



Australian Government
**Australian Communications
and Media Authority**

Investigation Report No. 1534

File no.	2005/0909
Licensee	Channel Seven Perth Pty Ltd
Station	TVW 7
Type of service	Commercial Television
Name of program	<i>Family Guy</i>
Date of broadcast	20 December 2004
Relevant legislation/code	Clause 2.4 of the Commercial Television Industry Code of Practice 2004

Investigation conclusion

The licensee of TVW 7 Perth, Channel Seven Perth Pty Ltd, breached clause 2.4 of section 2 of the Commercial Television Industry Code of Practice 2004 by incorrectly classifying material as PG.

The complaint

On 20 April 2005 the Australian Broadcasting Authority¹ (ABA) received a written complaint concerning the program *Family Guy* broadcast by Channel Seven Perth Pty Ltd (Channel 7) on 20 December 2004.

The complainant expressed concern about the sexual references contained in the program which was broadcast in a morning slot at 11.30 am during school holidays. Not satisfied with the response provided by Channel 7, the complainant forwarded the matter to the ABA for investigation.

On 1 July 2005, the Australian Communications and Media Authority (ACMA) commenced to perform the functions previously performed by the ABA under the *Broadcasting Services Act 1992*, including the investigation of complaints of breaches of industry codes of practice by broadcasters.

The program

The licensee described *Family Guy* in the following terms:

Family Guy is a popular animated American family sit-com with a subversive undertone. Peter, the family guy of the title, is an underachieving man who married the daughter of a very wealthy businessman. His family of three children and a dog appears to be conventional but in fact unconventional things keep happening. The dog talks and the baby is more intelligent than the rest of the family put together.

In relation to the episode complained about, the licensee provided the following summary:

In the episode ... Peter tries hard to impress his father-in-law when they go for a visit. This involves admiring his racing dog, Seabreeze. Peter's dog Brian also admires her, and later when she is found to be pregnant, Brian is thought to be the father of the pups. When they are born, however, they all have the face of Ted Turner, a poker friend of the father-in-law.

Assessment

The assessment considered comments supplied by the complainant and Channel 7, as well as a copy of the program provided on a DVD recording.

The delegate considered whether the broadcast of the program breached clause 2.4 of section 2 of the code, which requires all material to be classified according to the Television Classification Guidelines (the guidelines), at Appendix 4 to the code.

When considering whether the licensee breached the code, the delegate assessed the program against the criteria relating to the PG classification of programs in clause 3.2 of the guidelines.

¹ ACMA continued the investigation in accordance with clause 11 of Schedule 4 to the *Australian Communications and Media Authority (Consequential and Transitional Provisions) Act 2005*.

The relevant provision of the code is as follows:

Classification of Other Material

- 2.4 ***All other material for broadcast:*** Subject to Clauses 2.3 and 2.4.1, all other material for broadcast must be classified according to the Television Classification Guidelines (set out in Appendix 4) or, where applicable, the stricter requirements of Section 3: Program Promotions and Section 6: Classification and Placement of Commercials.

The relevant provision of the guidelines is as follows:

The Parental Guidance Recommended (PG) Classification

3. Material classified PG may contain careful presentations of adult themes or concepts but must be mild in impact and remain suitable for children to watch with supervision.

...

3.2 Sex and nudity: Visual depiction of and verbal reference to sexual behaviour must be restrained, mild in impact and justified by the story line or program context. Restrained visual depiction of nudity is permitted, but only where justified by the story line or program context.

Complainant's submissions

The complainant submitted to the ABA the program was incorrectly classified PG by Channel 7 and was not suitable viewing for children during the school holidays, for the reasons summarised below:

- the program contained constant sexual references
- the program contained homosexuality, prostitution, rape and bestiality references and
- the main theme of the program was about the family dog trying to curb his 'carnal desires'. He lusts after a greyhound, races onto the track and 'rapes' her. When she is found to be pregnant he is looking forward to being a father, however when the puppies are born they have the face of the greyhound's owner.

The complaint also referred to the depiction of homosexuality in the program. The code does not discriminate on the basis of sexual preference or orientation, and therefore does not preclude the presentation of themes regarding such issues. However, the manner in which these themes are portrayed are required to meet the relevant classification requirements.

Issue: Was the program suitably classified as PG?

