2009 or the BAI Code of Programme Standards in the manner specified. Accordingly, the Committee had decided to reject the complaint.



Complaint made by: Mr. James A. Sheridan

Ref: 21/17

Station:
RTÉ One

Programme:
The Late Late Show

Date:
6th January 2017

1. Programme

The complaint concerns The Late Late Show, which is a lifestyle/entertainment programme broadcast each Friday evening from 9.35pm. The complaint refers to comments by the panellists when discussing The Eucharist.

2. Complaint Category

The complaint is submitted under the Broadcasting Act 2009, Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards (Principle 5 – Respect for Persons and Groups in Society).

3. Summary of Initial Complaint to the Broadcaster

The complainant states that he was disgusted at the presenter allowing his guest, Mr. David Chambers to describe The Eucharist as “Haunted Bread”, a term which he states gravely insulted his beliefs as a practicing Roman Catholic. The complainant further states that Mr. Chambers remark concerning the very tenet of the Roman Catholic belief insulted a large number of Christians in their belief and faith.

The complainant maintains that the presenter should have offered an apology at the start of the next Late Late Show broadcast for allowing Mr. Chambers remark go unchallenged and not added to the insult with his own endorsement. Such an apology would help with the assurance that if such an episode should occur again, he, the presenter would go to a break to allow a guest to leave forthwith.



4. Broadcaster's Response

4.1 Summary of Broadcaster's Response to the Initial Complaint

The broadcaster states that the item in question was a conversation looking back on 2016 and looking ahead to 2017, as has taken place many times on The Late Late Show over the years. The broadcaster states that, on this occasion, it was decided to bring together three guests who have made interesting contributions to the show over the previous year to get their combined view on a number of items.

The broadcaster maintains that as part of the conversation, the presenter brought up a theory advanced on his radio show earlier that week that some people in their thirties are returning to the Catholic Church after a period of difficulty and scandal for the Church and asked the panel for their views.

The broadcaster states that as someone from that age group, Blindboy Boatclub of The Rubberbandits was first to reply, and he did so in the language of his generation and his satirical character. The broadcaster states that the point he was making, to put the language to one side for a moment, was that in his view, people of his generation are not returning to the Church and that attendance at Christmas Eve midnight Mass is not an accurate barometer of religious conviction, as there are many other reasons to attend that particular ceremony. The broadcaster states that the reasons, such as family pressure, tradition and community as well as Catholicism. The broadcaster believes this to be a rational and fair assessment of his views.

The broadcaster accepts that the phrase "haunted bread" was certainly provocative. This contributor used it to get a reaction, and indeed it did. The broadcaster does not believe that it was sacrilegious but was a linguistic phrase that encapsulates "The Holy Ghost" and Holy Communion to show his, and many of his generations, difficulty with Transubstantiation.

The broadcaster states that the difficulty of Blindboy Boatclub and others of his generation with the concept of The Eucharist was further supported by the assertion of another contributor that, growing up, she found Holy Communion a scary concept that equated to cannibalism in her young mind. That is to say, as a child, she was conflicted about eating the literal "Body of Christ".



The broadcaster states that in neither case did the guests deride or criticise the views of others, or their faith, but rather expressed their own difficulty with a core tenet of Roman Catholicism.

The broadcaster states that, in attempting to hear new voices on The Late Late Show, it is inevitable that some will not like what they hear. Uncomfortable or unpopular opinions are part of debate as are views that clash or disagree with mainstream consensus. Nonetheless, the broadcaster accepts that the phrase “haunted bread” has caused offence to some viewers and has been seen by some as disrespectful or mocking and for that the broadcaster does apologise.

4.2 Broadcaster’s Response to BAI

RTÉ refers to the response by the Executive Producer of The Late Late Show to the initial complaint.

As acknowledged in the response of the Executive Producer, the phrase ‘haunted bread’ in relation to the doctrine of Transubstantiation was provocative. The broadcaster states that, however, it was designed, as the comedy of The Rubberbandits generally is, to provoke thought and not to be pointlessly offensive. (The broadcaster states this is underlined by Blindboy Boatclub’s apology to panelist Mr. Michael Harding for any offence – “Sorry about the haunted bread stuff” – on discovering that Mr. Harding is a former priest.) The broadcaster states that, in fact, far from being the “coarse and/or offensive language” referred to in Principle 1 of the Code, the phrase was described by Mr. Harding as “the language of a poet,” going on to say: “The beauty of religion is the language of poetry.”

The broadcaster states that Blindboy Boatclub’s assertion of his difficulty in coming to grips with, what are to him personally the contradictions within some Christian beliefs, gave rise to a substantial, sincere and thoughtful discussion of truth and belief in contemporary society, in Ireland and internationally.

The broadcaster states that the discussion included Mr. Harding’s saying: “If it keeps me from depression, if it allows me to be a loving person, that’s a good truth. [Blindboy Boatclub nods]. And in the same way if Jesus or the haunted bread helps you to be more compassionate and caring to the people around you, then I’m all for the haunted bread.”



Blindboy Boatclub responded: “It’s true like [referring to Harding’s argument]. People think I have a problem with religion. I only have a problem with religion if it’s in the school system or whatever but people are entitled to believe what – it’s secularism, you know.”

The broadcaster states that Mr. Harding also spoke of a world of conflicting truths being “a frightening but exciting place to be” and Ms. Stefanie Preissner and Blindboy Boatclub talked of challenges to their own beliefs; in the case of Ms. Preissner on her post-election visit to the USA and in that of Blindboy Boatclub, his embrace of opposing points of view on social media.

As referred to by the Executive Producer, the broadcaster states that the discussion was notable for its absence of mockery or derision of the views of others, or their faith, and – while two speakers expressed their personal difficulty with a certain tenet of Catholicism and some other Christian churches – was striking in its consensus that some form of spiritual or other transcendence of the everyday is necessary for humanity, in the words of the presenter: “You create somewhere for your brain, your soul, to be fulfilled.”

RTÉ does not believe that this broadcast was in breach of Principle 5 of the BAI Code of Programme Standards or of any other section of that or any other code. That principle states clearly that it is: not intended to prevent the critical scrutiny of religion by means of information, drama or other programming.

And the preamble to the Code states:

“Those matters which cause offence can, and frequently do, differ from person to person and are largely subjective in their nature. Acknowledging this, there can be no guarantee that programme material will be free from offence. There is no right not to be offended and, for broadcasters, it is to be expected that, in fulfilling their duty to provide a diverse range of programming that caters to a diverse audience, there will be programming that causes offence to some members of the audience.”

The broadcaster also makes reference to the decision by the BAI to reject two recent complaints in relation to claims of causing offence to viewer/listeners and the reasons for rejection: a) Tommy Tiernan – Crooked Man (TV3) and b) The Ray D’Arcy Show (RTÉ Radio 1)



The broadcaster draws attention to the timing of the broadcast which is the subject of this complaint. The broadcast began at 11.20pm, significantly after the watershed which marks the transition to purely adult viewing and would have met the expectations of The Late Late Show audience over more than fifty years that the programme will present voices and views which will stimulate thought and discussion amongst viewers.

5. Decision of the Compliance Committee: Reject (Majority)

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the Broadcasting Act 2009, Section 48(1)(b)(harm and offence) and the BAI Code of Programme Standards: Principle 1 – Respect for Community Standards, 2 - Importance of Context, 3 - Protection from Harm, Principle 5 – Respect for Persons and Groups in Society and Principle 6 – Protection of the Public Interest, the Committee has decided to reject the complaint.

In this regard:-

- The Committee considered the provisions of the BAI Code of Programme Standards in the context of the content as broadcast. It noted the distinction between offence and harm set out in the Code, specifically, the recognition that matters which cause offence can, and frequently do, differ from person to person and are largely subjective in nature. It also noted that the Code states that in fulfilling their duty to provide a diverse range of programming that caters to a diverse audience, there will be programming that causes offence to some members of the audience.

Recognising this and recognising also the legitimate interests of audiences, the Code requires broadcasters to provide audiences with information so as to minimize the potential for offence and to schedule appropriately. The Code also places limits intended to guard against undue offence, which is where programme content, even where editorially justified and in the public interest, could still be regarded to have crossed a line that has resulted in audiences being unduly offended. The Code also recognises that offence can become harmful in certain circumstances.



- In this context, the Committee was of the view that the programme, while evidently causing offence to some audience members, was editorially justified and did not infringe the principle of the BAI Code of Programme Standards dealing with respect for persons and groups in society.

