Complaints about the violent nature of three American wrestling programmes that were broadcast at 20:00 and 20:30 respectively by e-tv - all three carrying a PG10V advisory – Tribunal following a previous adjudication that violence in these programmes not gratuitous but that violence is the reason for the existence of these programmes and that these programmes also do not constitute the sanctioning, promotion or glamorization of violence – although Tribunal shares concern about influence of violence on youth, it cannot make a finding in this respect because no conclusive evidence exists to substantiate the influence of violence on television on the youth– no contravention found and the complaints not upheld - Marr and Belter vs e-tv, Case No: 34/2009 (BCTSA).

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SUMMARY

Complaints about the violent nature of three American wrestling programmes that were broadcast at 20:00 and 20:30 respectively by e-tv. All three programmes carried a PG10V advisory. The Tribunal followed a previous adjudication of the BCCSA that
violence in these wrestling programmes was not gratuitous but that the violence was actually the reason for the existence of these programmes. It was also found that these programmes do not constitute the sanctioning, promotion or glamorization of violence. Although the Tribunal shares the complainants’ concern about the influence of violence on the youth, it cannot make a finding in this respect because no conclusive evidence exists to substantiate the influence of violence on television on the youth. In the end it remains the duty of parents and caregivers to exercise control over the children’s television viewing habits. No contravention of the Code was found and the complaints are not upheld.

JUDGMENT

HP VILJOEN

[1] The wrestling show “WWE” has become standard fare on e-tv and can now be seen a few times per week during the day and in the evenings. All viewers who tune into these broadcasts know or should know the nature of these shows. Two adjudications by the BCCSA (51/A/2003 and 21/A/2006), referred to by the Respondent, are testimony to the fact that we have had complaints about these programmes before. We are dealing here with another two of these complaints, relating to three broadcasts respectively on 25 August, 12 October and 13 October 2009. The first one was broadcast at 20:00 and the other two both at 20:30. All three broadcasts carried a PG10V advisory. As the material of all three broadcasts are the same in nature, we shall deal with all three in this one judgment. The details of the complaints and the Respondent’s response to them, are set out in the following paragraphs.

[2] The 1st Complainant complained as follows:

“I would like to complain that the content of the wrestling broadcast on your channel is in breach of the guidelines you advertise as it is clearly gratuitous in nature. I have resisted writing for several months as a pointless exercise, as I'm sure your commissioning editors are acutely aware of the content of the programmes they broadcast. However, tonight’s edition of WWE Afterburn was beyond the pale. This is a compilation show of clips from Sunday’s show, so the content has been aired twice. In tonight’s episode, ‘C.M. Punk’ continued to batter the supposedly semi-conscious ‘Jeff Hardy’, described by the astounded commentators as “an all-out assault”, and by the show’s host as “a despicable display….I can’t believe what we’ve just seen”. Having worked for 15 years in Forensic Psychotherapy I well understand the definition of Gratuitous Violence, the airing of which your channel purports to be committed against. I’m also aware that these wrestling programmes are theatrical, but also that they are staged to appear real and for younger minds especially, appear just that. My whole complaint had been aimed at ETV before I realized I should send it to you. The Afterburn Show was broadcast on Monday 25 August at 20.00, and the scene in question was a repeat from the WWE show broadcast on Sunday 24 at
17.00. This is just one example however and the show regularly has people being beaten with chairs or having their arms or legs held by one wrestler whilst another stamps or smashes an object against it.”

e-tv responded as follows:

“This letter is in response to a complaint by Dr. Joseph Marr concerning the content of the above show. The complaint objects to “gratuitous violence”. It states: “It is a compilation show of clips from Sunday’s show, so the content has been aired twice. In tonight’s episode, C. M. Punk continued to batter the supposedly semi-conscious Jeff Hardy described by the astounded commentators as ‘an all out assault’, and by the show’s host as ‘a despicable display…’The insert complained about is a replay from a show that apparently took place a week or two ago in the wrestling championship. It involves Punk beating Hardy with a steel chair. And a lot is made out in the show about the fact that Matt Hardy only intervened late to help his brother. In an interview Matt Hardy feigns remorse about not helping his brother.

In the impugned replay segment, a steel chair is used as a prop to spice the duel and make it more engaging and interesting. At the end of the segment Jeff Hardy appears more tired than injured after the beating he received. In the next segment of the programme, he is shown in the ring addressing the crowd and looks quite well for a person who supposedly got “brutally” beaten by a steel chair a week before in the competition. Punk enters the ring and taunts him. Hardy manages to overpower him in a duel. Jeff Hardy appears quite fit and well for someone who apparently got injured in the previous fight. In the following segment, together with his brother, they go on to defeat Punk and his team.

