



**Australian
Broadcasting
Authority**

Investigation Report No: 1426

File No.	2004/1180
Licensee	Channel Seven Melbourne Pty Ltd
Station	HSV 7
Type of Service	Commercial Television Broadcasting
Name of Program	24 Program Promotion
Date of Broadcast	27 March 2004
Relevant Codes	Commercial Television Industry Code of Practice 1999: Clauses 2.11, 2.11.1, 3.7, 3.8 and 3.8.7.

The Complaint

On 30 June 2004 the Australian Broadcasting Authority (ABA) received a written complaint concerning the content of a promotion for the 'M' (Mature) classified program '24'. The promotion was broadcast by Channel Seven Melbourne Pty Ltd (Channel Seven) on Saturday 27 March 2004 during the 'G' (General) classified program 'Better Homes and Gardens', aired between 7.30 p.m. and 8.30 p.m.

Complainant Submission

The complainant argued to the ABA that promotions for 'M' classified programs should not be shown during family programs, such as *'Better Homes and Gardens'*. The complainant contended that the promotion had more than 'a very low sense of threat or menace' and took an alternate view to Channel Seven that the threat, and action, while not showing actual injury, did not 'take away from their violence'. Not satisfied with the response provided by the licensee, the complainant forwarded the matter to the ABA for investigation.

The Promotion

The item complained about is a 15 second promotion for '24', a program series that encapsulates 24 one hour episodes that portray developments of fictitious CIA operations over a 24 hour period. The program follows the endeavours of a CIA agent

referred to as 'Jack' as he investigates the actions of enemies of the United States of America in an attempt to determine and thwart their plans.

The promotion is a montage of short excerpts from the next episode of the program '24' along with narration and dialogue. The narration during the promotion is interspersed with dialogue from the next episode as follows:

Narration (Male):	A deadly menace stopped. The price, Jack is in the hands of a drug lord.
Male Voice Excerpt:	"Are you ready to die, Jack"
Narration:	But if you think you can guess what's about to unfold, you don't know Jack.
Male Voice Excerpt:	"What are you doing."
Narration:	24, Monday after Sevens' Las Vegas.

The excerpts feature various scenes including: a person in a biological contamination suit; Jack in a corridor with a hand gun in the 'ready to fire' position (arm outstretched in front); images of cellular activity viewed through a microscope; a scene shot through bars of a jail or cage of Jack lying on his back in a lather of sweat; two men advancing through a door the first with a hand gun in the ready safety position (gun in hand, arm bent upwards pointing towards the ceiling); a woman gagged and restrained in a chair with tape and a man leaning over her; a scene showing the upper torso of a woman in underwear approaching a man whose shirt is unbuttoned; a man in a stairwell; a woman kissing a man lying in a hospital bed; a man with a concerned look on his face; and a distant shot of Jack and a captive coming down the stairs of a aeroplane, Jack is following the man, restraining him with a grip on his collar.

Assessment

The ABA viewed a copy of the promotion on VHS videotape and considered comments supplied by the licensee at the ABA's request. The ABA has assessed the complaint against clause 3.8 of the Commercial Television Industry Code of Practice (the Code) of April 1999.

The subsections considered relevant concerning restrictions in G viewing periods and in certain other G programs are detailed below:

3. Program Promotions

- 3.8 Special restrictions apply to the content of program promotions in G programs which are broadcast between 7.30pm and 8.30pm on any day. All such program promotions must comply with the G classification requirements set out in Clause 2.11, and in addition must include no material which involves any of the following:

- 3.8.1 the use of guns, other weapons or dangerous objects in a manner clearly intended to inflict harm on, or to seriously menace, people or animals;
- 3.8.2 punches, blows or other physical or psychological violence against people or animals (other than in the sequences that clearly depict comedy or slapstick behaviour);
- 3.8.7 anything which has more than a very low sense of threat or menace.

Channel Seven Submission

In its response to the ABA the licensee stated the promotion did not breach the Code and did not contain material prohibited by clause 3.8 of the G classification requirements. It submitted that:

- the images appear very briefly, which lessens the impact and contributes to the low sense of threat or menace; and
- although an oral threat of violence is made in the promo for '24' no actual violence or weapons to inflict harm is shown. It is also clear, later in the promo, that the person against whom the threat has been made is alive and well.

Issue 1

Whether the depiction of violence complied with the 'G' classification requirements

Relevant Code Provision: 2.11.1

Subclause 2.11.1 of the Code relates to the broadcast of violent material in G viewing times. It states:

2. General Program Codes

The General (G) Classification

- 2.11 Material classified G is not necessarily intended for children but it must be very mild in impact and must not contain any matter likely to be unsuitable for children to watch without supervision.
 - 2.11.1 *Violence*: Visual depiction of physical and psychological violence must be very restrained. The use of weapons, threatening language, sounds or special effects must have a very low sense of threat or menace, must be strictly limited to the story line or program context, must be infrequent and must not show violent behaviour to be acceptable or desirable.