In particular:-

- The Committee noted the discussion as a whole. In this respect, the comments that were deemed by the complainant to be offensive were articulated as part of a broad conversation on faith, which arose from the presenter asking the panellists about the manner in which they spent the Christmas period. The first contributor, Mr. Michael Harding, outlined how he shied away from the traditional Christmas dinner and instead ate Indian food. He noted his fondness for Diwali, the Indian festival of lights and commented on the beauty of this festival. The conversation turned to Mr. David Chambers of The Rubberbandits who detailed his Christmas celebrations in a surrealist manner that is the hallmark of the artistic/comedy act of which he is one member. Finally, Ms. Stefanie Preissner spoke about her disillusionment with the commercial nature of Christmas festivities.

The conversation then progressed to a discussion about the Catholic belief and practice, in terms of the decline of vocations and the rise and impact of secularisation on Irish life and faith, the issue of how young people have responded to a decline in traditional Catholic faith and practices and the question of where they can find spiritual 'refuge', if at all or indeed if even necessary. It was at this point in the programme that one of the contributors also featured made reference to The Eucharist as 'haunted bread'.



- While not agreeing with the contention by the broadcaster that this panellist was speaking for his generation, the Committee considered it legitimate for a panellist to articulate their own personal views. In this instance, his views dealt with a religious tenet which rests on a belief in the real presence of Jesus Christ in The Eucharist, a belief which may be difficult to reconcile for those who hold other religious beliefs or no religious belief and one which the panellist did not appear to hold. At that point in the programme, the other contributors reflected on this topic. Ms. Preissner spoke about how, as a child, The Eucharist being described as the body and blood of Christ conjured up images of cannibalism. Mr. Harding spoke about how, over time, the belief in Transubstantiation has for some become difficult to understand, either for those who may only value the empirical or those who value only their own perspective regardless of facts. Mr. Harding also spoke about the value of belief once it is not a belief that is imposed on others. Learning that Mr. Harding was a former priest, Mr. Chambers apologised for any offence that his description of The Eucharist may have caused him.
- Regarding the comments by Mr. Chambers, the Committee considered his comments an expression of his own views rather than a comment on the views of others and did not agree that they were intended to mock the faith of others.
- In considering this complaint, the Committee also had regard to a number of other factors. It considered the timing of the discussion, which was after 11pm, a time at which content with a higher likelihood to offend may be broadcast. It also considered the fact that audiences would have been familiar with the comedic/artistic style of The Rubberbandits and it found the comments made were aligned with this comedic/artistic style. Furthermore, the Committee noted that RTÉ took steps to address the concerns of the complainant and offered, as part of their response to the letters of complaint, an apology for the offence that they had experienced.



- The Committee also noted that the complainant criticised the handling by the presenter of the comments that the complainant considered offensive. It was the Committee's view that the presenter mis-judged the offence likely to have been caused by the use of the term 'haunted bread' and that his comments compounded the offence caused to the complainant.

While the Committee did not believe that the comments or the presenter's contributions crossed a line such that undue offence was caused to the audience as a whole, the degree of offence may have been minimised if the presenter had demonstrated greater sensitivity to the potential for offence and RTÉ is advised to have regard to the Committee's view in this regard.

- In view of the above, the Committee did not agree with the view of the complainant that the programme infringed the Broadcasting Act 2009 or the BAI Code of Programme Standards in the manner specified. Accordingly, the Committee had decided to reject the complaint.



Complaint made by: Fr. Gerard Ahern P.P. & Parishioners

Ref. No. 24/17

Station:
RTÉ One

Programme:
The Late Late Show

Date:
6th January 2017

1. Programme

The complaint concerns The Late Late Show, which is a lifestyle/entertainment programme broadcast each Friday evening from 9.35pm. The complaint refers to a comments by the panellists referring to The Eucharist.

2. Complaint Category

The complaint is submitted under the Broadcasting Act 2009, Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards (Principles 1 - Respect for Community Standards, 2 - Importance of Context, 3 - Protection from Harm and 5 - Respect for Persons and Groups in Society).

3. Summary of Initial Complaint to the Broadcaster

The complainant states that during a panel discussion, in a disrespectful and insulting manner, the term 'haunted bread' was used in reference to the Body of Christ (the Eucharist). The panel consisted of Mr. David Chambers, Ms. Stephanie Preissner and Mr. Michael Harding. The complainant states that, rather than pointing out that many people would not appreciate The Eucharist being referred to in such a manner, the presenter added to the offence by saying with apparent great hilarity that this was a "great expression."

The complainant states that no person of whatever faith, would stand back and accept the manner in which such a sacred aspect of their faith was treated. While everyone has a right to express their views, it should be done in a manner that respects the views of others.

The complainant notes the attachment of almost 400 letters of complaint that he had been asked to forward to the broadcaster.



4. Broadcaster's Response

4.1 Summary of Broadcaster's Response to the Initial Complaint

The broadcaster states that the item in question was a conversation looking back on 2016 and looking ahead to 2017, as has taken place many times on The Late Late Show over the years. The broadcaster states that, on this occasion, it was decided to bring together three guests who have made interesting contributions to the show over the previous year to get their combined view on a number of items.

The broadcaster maintains that as part of the conversation, the presenter brought up a theory advanced on his radio show earlier that week that some people in their thirties are returning to the Catholic Church after a period of difficulty and scandal for the church and asked the panel for their views.

The broadcaster states that as someone from that age group, Blindboy Boatclub of The Rubberbandits was first to reply, and he did so in the language of his generation and his satirical character. The broadcaster states that the point he was making, to put the language to one side for a moment, was that in his view, people of his generation are not returning to the Church and that attendance at Christmas Eve midnight Mass is not an accurate barometer of religious conviction, as there are many other reasons to attend that particular ceremony. The reasons include family pressure, tradition and community, as well as Catholicism.

The broadcaster accepts that the phrase "haunted bread" was certainly provocative. This contributor used it to get a reaction, and indeed it did. The broadcaster does not believe that it was sacrilegious but was a linguistic phrase that encapsulates "The Holy Ghost" and Holy Communion to show his, and many of his generations, difficulty with belief in Transubstantiation.

The broadcaster states that Blindboy Boatclub's assertion of his difficulty in coming to grips with what are to him personally the contradictions within some Christian beliefs gave rise to a substantial and thoughtful discussion of truth and belief in contemporary society, in Ireland and internationally.



The discussion included Mr. Michael Harding's saying: "If it keeps me from depression, if it allows me to be a loving person, that's a good truth. [Blindboy Boatclub nods] And in the same way if Jesus or the haunted bread helps you to be more compassionate and caring to the people around you, then I'm all for the haunted bread."

The broadcaster states that Blindboy Boatclub responded: "It's true like [referring to Harding's argument]. People think I have a problem with religion. I only have a problem with religion if it's in the school system or whatever but people are entitled to believe what – it's secularism, you know."

The broadcaster states that Mr. Harding also spoke of a world of conflicting truths being "a frightening but exciting place to be" and Ms. Stefanie Preissner and Blindboy Boatclub talked of challenges to their own beliefs, in the case of Ms Preissner on her post-election visit to the USA and in that of Blindboy Boatclub his embrace of opposing points of view on social media.

The broadcaster states that the discussion was notable for its absence of derision of the views of others, or their faith, and – while two speakers expressed their personal difficulty with a certain tenet of Catholicism and some other Christian churches – was striking in its consensus that some form of spiritual or other transcendence of the everyday is necessary for humanity, in the words of the presenter: "You create somewhere for your brain, your soul, to be fulfilled."

RTÉ does not believe that this broadcast was in breach of Principle 5 of the BAI Code of Programme Standards or of any other section of that or any other code. That principle states clearly that it is: not intended to prevent the critical scrutiny of religion by means of information, drama or other programming. The broadcaster states that this is further supported in Principle 1 of the Code where it states in relation to community standards:

"This principle recognises that such standards are ever evolving and broadcasting must be facilitated in representing the rich diversity, plurality and realities of contemporary Irish society. This may sometimes involve making programmes that may cause offence to viewers and listeners but are justified for creative, editorial or other reasons."



And the preamble to the Code states:-

“Those matters which cause offence can, and frequently do, differ from person to person and are largely subjective in their nature. Acknowledging this, there can be no guarantee that programme material will be free from offence. There is no right not to be offended and, for broadcasters, it is to be expected that, in fulfilling their duty to provide a diverse range of programming that caters to a diverse audience, there will be programming that causes offence to some members of the audience.”

The broadcaster states that the difficulty of Blindboy Boatclub and others of his generation with the concept of The Eucharist was further supported by the assertion of another contributor that, growing up, she found Holy Communion a scary concept that equated to cannibalism in her young mind. That is to say, as a child, she was conflicted about eating the literal “Body of Christ”. The broadcaster states that in neither case did the guests deride or criticise the views of others, or their faith, but rather expressed their own difficulty with a core tenet of Roman Catholicism.