The animosity between Hardy and Punk is clearly staged to psyche up the crowd for the oncoming championship title which it is said would involve tables, ladders and chairs (also known as the TLC championship). The violence portrayed in the programme is integral to wrestling as a show business and is contextually not gratuitous. The props used are to enhance the “drama” played out in the ring. In the instant programme it is clear Jeff Hardy did not suffer any injuries from the previous fight in which he was supposedly beaten with a steel chair.

The programme was screened at 20h00 in the evening and carried a PG10V advisory at the start and after each advert break. As the Commission stated previously in its ruling “Persons over the age of 10 would be able to understand that this kind of wrestling has become a cheap sensational form of ‘entertainment’ and that what is seen and heard is mostly done for entertainment and nothing else” [CASE NO:51/2003(A)]. It is noteworthy that the complainant also recognises that the programme is theatrical and that it’s staged to appear real. The apparent violence is integral to the show and is the reason for the existence of the programme. Therefore the violence is not gratuitous as is alleged in the complaint. In the result, we submit that there is no contravention of the broadcasting code.

[3] The 2nd Complainant’s complaint reads as follows:

Ist Complaint: “My complaint is for the following broadcast: WWE Wrestling, 12 October 2009, 20h30, Etv. Skaterly clad women with silicone enlarged breasts and make up, striking provocative sexual poses, slapping each other around, thrusting pelvic areas into the air and the camera zooming in to catch all the sordid details. Near naked men taunting and threatening each other, spontaneous bursts of violence, insulting behaviour and a “anything goes” attitude. It concerns me deeply
that this type of violent and provocative programming is so frequently broadcasted in prime viewing slots. What message is this sending to our children?

2nd Complaint: “My complaint is with regard to the following program. WWE Afterburn 13 October 2009, 20h30, Etv. Blond man holds mike in the ring and taunts and insults big man. Big man stands looking at him, says nothing and has a slight dazed look on his face perhaps the complications of a decade of steroid and recreational drug abuse. Blond man continues the barrage, getting right in to big mans face. Very confrontational and abusive. Suddenly big man snaps and picks blond man up and throws him on his head................. Pretty boy and bearded man are fighting in the ring, pretty boy repeatedly hits bearded man in the face, throws him against the ropes and runs into him with his arm outstretched smashing into his neck and bearded man collapses to the floor in pain. Pretty boy bounces of the ropes and smashes his knee into bearded mans face. Bearded man recovers and picks pretty boy high above his head but before he can throw him, pretty boy does a flick flack in the air, grabs bearded man head between his thighs and smashed his head to the floor. Pretty boy wins, stands up holding the spoils of victory above his head and then starts to taunt and level insults to ring side man in leather underpants................. Blond girl has got the better of brown girl as she repeatedly smashed her head to the floor, then she grabs her from behind, bending her neck and spine in an unnatural and dangerous manner. Brown girl grimaces with pain but some how grabs blond girls hair and smashes her elbow into blond girls face. Blond girl very angry now and throws brown girl out of the ring then launches herself from the ropes, spreads her legs and collides, crouch first into brown girls face. Blond girl grabs brown girl by the hair and repeatedly smashes her face into the floor and then throws her into the ring...................... These programs are having a negative impact on the fabric of society, they teach children intolerance and violence as a method of conflict resolution. I am not aware of any responsible parent that allows their child to watch these programs, but am aware of children that have being assaulted by other children who were parading themselves as “John Cena”.”

e-tv responded as follows: This letter is in response to complaints by Colin Belter concerning two WWE episodes. The complaints allege “gratuitous violence” in both programmes.

Complaints

1. WWE Wrestling (20h30) - The complaint objects to “scantily clad women with silicone enlarged breasts and make-up striking provocative sexual poses” and that this type of programming should not be broadcast in prime time.

2. WWE Afterburn (20h30) - In this complaint the complainant describes several bouts which are really regular wrestling fare. Then allege that these programmes are having a negative impact on the fabric of society and they teach children intolerance and violence as a method of conflict resolution. The complainant also alleges to be aware of children that have been assaulted by others who were parading themselves as “John Cena”.

Response: Wrestling is a unique form of entertainment which invites comparison with boxing, pantomime, circus and soaps but is not really like any of these. The Commission noted before in one of its rulings that: “The violence portrayed in these programmes should be seen as part of show business, rather than as an unwelcome result of competition sport. Violence in this context is not gratuitous (own emphasis) but should be seen as the
reason for the existence of the programme” (Adjudication NO: 21/A/2006). Emphasising a finding from a research report on wrestling, the ruling said that in order to avoid the wrestling from becoming repetitive and predictable, the producers usually resort to novelty – “novelty of moves, props and shenanigans generally”. Seen from this perspective, we submit that the programmes do not contain gratuitous violence as alleged by the complaints.

