

## Foxtel to review classification of all *Family Guy* episodes after breaches

Foxtel Cable Television Pty Ltd will review the classification of all episodes of *Family Guy* after ACMA found that it incorrectly classified an episode as PG (Parental Guidance) instead of M (Mature).

After investigating a complaint that the program contained sexual references and depictions of violence that were inappropriate for PG classification, ACMA found Foxtel had breached the classification provisions of the Australian Subscription Television and Radio Association (ASTRA) Subscription Broadcast Television Codes of Practice (the codes).

Foxtel also breached the codes by not following the required complaint-handling procedures, in failing to advise the complainant that he could refer the matter to ACMA.

'ACMA's ongoing research consistently shows that classification categories are well understood by the community,' said Chris Chapman, ACMA Chairman. 'ACMA is firmly committed to the view that the correct classification of programs helps to inform viewers' decisions about what they and their children watch. It is also important for the effectiveness of codes of practice that licensees are eternally vigilant in meeting their complaint-handling obligations.'

The codes use the Classification Board's Guidelines for Classification of Films and Computer Games. For PG-classified programs, 'Violence should be mild and infrequent, and be justified by context ... Sexual activity should be mild and discreetly implied, and be justified by context.'

ACMA determined that the program contained

frequent violence and that a reference to necrophilia exceeded 'mild'. The program has therefore been re-classified as M, which allows for stronger sexual references and levels of violence, if justified by context.

ACMA noted that Foxtel was last found to have incorrectly classified a program in November 2006, and it is the first time that Foxtel has been found to have breached the complaint-handling provisions of the codes.

The investigation report is available on the ACMA website at <[www.acma.gov.au](http://www.acma.gov.au)>. Go to: About ACMA: Publications & research > Publications > Broadcasting publications > Investigations > Television operations investigations > Television operations – Subscription broadcast TV investigations.

## 3BBB Ballarat and 2PSR Port Stephens: Sponsorship/advertising licence condition breaches

ACMA has found that community radio stations 3BBB Ballarat and 2PSR Port Stephens breached licence conditions that prohibit broadcasting advertisements, and more than five minutes per hour of sponsorship announcements.

Sponsorship announcements on community radio must include an acknowledgement of financial support, or 'tag', or they are considered to be advertisements and so fall within the prohibition. Further, advertisements are not limited to pre-recorded announcements. Without proper acknowledgement, comments by presenters or guests live on-air can become promotions.

The licensee of 3BBB Ballarat failed to include tags in relation to two pre-recorded announcements for financial sponsors broadcast in April this year. Also, on five occasions between April and May sponsorship announcements exceeding the time limit were broadcast. Although this was 3BBB's second breach of the advertising prohibition this year, ACMA took no action. The earlier investigation was incomplete at the time,

so 3BBB had insufficient opportunity to implement effective compliance measures.

In the case of 2PSR Port Stephens, ACMA found that the licensee failed to tag four announcements in June and July, and that on one occasion in June sponsorship announcements exceeded the time limit. In response to ACMA's investigation, 2PSR implemented procedures to ensure compliance with licence conditions. In the light of these changes, and taking into consideration that this was 2PSR's first breach of licence, ACMA took no further action.

However, ACMA takes such breaches seriously and future ones may attract sanctions. Under the *Broadcasting Services Act 1992* (the BSA), ACMA has a range of powers enabling it to deal effectively and appropriately with breaches of the program standards and licence conditions established by the BSA, or with its codes.

The licensee of 3BBB, Ballarat Community FM Radio Cooperative Ltd, holds a community broadcasting licence to provide a radio service in

the Ballarat RA2 licence area, which includes the townships of Ballarat, Ballan, Creswick, Clunes, Enfield and Miners Rest. A copy of investigation report 2030 is available on the ACMA website at <[www.acma.gov.au](http://www.acma.gov.au)>. Go to About ACMA: Publications & research > Publications > Broadcasting publications > Investigations > Radio operations investigations > Radio operations—VIC community radio investigations.

Port Stephens FM Radio Inc. holds a community broadcasting licence to provide a radio service in the Port Stephens RA1 licence area, which includes the towns of Nelson Bay, Hawks Nest, Karuah and Medowie. A copy of investigation report 2043 is available on the ACMA website at <[www.acma.gov.au](http://www.acma.gov.au)>. Go to About ACMA: Publications & research > Publications > Broadcasting publications > Investigations > Radio operations investigations > Radio operations—NSW community radio investigations.