The broadcaster states that, in attempting to hear new voices on The Late Late Show, it is inevitable that some will not like what they hear. They states that uncomfortable or unpopular opinions are part of debate as are views that clash or disagree with mainstream consensus. Nonetheless, the broadcaster accepts that the phrase “haunted bread” has caused offence to some viewers and has been seen by some as disrespectful or mocking and for that the broadcaster does apologise.

4.2 Broadcaster’s Response to BAI

RTÉ refers to the response by the Executive Producer of The Late Late Show to the initial complaint.

RTÉ does not believe that this broadcast was in breach of any of the Principles cited by the complainant, nor under any provision of broadcasting legislation or regulatory code.



5. Decision of the Compliance Committee: Reject (Majority)

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the Broadcasting Act 2009, Section 48(1)(b)(harm and offence) and the BAI Code of Programme Standards: Principle 1 – Respect for Community Standards, 2 - Importance of Context, 3 - Protection from Harm and Principle 5 – Respect for Persons and Groups in Society, the Committee has decided to reject the complaint.

In this regard:-

- The Committee considered the provisions of the BAI Code of Programme Standards in the context of the content as broadcast. It noted the distinction between offence and harm set out in the Code, specifically, the recognition that matters which cause offence can, and frequently do, differ from person to person and are largely subjective in nature. It also noted that the Code states that in fulfilling their duty to provide a diverse range of programming that caters to a diverse audience, there will be programming that causes offence to some members of the audience.

Recognising this and recognising also the legitimate interests of audiences, the Code requires broadcasters to provide audiences with information so as to minimize the potential for offence and to schedule appropriately. The Code also places limits intended to guard against undue offence, which is where programme content, even where editorially justified and in the public interest, could still be regarded to have crossed a line that has resulted in audiences being unduly offended. The Code also recognises that offence can become harmful in certain circumstances.

- In this context, the Committee was of the view that the programme, while evidently causing offence to some audience members, was editorially justified and did not infringe the principles of the BAI Code of Programme Standards dealing with respect for community standards, the importance of context, the protection from harm and respect for persons and groups in society.



In particular:-

- The Committee noted the discussion as a whole. In this respect, the comments that were deemed by the complainant to be offensive were articulated as part of a broad conversation on faith, which arose from the presenter asking the panellists about the manner in which they spent the Christmas period. The first contributor, Mr. Michael Harding, outlined how he shied away from the traditional Christmas dinner and instead ate Indian food. He noted his fondness for Diwali, the Indian festival of lights and commented on the beauty of this festival. The conversation turned to Mr. David Chambers of The Rubberbandits who detailed his Christmas celebrations in a surrealist manner that is the hallmark of the artistic/comedy act of which he is one member. Finally, Ms. Stefanie Preissner spoke about her disillusionment with the commercial nature of Christmas festivities.

The conversation then progressed to a discussion about the Catholic belief and practice, in terms of the decline of vocations and the rise and impact of secularisation on Irish life and faith, the issue of how young people have responded to a decline in traditional Catholic faith and practices and the question of where they can find spiritual 'refuge', if at all or indeed if even necessary. It was at this point in the programme that one of the contributors also featured made reference to The Eucharist as 'haunted bread'.

- While not agreeing with the contention by the broadcaster that this panellist was speaking for his generation, the Committee considered it legitimate for a panellist to articulate their own personal views. In this instance, his views dealt with a religious tenet which rests on a belief in the real presence of Jesus Christ in The Eucharist, a belief which may be difficult to reconcile for those who hold other religious beliefs or no religious belief and one which the panellist did not appear to hold. At that point in the programme, the other contributors reflected on this topic. Ms. Preissner spoke about how, as a child, The Eucharist being described as the body and blood of Christ conjured up images of cannibalism.



Mr. Harding spoke about how, over time, the belief in Transubstantiation has for some become difficult to understand, either for those who may only value the empirical or those who value only their own perspective regardless of facts. Mr. Harding also spoke about the value of belief once it is not a belief that is imposed on others. Learning that Mr. Harding was a former priest, Mr. Chambers apologised for any offence that his description of The Eucharist may have caused him.

- Regarding the comments by Mr. Chambers, the Committee considered his comments an expression of his own views rather than a comment on the views of others and did not agree that they were intended to mock the faith of others.
- In considering this complaint, the Committee also had regard to a number of other factors. It considered the timing of the discussion, which was after 11pm, a time at which content with a higher likelihood to offend may be broadcast. It also considered the fact that audiences would have been familiar with the comedic/artistic style of The Rubberbandits and it found the comments made were aligned with this comedic/artistic style. Furthermore, the Committee noted that RTÉ took steps to address the concerns of the complainant and offered each, as part of their response to the letters of complaint, an apology for the offence that they had experienced.
- The Committee also noted that the complainant criticised the handling by the presenter of the comments that the complainant considered offensive. It was the Committee's view that the presenter mis-judged the offence likely to have been caused by the use of the term 'haunted bread' and that his comments compounded the offence caused to the complainant.

While the Committee did not believe that the comments or the presenter's contributions crossed a line such that undue offence was caused to the audience as a whole, the degree of offence may have been minimised if the presenter had demonstrated greater sensitivity to the potential for offence and RTÉ is advised to have regard to the Committee's view in this regard.



- In view of the above, the Committee did not agree with the view of the complainant that the programme infringed the Broadcasting Act 2009 or the BAI Code of Programme Standards in the manner specified. Accordingly, the Committee had decided to reject the complaint.



Complaint made by: Ms. Josephine McEvoy

Ref. No. 28/17

Station:

RTÉ One

Programme:

The Late Late Show

Date:

6th January 2017

1. Programme

The complaint concerns 'The Late Late Show', which is a lifestyle/entertainment programme broadcast each Friday evening from 9.35pm. The complaint refers to comments by the panellists referring to The Eucharist.

2. Complaint Category

The complaint is submitted under the Broadcasting Act 2009, Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards (Principle 5 – Respect for Persons and Groups in Society).

3. Summary of Initial Complaint to the Broadcaster

The complainant states that during this panel discussion, one of the contributors referred to Holy Communion as "haunted bread" followed by a comment referring to "a 2000 year old carpenter....and cannibalism". The complainant states that the reference to the Holy Eucharist as "haunted bread" is not only blasphemous but shows gross ignorance. The presenter thought the words "haunted bread" was a "great expression". The complainant believes that the presenter should realise that such a comment directed at religious views of Christians was blasphemous and highly offensive.

The complainant maintains that the presenter's job is to rein all such comments made by guests, however, she believes that he failed to do this during this programme.

4. Broadcaster's Response

4.1 Summary of Broadcaster's Response to the Initial Complaint

The complainant stated that she did not receive any reply from the broadcaster. The broadcaster states that it has no record of receipt of this complaint.



4.2 Broadcaster's Response to BAI

The broadcaster states that the phrase 'haunted bread' in relation to the doctrine of Transubstantiation was provocative. The broadcaster states that, however, it was designed, as the comedy of The Rubberbandits generally is, to provoke thought and not to be pointlessly offensive. (The broadcaster states this is underlined by Blindboy Boatclub's apology to panellist Mr. Michael Harding for any offence – "Sorry about the haunted bread stuff" – on discovering that Mr. Harding is a former priest.) The broadcaster states that, in fact, far from being the "coarse and/or offensive language" referred to in Principle 1 of the Code, the phrase was described by Mr. Harding as "the language of a poet," going on to say: "The beauty of religion is the language of poetry."

The broadcaster states that Blindboy Boatclub's assertion of his difficulty in coming to grips with, what are to him personally the contradictions within some Christian beliefs, gave rise to a substantial, sincere and thoughtful discussion of truth and belief in contemporary society, in Ireland and internationally.

The broadcaster states that the discussion included Mr. Harding's saying: "If it keeps me from depression, if it allows me to be a loving person, that's a good truth. [Blindboy Boatclub nods]. And in the same way if Jesus or the haunted bread helps you to be more compassionate and caring to the people around you, then I'm all for the haunted bread."

Blindboy Boatclub responded: "It's true like [referring to Harding's argument]. People think I have a problem with religion. I only have a problem with religion if it's in the school system or whatever but people are entitled to believe what – it's secularism, you know."

The broadcaster states that Mr. Harding also spoke of a world of conflicting truths being "a frightening but exciting place to be" and Ms. Stefanie Preissner and Blindboy Boatclub talked of challenges to their own beliefs; in the case of Ms. Preissner on her post-election visit to the USA and in that of Blindboy Boatclub, his embrace of opposing points of view on social media.