On the basis of clause 2.4, the issue is whether the material in the program has been classified appropriately. The licensee advised the half hour program was classified PG and broadcast during a PG classification timezone. The program has therefore been

assessed against the PG classification requirements in clause 3.2 of Appendix 4, which provides for the level of sexual references permitted in material classified PG.

Licensee's submissions

The licensee responded to the ABA's requests for comments in the following terms:

- the program was appropriately classified under clause 2.4 and Appendix 4, clause 3.2 of the code
- the program was classified PG and was preceded by a spoken and on-screen advice that the program contained 'Sexual References, Adult Themes' and that parental guidance was recommended for young viewers
- even though children were not the target audience (confirmed by ratings data that only a small number of children watched the program), the program was suitable for children to watch with supervision and given appropriate consumer advice
- the program's genre is animated satire. These two aspects mean it can be interpreted differently from a live program or a drama. The characters and situations lack realism, thus they can allude to taboo topics in a manner that is low in impact and not intended to be taken seriously
- the humour is pitched at mature viewers, so a majority of the jokes and references would go over the head of younger ones
- as is common with animated satire there are unusual aspects to this family which are presented as being normal—including Brian, a dog that talks and is treated as a member of the family. It is in this context that the episode explores the possibility of the sex life of dogs
- while Brian has been given human attributes, he is a cartoon dog. In this context, his jumping on a greyhound during a race cannot be interpreted as 'rape'
- in this episode, Peter (the father) tries hard to impress his father-in-law when they go for a visit. This includes admiring his racing dog Seabreeze. Peter's dog Brian also admires her and later when she is found to be pregnant Brian is thought to be the father and a custody battle ensues. When the puppies are born they all have the face of Ted Turner. The possibility of a man having had sex with a dog is only referred to visually in that the faces of the puppies resemble a person, with no verbal reference given
- the baby, Stewie, shown dancing with men without shirts cannot be interpreted as being about homosexuality
- a verbal reference to a prostitute, who is unseen, is acceptable and
- the verbal and visual sexual references are not detailed and comply with the 'restrained, mild in impact and justified by the storyline or program context' requirements of the code. The majority of the references relate to sex between cartoon dogs, which significantly lessens the impact, despite the human attributes possessed by the dog Brian.

Finding

The material is not consistent with the criteria in clause 3.2 of Appendix 4 for the reasons listed below. It follows that the material was not classified according to the guidelines. The licensee therefore breached clause 2.4 of section 2 of the code.

Reasons

ACMA notes the animated cartoon format allows a certain level of suspended disbelief and more latitude in the treatment of themes. However, while the PG classification permits the portrayal of sexual behaviour, the material should remain suitable for children to watch with parental supervision, irrespective of the program style or profile of the target audience.

References to sexual behaviour in the PG classification must be restrained, mild in impact and justified by the storyline or program context. The *Macquarie Dictionary* (Revised Third Edition) defines 'restrain' and 'mild' as follows:

Restrain - 1. to hold back from action; keep in check or under control; keep down; repress;...

Mild - 4. gentle or moderate in force or effect...6. not sharp, pungent or strong...8. moderate in intensity, degree or character.

Taking into account the dictionary definitions above, sexual behaviour and sexual references may be included in a PG program, however the portrayal must be moderate in intensity and not obvious.

The program contained numerous discernible visual and verbal references to sexual behaviour. The frequency of these references within a half hour program had the cumulative effect of dominating the program to such an extent that they could not be characterised as 'restrained' or 'mild in impact'. Examples include:

- Mr and Mrs Griffin (Peter and Lois), discover Brian on the toilet reading *Kinky Canine Coeds*. Lois' reaction suggests that Brian had been masturbating:
Lois: Was he just masturb..?
Peter: Yes.
Lois: Oh my.
Peter: Do we rub his nose in it?

The cover indicates the magazine read by Brian contains material of a sexual nature. The cover features two dogs wearing college jumpers and frilly underpants. A whip can be seen on the ground and in the top left corner there is a graphic featuring red lips and the words 'HOT!' and 'XX'.