WWE Wrestling

This programme involved bouts between women wrestlers and they exhibited typical moves associated with this form of entertainment. The women are dressed in shiny suits and their form of dress is no different from that of their male counterparts. The complaint’s allegation of sexual innuendo is misplaced as these bouts do not take place within a sexual context nor are the women’s conduct in any way sexually suggestive. All the antics are executed in the name of entertainment and the exaggerated bashing of heads on the canvas are not to be taken seriously. Contestants do not appear to be seriously harmed at the end of the contests.

WWE Afterburn

In this programme Batista is back from supposed injury and addresses the crowd about his intentions in the competition. Jericho comes into the ring and starts taunting him. The trick is merely to psyche up the crowd and promote oncoming duels between the two wrestlers. It’s a good-guy and bad-guy scenario which is typical of wrestling entertainment. The other bouts in the programme amount to no more than “amusing buffoonery” typical of wrestling contests. Both programmes were screened at 20h30 in the evening. They carried a PG10V rating at the start and after each advertisement break as advised by the Commission (CASE NO: 51/2003/A). We submit that the complainant has not established a scientific foundation for the allegation that these programmes promote violence among children. In the result we submit that there is no contravention of the broadcasting code.”

[4] The clause of the Broadcasting Code of Conduct which is relevant to these complaints, clause 14, reads as follows:

“Licensees shall not broadcast any material which, judged within context:-

(i) Contains gratuitous violence in any form, i.e. violence which does not play an integral role in developing the plot, character or theme of the material as a whole.

(ii) Sanctions, promotes or glamorizes violence.

Apart from the description of gratuitous violence in clause 14(i), it is important to take cognizance of the meaning of the word “gratuitous” in this context. Most dictionaries refer to meanings such as “unnecessary”, “unwarranted”, “without cause”
and “unjustified”. In the BCCSA adjudication 21/A/2006 it was found that the violence in that context was not gratuitous. In fact, the violence was found to be the reason for the existence of the programme. We think the same could be said of the broadcasts under consideration. None of the meanings referred to above could be applied to the violence which is depicted in these programmes. We can therefore not find that the violence in the programmes complained of was gratuitous.

The question remains whether the broadcasts sanctioned, promoted or glamorised violence. This brings us to the nature of these wrestling programmes. In studies made in Britain by the British Board of Film Classification and by other bodies, the following was said about this type of wrestling programmes: *inter alia*, that these programmes resembled more a branch of show business than of sport and that it invited comparisons with boxing, pantomime, circus and soaps, but that it was not really like any of these. It was also found that the violence depicted in these programmes was not real, for the following reasons: that action was clearly faked, that the wrestling was not a sporting contest but more in the nature of a performance, that the bouts are implausibly protracted, that the wrestler who appears to have taken the biggest beating regularly triumphs in the end, and wrestlers who are taken away in ambulances appear again in days, apparently unscathed. These findings lead us to the conclusion that the type of violence that we see in the programmes complained of, could not be brought under the ambit of clause 14. Although we find that the programmes in question did not sanction, promote or glamorise violence, we think that the Respondent sailed very close to the wind, as the saying goes.

The question can then be asked what effect these programmes would have on children because this is always one of our main concerns. The Respondent contended firstly that the programmes all carried a PG10V advisory, in other words parents were warned to give guidance to their children of 10 years and younger who would be watching, and a warning to all of excessive violence in the programmes. A further point made by the Respondent was that the programmes were broadcast in the evenings, one at 20:00 and the other two at 20:30. Although the watershed for children’s viewing for all free to air broadcasting is at 21:00, we do allow broadcasters to broadcast material with a 16 age restriction after 20:00 in the evenings.
with the necessary warnings. In this respect we also do not find a contravention of the Code.

[7] We share the complainants’ concern about the effect that these programmes might have on young people and especially the concern that children might learn that it is acceptable that conflict should be resolved through violence. As far as we know there are research reports that conclude that violence seen on television has a negative influence on the minds of young people. On the other hand there are reports that contradict these findings. We are not in a position to make a finding in this regard. In the final instance it is the duty of parents and care givers to exercise control over the television viewing habits of children in their care. In the present case we have to give the broadcaster the benefit of the doubt and find that the warning of PG10V was sufficient.

In the result we find that there was no contravention of the Code of Conduct and the complaints are not upheld.

HP Viljoen
COMMISSIONER

The Chairperson Van Rooyen and Commissioners Venter and Makeketa concurred with the judgment.