Findings

The ABA is of the view that the promotion did not comply with subclause 2.11.1 of the Code. In making its decision the ABA notes the following:

Reasons

- The combination of narration with extracts of the audio and visuals from the film has increased the impact of the following scene. The narrative states "...Jack is in the hands of a drug lord", accompanying this are visuals of two men advancing in a determined manner down a corridor, one with a gun drawn, as they reach a door a male voice is heard to say 'are you ready to die, Jack' in a menacing tone. We then see the men coming through the door. This dialogue is considered to have the effect of foreshadowing behaviour of a threatening or violent type, this combined with the manner the men are advancing towards the door and that one of the men is seen to be carrying a hand gun and then entering, creates a sense of threat that is not 'very low'.
- Combined together, these are evocative, menacing images that the ABA considers would be likely to linger in the mind of a child viewer. The ABA does not consider that the fact that Jack appears to be alive and well at the end of the promotion lessens the impact to below 'very low'.
- The promotion contains visual depiction of physical and psychological violence, namely a woman who is bound and gagged. In the ABA's view this could not be considered 'very restrained' despite its brevity.
- Guns appear in two scenes and feature prominently in one of these.
- While the shots are brief, the use of dramatic and suspenseful music, the tone of the narration and in particular the vocalised physical threat directed at Jack contribute to the menacing tone. Other visuals considered to be threatening or menacing include:
 - Jack in a corridor seeking a target with his weapon at the ready;
 - Jack on his back viewed through bars of a cage or jail with his face covered in sweat;
 - Jack forcibly taking his prisoner down aeroplane stairs.
- The ABA considers there is sufficient detail in the images to deduce a sense of threat or menace that would not be considered very low.
- In the ABA's view the material does not satisfy the test of being 'very mild in impact'.

The ABA is therefore of the view that the licensee did not comply with subclause 2.11.1 of the Code.

Issue 2

Whether the content complied with restrictions in G viewing periods and in certain other G programs

Relevant Code Provision: 3.8

Subclause 3.8.7 of the Code relates to the broadcast of material in G viewing times. It states:

3. Program Promotions

- 3.8 Special restrictions apply to the content of program promotions in G viewing periods, or in G programs which start at 3.30pm on a weekday, or which are broadcast between 7.30pm and 8.30pm on any day. All such program promotions must comply with the G classification requirements set out in Clause 2.11, and in addition must include no material which involves any of the following:
- 3.8.1 the use of guns, other weapons or dangerous objects in a manner clearly intended to inflict harm on, or to seriously menace, people or animals;
 - 3.8.2 punches, blows or other physical or psychological violence against people or animals (other than in the sequences that clearly depict comedy or slapstick behaviour);
 - 3.8.7 anything which has more than a very low sense of threat or menace.

ABA Findings

The ABA is of the view that the promotion did not comply with subclause 3.8.1, 3.8.2 and 3.8.7 of the Code. In making its decision the ABA notes the following:

Reasons

- As stated in the reasons given above in relation to subclause 2.11.1, guns are shown on two occasions. On each occasion the guns add menace, in one scene there is a clear intention to inflict harm on Jack in contravention of subclause 3.8.1.
- As stated in the reasons given above in relation to subclause 2.11.1, the image of the female bound and gagged constitutes physical and psychological violence in contravention of subclause 3.8.2.
- As stated in the reasons given above in relation to subclause 2.11.1, the cumulative effect of the visuals, language, suspenseful music and images of subjugated characters in the promotion contained more than a low sense of threat or menace in contravention to subclause 3.8.7.

The ABA is therefore of the view that the licensee did not comply with subclause 3.8.1, 3.8.2 or 3.8.7 of the Code.

DECISION

I, Andrée Wright, Director Industry Performance and Review, being the appropriate delegated officer of the Australian Broadcasting Authority, determine for the above reasons that on 27 March 2004, Channel Seven Melbourne Pty Ltd, breached clause 3.8 of the Commercial Television Industry Code of Practice in its broadcast of the program promotion for the M classified program '24'.

Signed: -----

Andrée Wright

dated this day of February 2005

Action Taken

The licensee accepted the ABA's finding that the program promotion failed to comply with clauses 2.11.1, 3.8.1, 3.8.2 and 3.8.7 of the Code.

The licensee has advised the ABA that a copy of the decision will be circulated to all producers and schedulers involved in program promotion of the requirements of the G classification.

The ABA notes that the licensee failed to comply with clause 3.8.7 of the Code on one other occasion in 2004. The ABA will continue to monitor the licensee's compliance with this provision and may consider further action should subsequent breaches occur.