As referred to by the Executive Producer, the broadcaster states that the discussion was notable for its absence of mockery or derision of the views of others, or their faith, and – while two speakers expressed their personal difficulty with a certain tenet of Catholicism and some other Christian churches – was striking in its consensus that some form of spiritual or other transcendence of the everyday is necessary for humanity, in the words of the presenter: "You create somewhere for your brain, your soul, to be fulfilled."



RTÉ does not believe that this broadcast was in breach of Principle 5 of the BAI Code of Programme Standards or of any other section of that or any other code. That principle states clearly that it is: not intended to prevent the critical scrutiny of religion by means of information, drama or other programming. This is further supported in Principle 1 of the Code where it states in relation to community standards: This principle recognises that such standards are ever evolving and broadcasting must be facilitated in representing the rich diversity, plurality and realities of contemporary Irish society. This may sometimes involve making programmes that may cause offence to viewers and listeners but are justified for creative, editorial or other reasons. The broadcaster states that Principle 1 was therefore supported in that sense, not breached as alleged in the complaint.

And the preamble to the Code states:

“Those matters which cause offence can, and frequently do, differ from person to person and are largely subjective in their nature. Acknowledging this, there can be no guarantee that programme material will be free from offence.

There is no right not to be offended and, for broadcasters, it is to be expected that, in fulfilling their duty to provide a diverse range of programming that caters to a diverse audience, there will be programming that causes offence to some members of the audience.”

The broadcaster also makes reference to the decision by the BAI to reject two recent complaints in relation to claims of causing offence to viewer/listeners and the reasons for rejection: a) Tommy Tiernan – Crooked Man (TV3) and b) The Ray D’Arcy Show (RTÉ Radio 1).

The broadcaster draws attention to the timing of the broadcast which is the subject of this complaint. The broadcast began at 11.20pm, significantly after the watershed which marks the transition to purely adult viewing and would have met the expectations of The Late Late Show audience over more than fifty years that the programme will present voices and views which will stimulate thought and discussion amongst viewers.



5. Decision of the Compliance Committee: Reject (Majority)

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the Broadcasting Act 2009, Section 48(1)(b)(harm and offence) and the BAI Code of Programme Standards: Principle 5 – Respect for Persons and Groups in Society, the Committee has decided to reject the complaint.

In this regard:-

- The Committee considered the provisions of the BAI Code of Programme Standards in the context of the content as broadcast. It noted the distinction between offence and harm set out in the Code, specifically, the recognition that matters which cause offence can, and frequently do, differ from person to person and are largely subjective in nature. It also noted that the Code states that in fulfilling their duty to provide a diverse range of programming that caters to a diverse audience, there will be programming that causes offence to some members of the audience.

Recognising this and recognising also the legitimate interests of audiences, the Code requires broadcasters to provide audiences with information so as to minimize the potential for offence and to schedule appropriately. The Code also places limits intended to guard against undue offence, which is where programme content, even where editorially justified and in the public interest, could still be regarded to have crossed a line that has resulted in audiences being unduly offended. The Code also recognises that offence can become harmful in certain circumstances.

- In this context, the Committee was of the view that the programme, while evidently causing offence to some audience members, was editorially justified and did not infringe the principle of the BAI Code of Programme Standards dealing with respect for persons and groups in society.



In particular:-

- The Committee noted the discussion as a whole. In this respect, the comments that were deemed by the complainant to be offensive were articulated as part of a broad conversation on faith, which arose from the presenter asking the panellists about the manner in which they spent the Christmas period. The first contributor, Mr. Michael Harding, outlined how he shied away from the traditional Christmas dinner and instead ate Indian food. He noted his fondness for Diwali, the Indian festival of lights and commented on the beauty of this festival. The conversation turned to Mr. David Chambers of The Rubberbandits who detailed his Christmas celebrations in a surrealist manner that is the hallmark of the artistic/comedy act of which he is one member. Finally, Ms. Stefanie Preissner spoke about her disillusionment with the commercial nature of Christmas festivities.

The conversation then progressed to a discussion about the Catholic belief and practice, in terms of the decline of vocations and the rise and impact of secularisation on Irish life and faith, the issue of how young people have responded to a decline in traditional Catholic faith and practices and the question of where they can find spiritual 'refuge', if at all or indeed if even necessary. It was at this point in the programme that one of the contributors also featured made reference to The Eucharist as 'haunted bread'.

- While not agreeing with the contention by the broadcaster that this panellist was speaking for his generation, the Committee considered it legitimate for a panellist to articulate their own personal views. In this instance, his views dealt with a religious tenet which rests on a belief in the real presence of Jesus Christ in The Eucharist, a belief which may be difficult to reconcile for those who hold other religious beliefs or no religious belief and one which the panellist did not appear to hold. At that point in the programme, the other contributors reflected on this topic. Ms. Preissner spoke about how, as a child, The Eucharist being described as the body and blood of Christ conjured up images of cannibalism.



Mr. Harding spoke about how, over time, the belief in Transubstantiation has for some become difficult to understand, either for those who may only value the empirical or those who value only their own perspective regardless of facts. Mr. Harding also spoke about the value of belief once it is not a belief that is imposed on others. Learning that Mr. Harding was a former priest, Mr. Chambers apologised for any offence that his description of The Eucharist may have caused him.

- The Committee did not agree with the view of the complainant that Ms. Preissner was equating The Eucharist with cannibalism as it was clear that she was describing her thoughts as a child. Regarding the comments by Mr. Chambers, the Committee considered his comments an expression of his own views rather than a comment on the views of others and did not agree that they were intended to mock the faith of others.
- In considering this complaint, the Committee also had regard to a number of other factors. It considered the timing of the discussion, which was after 11pm, a time at which content with a higher likelihood to offend may be broadcast. It also considered the fact that audiences would have been familiar with the comedic/artistic style of The Rubberbandits and it found the comments made were aligned with this comedic/artistic style. Furthermore, the Committee noted that RTÉ took steps to address the concerns of the complainant and offered each, as part of their response to the letters of complaint, an apology for the offence that they had experienced.
- The Committee also noted that the complainant criticised the handling by the presenter of the comments that the complainant considered offensive. It was the Committee's view that the presenter mis-judged the offence likely to have been caused by the use of the term 'haunted bread' and that his comments compounded the offence caused to complainant.

While the Committee did not believe that the comments or the presenter's contributions crossed a line such that undue offence was caused to the audience as a whole, the degree of offence may have been minimised if the presenter had demonstrated greater sensitivity to the potential for offence and RTÉ is advised to have regard to the Committee's view in this regard.



- In view of the above, the Committee did not agree with the view of the complainant that the programme infringed the Broadcasting Act 2009 or the BAI Code of Programme Standards in the manner specified. Accordingly, the Committee had decided to reject the complaint.



Complaint made by: Mrs. Elizabeth Twomey

Ref. No. 29/17

Station:
RTÉ One

Programme:
The Late Late Show

Date:
6th January 2017

1. Programme

The complaint concerns The Late Late Show, which is a lifestyle/entertainment programme broadcast each Friday evening from 9.35pm. The complaint refers to comments by panellists referring to The Eucharist.

2. Complaint Category

The complaint is submitted under the Broadcasting Act 2009, Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards (Principle 5 – Respect for Persons and Groups in Society).

3. Summary of Initial Complaint to the Broadcaster

The complainant states that during this panel discussion one of the contributors, Blindboy Boatclub from The Rubberbandits, described The Eucharist as “haunted bread”, a description which she considers to be an attack on The Eucharist, which she describes as profoundly precious to all who are Catholic. The complainant states that the mockery of Christ the Saviour, present to all Catholics in Holy Communion, was deeply offensive to her. The complainant further states that in the census of 2011, 84% of Irish people identified themselves as Catholic.

The complainant notes that while Iraqi, Syrian, Egyptian and many other Catholics go to their deaths by crucifixion, beheading and torture proclaiming Christ as Lord, RTÉ sees fit to mock and blaspheme the same Lord in the guise of entertainment.



4. Broadcaster's Response

4.1 Summary of Broadcaster's Response to the Initial Complaint

The broadcaster states that the item in question was a conversation looking back on 2016 and looking ahead to 2017, as has taken place many times on The Late Late Show over the years. The broadcaster states that, on this occasion, it was decided to bring together three guests who have made interesting contributions to the show over the previous year to get their combined view on a number of items.

The broadcaster maintains that, as part of the conversation, the presenter brought up a theory advanced on his radio show earlier that week that some people in their thirties are returning to the Catholic Church after a period of difficulty and scandal for the church and asked the panel for their views.

The broadcaster states that, as someone from that age group, Blindboy Boatclub of The Rubberbandits was first to reply, and he did so in the language of his generation and his satirical character. The broadcaster states that the point he was making, to put the language to one side for a moment, was that in his view, people of his generation are not returning to the Church and that attendance at Christmas Eve midnight Mass is not an accurate barometer of religious conviction and there are many other reasons to attend that particular ceremony. These reasons include family pressure, tradition and community, as well as Catholicism.

