



P.O.Box 412365 • Craighall • Tel (011) 326 3130 • Fax (011) 326 3198 • email: bccsa@nabsa.co.za
Block No 8 • Burnside Island Office Park • 410 Jan Smuts Avenue • Craighall Park • 2196 • www.bccsa.co.za

ADJUDICATION NO: 28/A/2015

PROGRAMME NAME : REGULAR SHOW
DATE OF BROADCAST : 31 OCTOBER AT 20H00
BROADCASTER : MULTICHOICE CHANNEL 301
COMPLAINANT : BELTER

COMPLAINT

DSTV: Cartoon Network – The Regular Show – 20h00 – 31 October 2015

Content unsuitable for family viewing, younger children.

APPLICABLE RULES

Watershed period

- 12. A television or composite subscription broadcasting service licensee, wherever practicable, must avoid broadcasting programming material, including promotional material, which is unsuitable for children and/or contains nudity, explicit sexual conduct, violence or offensive language before the watershed period.**

Information to be provided about programming

- 18. A subscription broadcasting service licensee must provide clear and consistent information to its audience about the classification thereof, so that its audience may select the programming – they do not wish to view or listen to;**
- 18.1 they do not wish their children to view or listen to.**
- 18.2 they do not wish their children to view or listen to.**

19. A subscription broadcasting service licensee must therefore clearly and consistently indicate in relation to all its programming, other than programming which it would classify as "family viewing" –
 - 19.1 the classification thereof in its hard copy programme guide and its EPG; and
 - 19.2 the classification thereof in any material advertising or promoting programming to be broadcast.
20. If a programme to be broadcast is classified as anything other than "family viewing", a subscription broadcasting service licensee, wherever practicable, must clearly indicate, immediately prior to the commencement of that programme, the classification thereof.

Parental control mechanism

21. A subscription broadcasting licensee must, wherever practicable, implement adequate mechanisms to enable a subscriber, using a reasonably secure mechanism, such as a PIN number selected by the subscriber, to block a programme, based on the classification of the programme, or a channel, included in its service.
22. In order to enable a subscriber to block a programme, based on the classification of the programme, a subscription broadcasting service licensee must, wherever practicable –
 - 22.1 capture the programming classification information electronically ("the classification data"); and
 - 22.2 add the classification data to the output signal of the subscription broadcasting service in the transmission broadcast stream received by a subscriber's decoder so that the subscriber's decoder receives a message that the programme being received has a particular classification.
23. A subscription broadcasting service licensee must ensure that any decoders which it promotes or sells are capable of allowing a subscriber to block any programme, based on the classification of the programme, or channel included in its service.
24. A subscription broadcasting service licensee must inform all its subscribers of the parental control mechanism available and provide the subscriber with a step-by-step guide on how to use it ("parental control guide").
25. A subscription broadcasting service licensee must –

- 25.1 provide every subscriber a copy of the parental control guide when a subscriber subscribes to its subscription broadcasting service;**
- 25.2 ensure that the parental control guide may always be accessed by its subscribers through the EPG;**
- 25.3 post a copy of the parental control guide on its website; and**
- 25.4 provide a call centre facility to assist subscribers in using the parental control mechanism.**

In addition, a multi-channel subscription broadcasting service licensee must –

- 26.1 broadcast brief inserts across a variety of channels on the service from time to time informing subscribers of the parental control mechanism and how the parental control guide may be accessed; and**
 - 26.2 include the parental control guide on an information channel on the subscription broadcasting service which information channel must be accessible by subscribers at any time.**
- 27. If a programme or channel has been blocked due to a subscriber's use of a parental control mechanism, the licensee must –**
- 27.1 display a message on the subscriber's screen advising the subscriber that the content has been blocked by the parental control mechanism; and**
 - 27.2 enable the subscriber to unblock the programme or channel should the subscriber so wish**

ADJUDICATION

[1] The Registrar of the Broadcasting Complaints Commission received a complaint regarding a Cartoon aired on DSTV Channel 301 on 31 October 2015.

[2] **The complaint reads as follows:**

“The program that I am complaining about was aired on 31 October 2015 at about 20h00, DStv channel 301, it was titled Regular Show.

This animation, which was aired on a children's channel, showed detailed horror accompanied with idiotic dialog. As an adult I experienced this as stressful and for a children it is traumatic.

