



affairs program containing material which, in the licensee's reasonable opinion, is likely to distress or offend a substantial number of viewers.

2.8.1 If such material is likely, in the licensee's reasonable opinion, to seriously distress or seriously offend a substantial number of viewers, then the licensee must provide the adequate prior warning required by Clause 2.30.

This obligation is set out again as subclause 4.3.4 of the code which provides:

4.3 In broadcasting news and current affairs programs, licensees:

...

4.3.4 must provide the warnings required by Clauses 2.8 and 2.30 of this Code when there is an identifiable public interest reason for selecting and broadcasting visual and/or aural material which may seriously distress or seriously offend a substantial number of viewers.

Warnings Before Certain News, Current Affairs and Other Programs

2.30 A licensee must provide prior warning to viewers when a news, current affairs, or other program which does not carry consumer advice includes, for an identifiable public interest reason, material which in the licensee's reasonable opinion is likely to seriously distress or seriously offend a substantial number of viewers. The warning must precede the relevant item in a news and current affairs program and precede the program in other cases.

2.31 Warnings before the broadcast of material of this nature must be spoken, and may also be written. They must provide an adequate indication of the nature of the material, while avoiding detail which may itself seriously distress or seriously offend viewers.

## Warnings

The ABA is of the view that the '60 Minutes' segment, broadcast in a program commencing at 7.30 p.m., was likely to cause serious offence to a substantial number of viewers and therefore pursuant to subclauses 2.8.1 and 4.3.4 of the code TCN was required to provide viewers with adequate warning as set out in subclauses 2.30 and 2.31 of the code.

Prior to the commencement of the

segment TCN provided the following warnings:

- Written warning — full screen on red background

- L — Coarse Language Warning

- Spoken warning

- Channel Nine wishes to advise that the following segment of '60 Minutes' features a story on the use of very coarse language in today's society. The language used may offend some viewers. Parental discretion is advised.

- Warning given by the presenter as an introduction to the segment

- There haven't been many stories on '60 Minutes' over the years that I wouldn't want my own kids to see, but this is one. In fact, anyone likely to be offended by the use of coarse language should be warned that this story is full of it, because it's about it. It's about the 'f' word. Once taboo, but now in such common usage, a magistrate has just ruled that it's no longer offensive when used against police. There's not a one of us who's not heard the 'f' word and who doesn't have an opinion on its use — but please, if it does offend, don't ring or write, just turn off for the next thirteen minutes or so.

## Likely audience of the program

In exempting licensees from classifying news and current affairs programs, subclause 2.3.1 of the code requires licensees to exercise care in selecting material for broadcast having regard to the likely audience of the program and any identifiable public interest reason for presenting the program material. Although it is broadcast in a 'PG' viewing period on Sunday evenings, '60 Minutes' is a current affairs program for the purposes of the code. The target audience is likely to be an adult audience. However, the nature of the warnings given by TCN suggests that it took account of the fact that children may also be viewing at that time.

## Decision

The ABA considered the warnings given demonstrate that TCN had regard to the likely audience of the program in selecting the material for broadcast. The ABA also considered that there was an identifiable public interest reason for presenting the program material. ❏

## HSV 7 Melbourne

### Promotion for Ally McBeal

#### Complaint

The ABA received an unresolved complaint about a program promotion for 'Ally McBeal' broadcast by HSV Channel 7 Pty Ltd on 28 March 1999. The complainant claimed that the program promotion contained unacceptable language for the classification time zone and would have been more appropriately broadcast at a later time.

The promotion was broadcast at 7.50 p.m. during 'Home Improvement' which is classified G. The promotion contained the word 'bitch'.

#### Relevant code of practice

The relevant requirements of the April 1993 Commercial Television Industry Code of Practice are set out in section 3:

3.6 In G viewing periods and in all G programs starting at 3.30 p.m. on a weekday, or broadcast between 7.30 p.m. and 8.30 p.m. on any day, no program promotion may include material (whether visual or auditory) which involves:

3.6.10 improper language, including mild expletives.

#### Decision

The ABA found that HSV Channel 7 Pty Ltd breached clause 3.6.10 of the code by broadcasting a program promotion that contained improper language in a G classified program broadcast between 7.30 p.m. and 8.30 p.m.

#### Action taken

Seven Network Limited has not proposed any particular remedial action in response to the ABA's findings in this investigation. The ABA has sought information from Seven on its procedure for classifying promotions and is pursuing this issue further. ❏