The broadcaster accepts that the phrase "haunted bread" was certainly provocative. They state that this contributor used it to get a reaction, and indeed it did. The broadcaster does not believe that it was sacrilegious but was a linguistic phrase that encapsulates "The Holy Ghost" and Holy Communion to show his, and many of his generations, difficulty with Transubstantiation.

The broadcaster states that the difficulty of Blindboy Boatclub and others of his generation with the concept of The Eucharist was further supported by the assertion of another contributor that, growing up, she found Holy Communion a scary concept that equated to cannibalism in her young mind. That is to say, as a child, she was conflicted about eating the literal "Body of Christ".



The broadcaster states that in neither case did the guests deride or criticise the views of others, or their faith, but rather expressed their own difficulty with a core tenet of Roman Catholicism.

The broadcaster states that, in attempting to hear new voices on The Late Late Show, it is inevitable that some will not like what they hear. Uncomfortable or unpopular opinions are part of debate as are views that clash or disagree with mainstream consensus. Nonetheless, the broadcaster accepts that the phrase “haunted bread” has caused offence to some viewers and has been seen by some as disrespectful or mocking and for that the broadcaster does apologise.

4.2 Broadcaster’s Response to BAI

RTÉ refers to the response by the Executive Producer of The Late Late Show to the initial complaint.

As acknowledged in the response of the Executive Producer, the phrase ‘haunted bread’ in relation to the doctrine of Transubstantiation was provocative. The broadcaster states that, however, it was designed, as the comedy of The Rubberbandits generally is, to provoke thought and not to be pointlessly offensive. (The broadcaster states this is underlined by Blindboy Boatclub’s apology to panellist Mr. Michael Harding for any offence – “Sorry about the haunted bread stuff” – on discovering that Mr. Harding is a former priest.) The broadcaster states that, in fact, far from being the “coarse and/or offensive language” referred to in Principle 1 of the Code, the phrase was described by Mr. Harding as “the language of a poet,” going on to say: “The beauty of religion is the language of poetry.”

The broadcaster states that Blindboy Boatclub’s assertion of his difficulty in coming to grips with, what are to him personally the contradictions within some Christian beliefs, gave rise to a substantial, sincere and thoughtful discussion of truth and belief in contemporary society, in Ireland and internationally.

The broadcaster states that the discussion included Mr. Harding’s saying: “If it keeps me from depression, if it allows me to be a loving person, that’s a good truth. [Blindboy Boatclub nods]. And in the same way if Jesus or the haunted bread helps you to be more compassionate and caring to the people around you, then I’m all for the haunted bread.”



Blindboy Boatclub responded: “It’s true like [referring to Harding’s argument]. People think I have a problem with religion. I only have a problem with religion if it’s in the school system or whatever but people are entitled to believe what – it’s secularism, you know.”

The broadcaster states that Mr. Harding also spoke of a world of conflicting truths being “a frightening but exciting place to be” and Ms. Stefanie Preissner and Blindboy Boatclub talked of challenges to their own beliefs; in the case of Ms. Preissner on her post-election visit to the USA and in that of Blindboy Boatclub, his embrace of opposing points of view on social media.

As referred to by the Executive Producer, the broadcaster states that the discussion was notable for its absence of mockery or derision of the views of others, or their faith, and – while two speakers expressed their personal difficulty with a certain tenet of Catholicism and some other Christian churches – was striking in its consensus that some form of spiritual or other transcendence of the everyday is necessary for humanity, in the words of the presenter: “You create somewhere for your brain, your soul, to be fulfilled.”

RTÉ does not believe that this broadcast was in breach of Principle 5 of the BAI Code of Programme Standards or of any other section of that or any other code. That principle states clearly that it is: not intended to prevent the critical scrutiny of religion by means of information, drama or other programming. This is further supported in Principle 1 of the Code where it states in relation to community standards: This principle recognises that such standards are ever evolving and broadcasting must be facilitated in representing the rich diversity, plurality and realities of contemporary Irish society. This may sometimes involve making programmes that may cause offence to viewers and listeners but are justified for creative, editorial or other reasons. The broadcaster states that Principle 1 was therefore supported in that sense, not breached as alleged in the complaint.

And the preamble to the Code states:

“Those matters which cause offence can, and frequently do, differ from person to person and are largely subjective in their nature. Acknowledging this, there can be no guarantee that programme material will be free from offence. There is no right not to be offended and, for broadcasters, it is to be expected that, in fulfilling their duty to provide a diverse range of programming that caters to a diverse audience, there will be programming that causes offence to some members of the audience.”



The broadcaster also makes reference to the decision by the BAI to reject two recent complaints in relation to claims of causing offence to viewer/listeners and the reasons for rejection: a) Tommy Tiernan – Crooked Man (TV3) and b) The Ray D’Arcy Show (RTÉ Radio 1).

The broadcaster draws attention to the timing of the broadcast which is the subject of this complaint. The broadcast began at 11.20pm, significantly after the watershed which marks the transition to purely adult viewing and would have met the expectations of The Late Late Show audience over more than fifty years that the programme will present voices and views which will stimulate thought and discussion amongst viewers.

5. Decision of the Compliance Committee: Reject (Majority)

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the Broadcasting Act 2009, Section 48(1)(b)(harm and offence) and the BAI Code of Programme Standards: Principle 5 – Respect for Persons and Groups in Society, the Committee has decided to reject the complaint.

In this regard:-

- The Committee considered the provisions of the BAI Code of Programme Standards in the context of the content as broadcast. It noted the distinction between offence and harm set out in the Code, specifically, the recognition that matters which cause offence can, and frequently do, differ from person to person and are largely subjective in nature. It also noted that the Code states that in fulfilling their duty to provide a diverse range of programming that caters to a diverse audience, there will be programming that causes offence to some members of the audience.

Recognising this and recognising also the legitimate interests of audiences, the Code requires broadcasters to provide audiences with information so as to minimize the potential for offence and to schedule appropriately. The Code also places limits intended to guard against undue offence, which is where programme content, even where editorially justified and in the public interest, could still be regarded to have crossed a line that has resulted in audiences being unduly offended. The Code also recognises that offence can become harmful in certain circumstances.



- In this context, the Committee was of the view that the programme, while evidently causing offence to some audience members, was editorially justified and did not infringe the principle of the BAI Code of Programme Standards dealing with respect for persons and groups in society.

In particular:-

- The Committee noted the discussion as a whole. In this respect, the comments that were deemed by the complainant to be offensive were articulated as part of a broad conversation on faith, which arose from the presenter asking the panellists about the manner in which they spent the Christmas period. The first contributor, Mr. Michael Harding, outlined how he shied away from the traditional Christmas dinner and instead ate Indian food. He noted his fondness for Diwali, the Indian festival of lights and commented on the beauty of this festival. The conversation turned to Mr. David Chambers of The Rubberbandits who detailed his Christmas celebrations in a surrealist manner that is the hallmark of the artistic/comedy act of which he is one member. Finally, Ms. Stefanie Preissner spoke about her disillusionment with the commercial nature of Christmas festivities.

The conversation then progressed to a discussion about the Catholic belief and practice, in terms of the decline of vocations and the rise and impact of secularisation on Irish life and faith, the issue of how young people have responded to a decline in traditional Catholic faith and practices and the question of where they can find spiritual 'refuge', if at all or indeed if even necessary. It was at this point in the programme that one of the contributors also featured made reference to The Eucharist as 'haunted bread'.

- While not agreeing with the contention by the broadcaster that this panellist was speaking for his generation, the Committee considered it legitimate for a panellist to articulate their own personal views. In this instance, his views dealt with a religious tenet which rests on a belief in the real presence of Jesus Christ in The Eucharist, a belief which may be difficult to reconcile for those who hold other religious beliefs or no religious belief and one which the panellist did not appear to hold.



At that point in the programme, the other contributors reflected on this topic. Ms. Preissner spoke about how, as a child, The Eucharist being described as the body and blood of Christ conjured up images of cannibalism. Mr. Harding spoke about how, over time, the belief in Transubstantiation has for some become difficult to understand, either for those who may only value the empirical or those who value only their own perspective regardless of facts. Mr. Harding also spoke about the value of belief once it is not a belief that is imposed on others. Learning that Mr. Harding was a former priest, Mr. Chambers apologised for any offence that his description of The Eucharist may have caused him.