In a previous engagement I was advised that there is a 'parental control' and someone once told me that you could simply just put it off. Not all parents are responsible and many are unaware of the negative effect. The airing of these program is discriminating against children who have parents that are not carrying out their duties - this is a form of child abuse.

In terms of culture, we could be within a generational genocide which will only be acted out in years to come. The promotion of foreign cultural events such as 'Halloween' is at the expense of our identity and it is not appropriate for children, even if it comes under the guise of animation or art.

If you put a put a new born dog with sheep it will think it is a sheep. Prolonged input on an absorbing mind will push the child into believing that life is a cartoon. Moderate input would change behaviour and make the child speak and act out things that have being absorbed.

Innocent until proven guilty does not apply to the broadcaster. For the sake of child mental health the broadcaster needs to prove not only that the programming is not harmful but also that it is beneficial for the child.

After being asked by the Registrar of the BCCSA for more details of the programme in question, and the specific reasons why there was thought to be a contravention of the Code of Subscription broadcasters, the Complainant further responded.

Thank you for your prompt response, I did not think to remember the exact details because I was more concerned with my children.

The images that I saw were a group of children dressed as monsters having a party in a bus. I think the children tried to get out the bus but a monster was driving and then everyone died and now the children were stuck in this horror bus. I saw the fear in my children's faces and changed the channel to a nature program, then my children said "thank you for changing the channel daddy". They could not change the channel because they were paralysed by fear.

My reasons are:

- horror images being installed in a child's mind which leads to nightmares.
- foreign culture take preference over local culture.
- addictive nature of these programs.
- abstract dialog that negatively influences a child's ability to speak correctly.
- the child gets absorbed into the program (golem sickness).
- celebration of the Devil (Halloween).

This type of programs conditions children to think in a certain manner and ultimately plays out in society with horrendous crimes that leaves us dumfounded as how could someone do this. The TV is a very powerful medium that directly influences our thoughts, emotions and actions, a child mind is a sponge and if it absorbs this type of programming then it will be negatively affected.

Some might feel I am being melodramatic and simplistic but what happens if I am right. Society complains about perversion, crime and horror while the TV glamorises and normalises it.

Thank you, I think I might of overstated the "fear in my children's faces" part and the word "paralysed" should have mesmerised."

EVALUATION

- [3] The registrar requested the Broadcaster to respond to this complaint. The Broadcaster chose not to submit a response.

- [4] This adjudication will not touch on the academic debate around cartoons and their beneficial and/or detrimental effects on childhood development; suffice it to say that cartoons are a notoriously difficult genre of media to broadcast, as each particular programme must be treated on its own merits; not only do cartoons vary from being extremely simplistic (and often specifically made for small children) to being extremely complex (and meant only for adult audiences), but different episodes of the same cartoon series may have vastly different content.

This means that one episode of a particular cartoon series, made ostensibly for children, could be entirely suitable for children to watch on their own, whereas the next could require parental supervision.

- [5] The nature of cartoons therefore places an onerous obligation on broadcasters of cartoon programming to ensure that the correct audience advisories are in place. For our South African free-to-air broadcasters, this is a particularly difficult task, as parental controls at household level are not available ... and the broadcasters therefore have to pre-check the content of each and every episode.

In the case of the Subscription broadcasters, as in the current case, their task is a little easier in that parental control can be exercised via the various programme classification and blocking mechanisms, including parental-input of pin-codes. Nevertheless, a large amount of pre-checking of content must still take place by the broadcaster.

Of course, some annually-diarised events can and should act as cues to the broadcaster in respect of a content deviation from normal; in this particular case, the annual Halloween period should perhaps have triggered a warning about a possible abnormality; i.e. from more children-orientated themes to something more ghoulish.

- [6] I have watched the episode of the “Regular Show” in question; the cartoon is generally about two characters, Mordecai and Rigby who are best friends and “who take the problems and mundane tasks of their boring jobs to fantastical places”. In this particular episode, the content is fairly typical “halloween-horror”, as described by the complainant above.

It is understood, although this has not been confirmed due to the lack of response from the Broadcaster, that the “Regular Show” is broadcast as suitable for “Family Viewing” and hence without an audience advisory. Accordingly, it seems that there are no blocking mechanisms available to parents, apart of course from a total channel block.

