DATE OF HEARING: 31 AUGUST 2001

MR DANIE BARNARD  COMPLAINANT

VS

94.7 HIGHVELD STEREO  RESPONDENT

TRIBUNAL:  PROF KOBUS VAN ROOYEN SC (CHAIRMAN)
ADV LINDI NKOSI-THOMAS
PROF HENNING VILJOEN

NO APPEARANCE FOR THE COMPLAINANT

FOR THE RESPONDENT:  MR R NAIDOO, PROGRAMMING MANAGER OF 94.7 HIGHVELD STEREO.

Joke told by talk show host - complaint that joke is “beyond crude and disgusting”—tribunal finding that joke might be in questionable taste, but not in contravention of Code - complaint dismissed.

SUMMARY

Complainant lodged a complaint against the respondent wherein it was alleged that a joke told by Jeremy Mansfield was “beyond crude and disgusting”. After considering the matter, the tribunal came to the conclusion that, although the joke could be considered as being one in questionable taste, it was not convinced that the Code of the BCCSA had been violated.
JUDGMENT

Prof Henning Viljoen

On 27 July 2001 at about 8:10 the Respondent’s talk show host, Jeremy Mansfield, in his early morning programme told a joke on the air which went substantially like this:

Jenny (a little girl) approached her mother and said: “Do you know that Kevin’s ‘piepie’ is like a peanut”. The mother responded and asked: “Oh, is it just as small?” “No” said the child “it tastes just as salty”.

The Complainant lodged a complaint against the Respondent in which he complained about the telling of this joke. He stated, inter alia, the following:

That (referring to the joke) is beyond crude or disgusting. I think it is quite sick......I wish to state that even in adult company, this joke would go down poorly. If such matter were to be condoned, then I believe it would be a farce to claim that we have broadcasting standards.

In his letter of complaint, the Complainant admits to having been listening to Jeremy Mansfield’s programme for years and to having been enjoying it. He would obviously have become accustomed to Jeremy’s style and to the type of jokes he has been telling. As the target audience of this programme is mainly adult, the children being at school at that time of the day, one could expect that the jokes that he would tell to his listeners would fall mainly in the category that one could classify as “crude”. Although the joke under discussion would probably fall under this category and is, in the opinion of the Tribunal, of questionable taste, it cannot be said to be in violation of the Code of the BCCSA.

The Complainant alleges that if this matter were to be condoned, it would be a farce to claim that we have broadcasting standards. The Tribunal would like to stress that it is not the duty of the BCCSA to condone or condemn material that is broadcast by the signatories of our Code, like a censor would do. It is our task to consider whether a broadcaster has acted in violation of the Code in a particular matter. In this process we have to strike a balance between the viewers/listeners’ rights to dignity, to equality and all the other rights enshrined in the Constitution, on the one hand, and the broadcaster’s right to freedom of expression on the other hand. In this process we
have to consider factors such as the nature of the programme, the target audience, etcetera.

After having considered all the factors mentioned above, we have come to the conclusion that it cannot be said that the telling of this joke violated the Code. The complaint is therefore dismissed.

**PROF HENNING VILJOEN**  
**BCCSA COMMISSIONER**  
The other Commissioners concurred.