- Regarding the comments by Mr. Chambers, the Committee considered his comments an expression of his own views rather than a comment on the views of others and did not agree that they were intended to mock the faith of others.
- In considering this complaint, the Committee also had regard to a number of other factors. It considered the timing of the discussion, which was after 11pm, a time at which content with a higher likelihood to offend may be broadcast. It also considered the fact that audiences would have been familiar with the comedic/artistic style of The Rubberbandits and it found the comments made were aligned with this comedic/artistic style. Furthermore, the Committee noted that RTÉ took steps to address the concerns of the complainant and offered each, as part of their response to the letters of complaint, an apology for the offence that they had experienced.
- In view of the above, the Committee did not agree with the view of the complainant that the programme infringed the Broadcasting Act 2009 or the BAI Code of Programme Standards in the manner specified. Accordingly, the Committee had decided to reject the complaint.



Complaint made by: Fr. Kevin McNamara, P.P.

Ref. No. 31/17

Station:

RTÉ One

Programme:

The Late Late Show

Date:

6th January 2017

1. Programme

The complaint concerns 'The Late Late Show', which is a lifestyle/entertainment programme broadcast each Friday evening from 9.35pm. The complaint refers to comments by panellists referring to the Eucharist and the decline of religious practice.

2. Complaint Category

The complaint is submitted under the Broadcasting Act 2009, Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards: Principle 5 – Respect for Persons and Groups in Society.

3. Summary of Initial Complaint to the Broadcaster

The complainant states that the decline of religious practice is a serious and a good subject for discussion, but objects to the way it was presented on The Late Late Show. The complainant states that the treatment of this topic on this programme was blasphemous and exceptionally anti-Catholic as the Eucharist and real presence of Jesus Christ is central to the Catholic belief. The complainant states that during a panel discussion one of the contributors, Blindboy Boatclub, referred to the Holy Communion by describing it as "haunted bread – the ghost of a two thousand-year-old carpenter". The complainant further states that what was most upsetting was that the presenter endorsed this idea and said that he thought the phrase 'haunted bread' was a great expression. The complainant found the item in very bad taste and thought it was making fun of the Catholic faith and, in particular, Holy Communion.

4. Broadcaster's Response

4.1 Summary of Broadcaster's Response to the Initial Complaint

The broadcaster states that the item in question was a conversation looking back on 2016 and looking ahead to 2017, as has taken place many times on The Late Late Show over the years.



The broadcaster states that, on this occasion, it was decided to bring together three guests who have made interesting contributions to the show over the previous year to get their combined view on a number of items.

The broadcaster maintains that, as part of the conversation, the presenter brought up a theory advanced on his radio show earlier that week that some people in their thirties are returning to the Catholic Church after a period of difficulty and scandal for the church and asked the panel for their views.

The broadcaster states that, as someone from that age group, Blindboy Boatclub of The Rubberbandits was first to reply, and he did so in the language of his generation and his satirical character. The broadcaster states that the point he was making, to put the language to one side for a moment, was that in his view, people of his generation are not returning to the Church and that attendance at Christmas Eve midnight Mass is not an accurate barometer of religious conviction and there are many other reasons to attend that particular ceremony. These reasons include family pressure, tradition and community, as well as Catholicism.

The broadcaster accepts that the phrase “haunted bread” was certainly provocative. They state that this contributor used it to get a reaction, and indeed it did. The broadcaster does not believe that it was sacrilegious but was a linguistic phrase that encapsulates “The Holy Ghost” and Holy Communion to show his, and many of his generations, difficulty with Transubstantiation.

The broadcaster states that the difficulty of Blindboy Boatclub and others of his generation with the concept of The Eucharist was further supported by the assertion of another contributor that, growing up, she found Holy Communion a scary concept that equated to cannibalism in her young mind. That is to say, as a child, she was conflicted about eating the literal “Body of Christ”.

The broadcaster states that in neither case did the guests deride or criticise the views of others, or their faith, but rather expressed their own difficulty with a core tenet of Roman Catholicism.

The broadcaster states that, in attempting to hear new voices on The Late Late Show, it is inevitable that some will not like what they hear. Uncomfortable or unpopular opinions are part of debate as are views that clash or disagree with mainstream consensus.



Nonetheless, the broadcaster accepts that the phrase “haunted bread” has caused offence to some viewers and has been seen by some as disrespectful or mocking and for that the broadcaster does apologise.

4.2 Broadcaster’s Response to BAI

RTÉ refers to the response by the Executive Producer of The Late Late Show to the initial complaint.

As acknowledged in the response of the Executive Producer, the phrase ‘haunted bread’ in relation to the doctrine of Transubstantiation was provocative. The broadcaster states that, however, it was designed, as the comedy of The Rubberbandits generally is, to provoke thought and not to be pointlessly offensive. (The broadcaster states this is underlined by Blindboy Boatclub’s apology to panellist Mr. Michael Harding for any offence – “Sorry about the haunted bread stuff” – on discovering that Mr. Harding is a former priest.) The broadcaster states that, in fact, far from being the “coarse and/or offensive language” referred to in Principle 1 of the Code, the phrase was described by Mr. Harding as “the language of a poet,” going on to say: “The beauty of religion is the language of poetry.”

The broadcaster states that Blindboy Boatclub’s assertion of his difficulty in coming to grips with, what are to him personally the contradictions within some Christian beliefs, gave rise to a substantial, sincere and thoughtful discussion of truth and belief in contemporary society, in Ireland and internationally.

The broadcaster states that the discussion included Mr. Harding’s saying: “If it keeps me from depression, if it allows me to be a loving person, that’s a good truth. [Blindboy Boatclub nods]. And in the same way if Jesus or the haunted bread helps you to be more compassionate and caring to the people around you, then I’m all for the haunted bread.”

Blindboy Boatclub responded: “It’s true like [referring to Harding’s argument]. People think I have a problem with religion. I only have a problem with religion if it’s in the school system or whatever but people are entitled to believe what – it’s secularism, you know.”



The broadcaster states that Mr. Harding also spoke of a world of conflicting truths being “a frightening but exciting place to be” and Ms. Stefanie Preissner and Blindboy Boatclub talked of challenges to their own beliefs; in the case of Ms. Preissner on her post-election visit to the USA and in that of Blindboy Boatclub, his embrace of opposing points of view on social media.

As referred to by the Executive Producer, the broadcaster states that the discussion was notable for its absence of mockery or derision of the views of others, or their faith, and – while two speakers expressed their personal difficulty with a certain tenet of Catholicism and some other Christian churches – was striking in its consensus that some form of spiritual or other transcendence of the everyday is necessary for humanity, in the words of the presenter: “You create somewhere for your brain, your soul, to be fulfilled.”

RTÉ does not believe that this broadcast was in breach of Principle 5 of the BAI Code of Programme Standards or of any other section of that or any other code. That principle states clearly that it is: not intended to prevent the critical scrutiny of religion by means of information, drama or other programming. This is further supported in Principle 1 of the Code where it states in relation to community standards: This principle recognises that such standards are ever evolving and broadcasting must be facilitated in representing the rich diversity, plurality and realities of contemporary Irish society. This may sometimes involve making programmes that may cause offence to viewers and listeners but are justified for creative, editorial or other reasons. The broadcaster states that Principle 1 was therefore supported in that sense, not breached as alleged in the complaint.

And the preamble to the Code states:

“Those matters which cause offence can, and frequently do, differ from person to person and are largely subjective in their nature. Acknowledging this, there can be no guarantee that programme material will be free from offence. There is no right not to be offended and, for broadcasters, it is to be expected that, in fulfilling their duty to provide a diverse range of programming that caters to a diverse audience, there will be programming that causes offence to some members of the audience.”



The broadcaster also makes reference to the decision by the BAI to reject two recent complaints in relation to claims of causing offence to viewer/listeners and the reasons for rejection: a) Tommy Tiernan – Crooked Man (TV3) and b) The Ray D’Arcy Show (RTÉ Radio 1).

The broadcaster draws attention to the timing of the broadcast which is the subject of this complaint. The broadcast began at 11.20pm, significantly after the watershed which marks the transition to purely adult viewing and would have met the expectations of The Late Late Show audience over more than fifty years that the programme will present voices and views which will stimulate thought and discussion amongst viewers.

5. Decision of the Compliance Committee: Reject (Majority)

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the Broadcasting Act 2009, Section 48(1)(b)(harm and offence) and the BAI Code of Programme Standards: Principle 5 – Respect for Persons, the Committee has decided to reject the complaint.

In this regard:-

- The Committee considered the provisions of the BAI Code of Programme Standards in the context of the content as broadcast. It noted the distinction between offence and harm set out in the Code, specifically, the recognition that matters which cause offence can, and frequently do, differ from person to person and are largely subjective in nature. It also noted that the Code states that in fulfilling their duty to provide a diverse range of programming that caters to a diverse audience, there will be programming that causes offence to some members of the audience.