This adjudicator’s research around the content of “Regular Show” has found different opinions, but in the main they are positive. For example, the show is regularly watched weekly by between 2 to 2.5 million people, and it has won Best Children’s programming awards from eminent organisation’s such as the British Academy Children’s Awards, the Emmy Awards, the Annie Awards, the Kid’s Choice Awards, the Teen Choice Awards, amongst others.¹ In general, television critics praise the content of the show, but there are also some organisations who do warn parents however of the slightly “edgy for non-adult” nature of some episodes:

Parents need to know that this animated series ... includes a fair amount of fantasy violence (kicking, punching, throwing, etc.) and some crude humor that isn't age-appropriate for younger tweens. There's also some salty language (“pissed,” “screwed,” “crap”), and characters are seen drinking beer, sometimes to the point where they act drunk and/or get sick. Occasional secondary characters are based on racial/ethnic stereotypes. (<https://www.common sense media.org/tv-reviews/regular-show>)

- [7] This programme, and this episode in particular, seems therefore to be of a nature that deserves some form of parental control by the broadcaster, especially for parents of younger children, as in the case of the complainant in this matter.

However, this adjudicator is not going to be drawn into prescribing, or even recommending, to the broadcaster what the nature of this “parental control’ should be; this is an internal matter for the broadcaster to decide for themselves, according to

¹ https://en.wikipedia.org/wiki/Regular_Show

their understanding of their obligations under the BCCSA code regarding the protection of children. However, it is permissible to advise that the broadcaster investigate whether some form of individual parental control over such programming could be implemented.

It is also important to note, as has been stated time and again by the BCCSA in judgements over the years, that parents cannot abdicate their parental duties to supervise the content that their children watch, nor can this general duty of care be transferred in its entirety to the broadcaster. Parents must supervise their children's TV viewing, and as in the case of the complainant in this case, "change the channel" to some other programming that they feel more age-appropriate for their particular children. It is perhaps salient to also note that when children are watching a cartoon broadcast at 20h00 in the evening, as in this specific case, it is not unreasonable to expect a parent to anticipate programming that may be slightly unsuitable for very young children.

This does not of course excuse broadcasters from their Pre-Watershed obligations and of course content restriction, as well as their duty of care regarding Audience Advisories and other control mechanisms.

It is probably appropriate at this stage, as there seems to be some confusion in this regard, to remind both broadcasters and the general viewer, as to the exact nature of Audience Advisories. The best way to do this is to quote from a recent judgement by the past Chairperson of the BCCSA, Prof Van Rooyen:

By way of introduction it should be stated that "PG" means parental guidance, and its use, in terms of the Broadcasting Code, is limited to films suitable for children aged 10 or 13 years. According to this classification, children under the age of 10 or 13 may not watch a PG broadcast without being accompanied by a parent or caregiver. It would seem that some classifiers believe that PG somehow or other denotes "age restriction". This is, of course, incorrect. In fact, Mr Hassen, who represents the SABC, at the end of 2014 copied the BCCSA with a circular to classifiers in which he clarified the terminology. This followed upon my Report to the BCCSA at its Annual Meeting of 2014 – a report that was circulated to members of the National Association of Broadcasters. As stated in the Report, there are four categories of protection for children under the age of 13: PG 10, PG 13, as well as 10 and 13. The 13 may have a V or L added to it, depending on the nature of the material. An S for sex would not, in the normal course, be added to any of these

classifications, since the S classification is only appropriate for a 16 or 18 classification. In so far as PG is concerned, the practice has developed that broadcasters generally add some indication to parents as to why the PG classification is necessary. Thus it has come about that PG10VL and PG13VL are often used. There is no reason why this practice should not be continued. (Thain vs SABCI, Case: 49/2014(BCCSA))

In summation, I find that whilst this particular episode of the Regular Show ventured beyond what some may consider to be appropriate programming for younger-children, and that this “Halloween-horror” theme should have been anticipated by the broadcaster, the programme was in fact broadcast at 20h00 and although slightly scary in terms of the storyline, was not in my opinion, sufficiently “adult-themed” to warrant a finding of a contravention.

Nevertheless, the broadcaster is reminded of the requirement to protect children from content intended for older audiences, and is advised to investigate implementing measures, alternatively adding appropriate audience advisories, which would provide concerned parents, such as the complainant, a greater degree of individual control over their children’s viewing.

In the event, no contravention of the Broadcasting Code is found.

**MR A MELVILLE
BCCSA COMMISSIONER.**