- The family dog is depicted watching an X-rated television program titled *World's Sluttiest Dogs*. An image of a poodle is shown wearing frilly panties and pink bras over her teats. The poodle is reclined in a sexualised pose on a leopard skin dog 'couch'. The text *World's Sluttiest Dogs. FOX* also appears prominently on the screen.
- Lois is proud of Peter's attempts to find common ground with her father, Mr Pewterschmidt. She tells her father that Peter has 'cultured' himself like Julia Roberts in *Pretty Woman*. Her father retorts: 'Oh, so I should treat him like a high class whore' and then proceeds to exhale smoke into Peter's face, stubbing the cigarette out onto Peter's chest. Peter responds: 'Its fine, just no kissing on the lips'.
- Mr Pewterschmidt insists that Brian meet Seabreeze, his prize-winning race dog and boasts about her physical attributes. At one point he states '... feel the heat coming off her genitalia, you could roast a marshmallow. That's how you can tell

- she's a champion. Go on, put your hand there.' Brian, struggling with his 'urges', tentatively places his paw close to Seabreeze's behind so as to feel her 'heat'.
- Seabreeze is racing at the track. Brian watches through his binoculars, which are focused on her behind. He lets out a sigh and runs onto the track in pursuit of Seabreeze. The camera cuts to a shot of Brian jumping onto Seabreeze's back. Mr Pewterschmidt states: 'He's violating Seabreeze'. Peter responds 'Oh no, he's awkwardly positioning himself ... Now he's violating Seabreeze'.
 - A male reporter and his female companion emerge from a hotel room. The female is wearing a bra, underpants and fishnet suspender stockings. The male states: 'Hello this is Tom Tucker's evil twin brother, Todd Tucker. Out to destroy his brother's reputation. Ha ha ha. Now I'm going back inside to have some freaky sex with my prostitute, with whom I still have 45 minutes. Now back to breaking news.'

The visual and verbal references to sexual activity are pervasive throughout the program. The concepts referred to, such as pornography, prostitution and bestiality, are adult in nature.

A number of references to sexual activity in the program were direct and not euphemistic. For example, the scene featuring the male reporter and scantily clad female included dialogue that directly referred to sexual activity. The phrase 'have some freaky sex with my prostitute' is explicit in meaning, and does not rely on implication. The woman is also referred to in a newspaper article which identifies her as a 'Sleazy Prostitute'.

Some scenes, although not depicting actual sexual behaviour, were conceptually strong, such as the scene showing the human faces of Seabreeze's pups and Mr Pewterschmidt's accusation that she was a 'filthy whore'. Other examples include the references to Brian 'violating' Seabreeze.

The delegate is of the view that, while some of these sexual references may not be understood by younger children, they are sufficiently strong that older children would understand the sexual implications conveyed in the program. While it is accepted that the references occurred in the context of an animated program, and that most individual depictions were brief, the frequent verbal references to sexual behaviour and the pervasive adult nature of the content placed the material beyond what is acceptable for the PG classification. Notwithstanding Channel 7's comments that the majority of references pertained to sex between cartoon dogs, the fact that human qualities were ascribed to Brian's character served to heighten the impact of the sexual references featured in the program.

Conclusion

The delegate considers the combined cumulative effect of the dialogue and visual material amounts to a sexualised tone and an overall reference to sexual behaviour that cannot be considered 'restrained' or 'mild in impact' as required by clause 3.2 of Appendix 4 to the code. As the material has not been classified in accordance with the guidelines set out at Appendix 4 to the code, the licensee has therefore breached clause 2.4 of section 2 of the code.

Action taken

The licensee accepted the delegate's finding that the episode was not suitable for PG classification. It considered the breach finding to be an isolated incident of incorrect classification.

The licensee has not previously breached this provision of the code. The delegate notes that in response to the breach finding, the licensee has taken the following steps:

- reclassified the episode as M and
- instructed classifiers to re-examine the classification of all other episodes of the *Family Guy* series to determine whether any other material requires editing or reclassification.

The delegate considers these actions address the compliance issues raised by the investigation and will continue to monitor the licensee's performance in this regard.

Decision

I, Andrée Wright, Executive Manager, Industry Performance and Review Branch, being the appropriate delegated officer of the Australian Communications and Media Authority, determine for the above reasons that the licensee, Channel Seven Perth Pty Ltd, in relation to the broadcast of an episode of *Family Guy* on 20 December 2004, breached clause 2.4 of section 2 of the Commercial Television Industry Code of Practice 2004, by incorrectly classifying material as PG.

Signed: -----
Andrée Wright

dated this day of October 2005