Recognizing this and recognizing also the legitimate interests of audiences, the Code requires broadcasters to provide audiences with information so as to minimize the potential for offence and to schedule appropriately. The Code also places limits intended to guard against undue offence, which is where programme content, even where editorially justified and in the public interest, could still be regarded to have crossed a line that has resulted in audiences being unduly offended. The Code also recognizes that offence can become harmful in certain circumstances.



- In this context, the Committee was of the view that the programme, while evidently causing offence to some audience members, was editorially justified and did not infringe the principle of the BAI Code of Programme Standards dealing with respect for persons and groups in society.

In particular:-

- The Committee noted the discussion as a whole. In this respect, the comments that were deemed by the complainant to be offensive were articulated as part of a broad conversation on faith, which arose from the presenter asking the panellists about the manner in which they spent the Christmas period. The first contributor, Mr. Michael Harding, outlined how he shied away from the traditional Christmas dinner and instead ate Indian food. He noted his fondness for Diwali, the Indian festival of lights and commented on the beauty of this festival. The conversation turned to Mr. David Chambers of The Rubberbandits who detailed his Christmas celebrations in a surrealist manner that is the hallmark of the artistic/comedy act of which he is one member. Finally, Ms. Stefanie Preissner spoke about her disillusionment with the commercial nature of Christmas festivities.

The conversation then progressed to a discussion about the Catholic belief and practice, in terms of the decline of vocations and the rise and impact of secularisation on Irish life and faith, the issue of how young people have responded to a decline in traditional Catholic faith and practices and the question of where they can find spiritual 'refuge', if at all or indeed if even necessary. It was at this point in the programme that one of the contributors also featured made reference to The Eucharist as 'haunted bread'.

- While not agreeing with the contention by the broadcaster that this panellist was speaking for his generation, the Committee considered it legitimate for a panellist to articulate their own personal views. In this instance, his views dealt with a religious tenet which rests on a belief in the real presence of Jesus Christ in The Eucharist, a belief which may be difficult to reconcile for those who hold other religious beliefs or no religious belief and one which the panellist did not appear to hold.



At that point in the programme, the other contributors reflected on this topic. Ms. Preissner spoke about how, as a child, The Eucharist being described as the body and blood of Christ conjured up images of cannibalism. Mr. Harding spoke about how, over time, the belief in Transubstantiation has for some become difficult to understand, either for those who may only value the empirical or those who value only their own perspective regardless of facts. Mr. Harding also spoke about the value of belief once it is not a belief that is imposed on others. Learning that Mr. Harding was a former priest, Mr. Chambers apologised for any offence that his description of The Eucharist may have caused him.

- Regarding the comments by Mr. Chambers, the Committee considered his comments an expression of his own views rather than a comment on the views of others and did not agree that they were intended to mock the faith of others.
- In considering this complaint, the Committee also had regard to a number of other factors. It considered the timing of the discussion, which was after 11pm, a time at which content with a higher likelihood to offend may be broadcast. It also considered the fact that audiences would have been familiar with the comedic/artistic style of The Rubberbandits and it found the comments made were aligned with this comedic/artistic style. Furthermore, the Committee noted that RTÉ took steps to address the concerns of the complainant and offered, as part of their response to the letter of complaint, an apology for the offence that they had experienced.
- The Committee also noted that the focus of many of the complaints received was on the handling by the presenter of the comments that the complainant considered offensive. It was the Committee's view that the presenter misjudged the offence likely to have been caused by the use of the term 'haunted bread' and that his comments compounded the offence caused to the complainant.



While the Committee did not believe that the comments or the presenter's contributions crossed a line such that undue offence was caused to the audience as a whole, the degree of offence may have been minimised if the presenter had demonstrated greater sensitivity to the potential for offence and RTÉ is advised to have regard to the Committee's view in this regard.

- In view of the above, the Committee did not agree with the view of the complainant that the programme infringed the Broadcasting Act 2009 or the BAI Code of Programme Standards in the manner specified. Accordingly, the Committee had decided to reject the complaint.



Complaint made by: Family Media Association

Ref. No. 32/17

Station:

RTÉ One

Programme:

The Late Late Show

Date:

6th January 2017

1. Programme

The complaint concerns 'The Late Late Show', which is a lifestyle/entertainment programme broadcast each Friday evening from 9.35pm. The complaint refers to comments by panellists referring to The Eucharist.

2. Complaint Category

The complaint is submitted under the Broadcasting Act 2009, Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards (Principle 1 – Respect for Community Standards; Principle 2 - Importance of Context; Principle 3 - Protection from Harm; Principle 5 – Respect for Persons and Groups in Society; Principle 6 – Protection of the Public Interest).

3. Summary of Initial Complaint to the Broadcaster

The complainant states that during this panel discussion one of the contributors referred to The Eucharist by describing it as "haunted bread". The complainant states that this, in itself, was an offensive remark and was compounded in their view by what they consider to be the failure by the presenter to correct or challenge it and to point out its clear offensiveness. The complainant states that, on the contrary, the presenter responded light-heartedly by exclaiming "that's a great expression". They state that the presenter repeatedly adopted it when putting questions to other guests, encouraging and developing it as an ongoing theme. The complainant states that when Blindboy Boatclub appeared to less than sincerely apologise for what he had said, on hearing that one of the guests used to be a priest, the presenter was quick to point out that this was catholic guilt. The complainant states that when another guest used the expression "the Body of Christ", the presenter appeared to disapprove of it with the effect of leading her to qualify her use of the term.

The complainant states that the beliefs of believing Catholics were gratuitously and very publicly mocked and misrepresented without warning on practically the widest possible broadcast media forum.



4. Broadcaster's Response

4.1 Summary of Broadcaster's Response to the Initial Complaint

The broadcaster states that the item in question was a conversation looking back on 2016 and looking ahead to 2017, as has taken place many times on 'The Late Late Show' over the years. The broadcaster states that, on this occasion, it was decided to bring together three guests who have made interesting contributions to the show over the previous year to get their combined view on a number of items.

The broadcaster maintains that as part of the conversation, the presenter brought up a theory advanced on his radio show earlier that week, that some people in their thirties are returning to the Catholic Church after a period of difficulty and scandal for the church and asked the panel for their views.

The broadcaster states that as someone from that age group, Blindboy Boatclub of The Rubberbandits was first to reply, and he did so in the language of his generation and his satirical character. The broadcaster states that the point he was making, to put the language to one side for a moment, was that in his view, people of his generation are not returning to the Church and that attendance at Christmas Eve midnight Mass is not an accurate barometer of religious conviction, as there are many other reasons to attend that particular ceremony. Reasons, such as family pressure, tradition and community as well as Catholicism. The broadcaster believes this to be a rational and fair assessment of his views.

The broadcaster accepts that the phrase "haunted bread" was certainly provocative. They state that this contributor used it to get a reaction, and indeed it did. The broadcaster does not believe that it was sacrilegious but was a linguistic phrase that encapsulates "The Holy Ghost" and Holy Communion to show his, and many of his generations, difficulty with Transubstantiation.

The broadcaster states that the difficulty of Blindboy Boatclub and others of his generation with the concept of The Eucharist was further supported by the assertion of another contributor that, growing up, she found Holy Communion a scary concept that equated to cannibalism in her young mind. That is to say, as a child, she was conflicted about eating the literal "Body of Christ".



The broadcaster states that in neither case did the guests deride or criticise the views of others, or their faith, but rather expressed their own difficulty with a core tenet of Roman Catholicism.

The broadcaster states that, in attempting to hear new voices on 'The Late Late Show', it is inevitable that some will not like what they hear. Uncomfortable or unpopular opinions are part of debate as are views that clash or disagree with mainstream consensus. Nonetheless, the broadcaster accepts that the phrase "haunted bread" has caused offence to some viewers and has been seen by some as disrespectful or mocking and for that the broadcaster does apologise.

4.2 Broadcaster's Response to BAI

RTÉ refers to the response by the Executive Producer of The Late Late Show to the initial complaint.

As acknowledged in the response of the Executive Producer, the phrase 'haunted bread' in relation to the doctrine of Transubstantiation was provocative. The broadcaster states that, however, it was designed, as the comedy of The Rubberbandits generally is, to provoke thought and not to be pointlessly offensive. (The broadcaster states this is underlined by Blindboy Boatclub's apology to panellist Mr. Michael Harding for any offence – "Sorry about the haunted bread stuff" – on discovering that Mr. Harding is a former priest.) The broadcaster states that, in fact, far from being the "coarse and/or offensive language" referred to in Principle 1 of the Code, the phrase was described by Mr. Harding as "the language of a poet," going on to say: "The beauty of religion is the language of poetry."

The broadcaster states that Blindboy Boatclub's assertion of his difficulty in coming to grips with, what are to him personally the contradictions within some Christian beliefs, gave rise to a substantial, sincere and thoughtful discussion of truth and belief in contemporary society, in Ireland and internationally.

The broadcaster states that the discussion included Mr. Harding's saying: "If it keeps me from depression, if it allows me to be a loving person, that's a good truth. [Blindboy Boatclub nods]. And in the same way if Jesus or the haunted bread helps you to be more compassionate and caring to the people around you, then I'm all for the haunted bread."



Blindboy Boatclub responded: "It's true like [referring to Harding's argument]. People think I have a problem with religion. I only have a problem with religion if it's in the school system or whatever but people are entitled to believe what – it's secularism, you know."

The broadcaster states that Mr. Harding also spoke of a world of conflicting truths being "a frightening but exciting place to be" and Ms. Stefanie Preissner and Blindboy Boatclub talked of challenges to their own beliefs; in the case of Ms. Preissner on her post-election visit to the USA and in that of Blindboy Boatclub, his embrace of opposing points of view on social media.

As referred to by the Executive Producer, the broadcaster states that the discussion was notable for its absence of mockery or derision of the views of others, or their faith, and – while two speakers expressed their personal difficulty with a certain tenet of Catholicism and some other Christian churches – was striking in its consensus that some form of spiritual or other transcendence of the everyday is necessary for humanity, in the words of the presenter: "You create somewhere for your brain, your soul, to be fulfilled."

RTÉ does not believe that this broadcast was in breach of Principle 5 of the BAI Code of Programme Standards or of any other section of that or any other code. That principle states clearly that it is: not intended to prevent the critical scrutiny of religion by means of information, drama or other programming. This is further supported in Principle 1 of the Code where it states in relation to community standards: This principle recognises that such standards are ever evolving and broadcasting must be facilitated in representing the rich diversity, plurality and realities of contemporary Irish society. This may sometimes involve making programmes that may cause offence to viewers and listeners but are justified for creative, editorial or other reasons. The broadcaster states that Principle 1 was therefore supported in that sense, not breached as alleged in the complaint. And the preamble to the Code states:

"Those matters which cause offence can, and frequently do, differ from person to person and are largely subjective in their nature. Acknowledging this, there can be no guarantee that programme material will be free from offence. There is no right not to be offended and, for broadcasters, it is to be expected that, in fulfilling their duty to provide a diverse range of programming that caters to a diverse audience, there will be programming that causes offence to some members of the audience."



The broadcaster also makes reference to the decision by the BAI to reject two recent complaints in relation to claims of causing offence to viewer/listeners and the reasons for rejection: a) Tommy Tiernan – Crooked Man (TV3) and b) The Ray D’Arcy Show (RTÉ Radio 1).

The broadcaster draws attention to the timing of the broadcast which is the subject of this complaint. The broadcast began at 11.20pm, significantly after the watershed which marks the transition to purely adult viewing and would have met the expectations of The Late Late Show audience over more than fifty years that the programme will present voices and views which will stimulate thought and discussion amongst viewers.

The complainant asserts that the broadcast was offensive not only to him personally but to “hundreds of thousands of practising Catholics”; however, the broadcaster states that he offers no evidence of this.

The complainant also claims that the broadcast could cause harm by affecting the religious practice of viewers and consequently their mental health (while offering none of the scientific evidence to which he refers). The broadcaster claims that it does appear extremely unlikely that religious belief could be affected by the remark made by Blindboy Boatclub or any aspect of the broadcast.

The broadcaster draws attention to the timing of the broadcast which is the subject of this complaint. The broadcast began at 11.20pm, significantly after the watershed which marks the transition to purely adult viewing and would have met the expectations of ‘The Late Late Show’ audience over more than fifty years that the programme will present voices and views which will stimulate thought and discussion amongst viewers.

5. Decision of the Compliance Committee: Reject (Majority)

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the Broadcasting Act 2009, Section 48(1)(b)(harm and offence) and the BAI Code of Programme Standards: Principle 1 – Respect for Community Standards, 2 - Importance of Context, 3 - Protection from Harm, Principle 5 – Respect for Persons and Groups in Society and Principle 6 – Protection of the Public Interest, the Committee has decided to reject the complaint.



In this regard:-

- The Committee considered the provisions of the BAI Code of Programme Standards in the context of the content as broadcast. It noted the distinction between offence and harm set out in the Code, specifically, the recognition that matters which cause offence can, and frequently do, differ from person to person and are largely subjective in nature. It also noted that the Code states that in fulfilling their duty to provide a diverse range of programming that caters to a diverse audience, there will be programming that causes offence to some members of the audience.

Recognising this and recognising also the legitimate interests of audiences, the Code requires broadcasters to provide audiences with information so as to minimize the potential for offence and to schedule appropriately. The Code also places limits intended to guard against undue offence, which is where programme content, even where editorially justified and in the public interest, could still be regarded to have crossed a line that has resulted in audiences being unduly offended. The Code also recognises that offence can become harmful in certain circumstances.

- In this context, the Committee was of the view that the programme, while evidently causing offence to some audience members, was editorially justified and did not infringe the principles of the BAI Code of Programme Standards dealing with respect for community standards, the importance of context, protection from harm, respect for persons and groups in society and the principle requiring broadcasters to protect the public interest.

In particular:-

- The Committee noted the discussion as a whole. In this respect, the comments that were deemed by the complainant to be offensive were articulated as part of a broad conversation on faith, which arose from the presenter asking the panellists about the manner in which they spent the Christmas period. The first contributor, Mr. Michael Harding, outlined how he shied away from the traditional Christmas dinner and instead ate Indian food. He noted his fondness for Diwali, the Indian festival of lights and commented on the beauty of this festival.



The conversation turned to Mr. David Chambers of The Rubberbandits who detailed his Christmas celebrations in a surrealist manner that is the hallmark of the artistic/comedy act of which he is one member. Finally, Ms. Stefanie Preissner spoke about her disillusionment with the commercial nature of Christmas festivities.

The conversation then progressed to a discussion about the Catholic belief and practice, in terms of the decline of vocations and the rise and impact of secularisation on Irish life and faith, the issue of how young people have responded to a decline in traditional Catholic faith and practices and the question of where they can find spiritual 'refuge', if at all or indeed if even necessary. It was at this point in the programme that one of the contributors also featured made reference to The Eucharist as 'haunted bread'.

- While not agreeing with the contention by the broadcaster that this panellist was speaking for his generation, the Committee considered it legitimate for a panellist to articulate their own personal views. In this instance, his views dealt with a religious tenet which rests on a belief in the real presence of Jesus Christ in The Eucharist, a belief which may be difficult to reconcile for those who hold other religious beliefs or no religious belief and one which the panellist did not appear to hold. At that point in the programme, the other contributors reflected on this topic. Ms. Preissner spoke about how, as a child, The Eucharist being described as the body and blood of Christ conjured up images of cannibalism. Mr. Harding spoke about how, over time, the belief in Transubstantiation has for some become difficult to understand, either for those who may only value the empirical or those who value only their own perspective regardless of facts. Mr. Harding also spoke about the value of belief once it is not a belief that is imposed on others. Learning that Mr. Harding was a former priest, Mr. Chambers apologised for any offence that his description of The Eucharist may have caused him.
- Regarding the comments by Mr. Chambers, the Committee considered his comments an expression of his own views rather than a comment on the views of others and did not agree that they were intended to mock the faith of others.



- In considering this complaint, the Committee also had regard to a number of other factors. It considered the timing of the discussion, which was after 11pm, a time at which content with a higher likelihood to offend may be broadcast. It also considered the fact that audiences would have been familiar with the comedic/artistic style of The Rubberbandits and it found the comments made were aligned with this comedic/artistic style. Furthermore, the Committee noted that RTÉ took steps to address the concerns of the complainant and offered, as part of their response to the letter of complaint, an apology for the offence that they had experienced.
- The Committee also noted that the complainant criticised the handling by the presenter of the comments that the complainant considered offensive. It was the Committee's view that the presenter mis-judged the offence likely to have been caused by the use of the term 'haunted bread' and that his comments compounded the offence caused to the complainant.

While the Committee did not believe that the comments or the presenter's contributions crossed a line such that undue offence was caused to the audience as a whole, the degree of offence may have been minimised if the presenter had demonstrated greater sensitivity to the potential for offence and RTÉ is advised to have regard to the Committee's view in this regard.

- In view of the above, the Committee did not agree with the view of the complainant that the programme infringed the Broadcasting Act 2009 or the BAI Code of Programme Standards in the manner specified. Accordingly, the Committee had decided to reject the complaint.

