

CODE ADVISORY 01/08

April 15, 2008

TO ALL BROADCAST LICENSEES:

MATERIAL FOUND IN BREACH OF THE TELEVISION AND SOUND BROADCASTING REGULATIONS AND THE CHILDREN'S CODE FOR PROGRAMMING

To facilitate licensees' requests for further Commission guidance on the application of the **Children's Code for Programming (Code)**, and to demonstrate the Commission's position that all licensees are required to comply with the particular standards relevant to them; broadcast licensees are hereby advised of the Commission's most recent findings, and directed to refrain from transmitting such content in a manner that conflicts with the requirements of the **Code**.

Below are the details of the Commission's findings arising from recent investigations of material transmitted on broadcast services. In some instances, the material was found to be in breach of the scheduling requirements of the **Code** and in other cases material not to be transmitted at all was broadcast in breach of the law. Regulatory action has been taken against all of the licensees who were determined to have transmitted this material.

SEXUAL CONTENT

*Gal mi nah guh stoop down low, nuh matta how mi wan'
yuh ...'Bad man nuh eat nuh gal, fi keep nuh gal yuh nuh si
nobaddy nah.....(inaudible) beneat' yuh gal*

The above lyrics refer to oral sex. Under the **Code** this material qualifies for an **S2** rating and is therefore not suitable for transmission before the *Watershed*, which begins at 9:00 p.m.

"Si seh woi, mi nuh done yet. Howaz gawn an mi nuh....(bleep)yet. Mi p...(bleep) pan fiah, Mi p....(bleep) pan fiah,. Lawd, mi nuh dun yet, mi p...(bleep) pan fiah."

The above lyrics clearly refer to sexual activity and female genitalia. While only the first letter of two possible graphic verbal expletives is articulated, the identity of the word is clear given the context in which it is used.

Under the **Code**, this explicit reference to sex, is not justified by any public interest, attracts an **S3** rating. Material that qualifies for an **S3** rating is not for transmission on radio or television at any time.

***After mi squeeze har breast she wet up herself
Mi fuck har twice a day, fuck har twice a day.***

Under the Code, the explicit description of sexual activity and repeated expletives cited above qualify for **S3** and **L3** ratings respectively. Material attracting **L3** and **S3** ratings is not suitable for transmission at any time on any broadcast service.

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***Audio: Mackeson, oooh (sensual moaning) whoa
Mackeson, oooh (sensual moaning)***

***Video: close-up shots of a man's bare chest and midriff
close-up shots of a woman's bare midriff. Close-up shots
of a man's torso and a woman's torso gyrating against
each other; mid-range shots of the silhouette of the
woman's torso as she gyrates by herself.***

The material transmitted qualifies for an **S1** rating. Under the **Code**, material attracting an **S1** rating is not for transmission by a broadcast licensee prior to 8:00 p.m.

'Man wah book yuh, every money man wan' jook yuh

The above lyrics expressly refer to sex and relate sexual activity to payment. Under the **Code** this material qualifies for an **S2** rating and therefore is not for transmission before the watershed, which begins at 9:00 p.m.

VIOLENT CONTENT

***'Mi seh me bad to the maximum; Anytime dem ready tell dem fi cum...
Dem bwoy a mout a massi; only bad wen dem trod wid Kingston posse.
Mi mad, mi wi kill an' wassi..... (inaudible)Straight, straight like Chassi.'***

The lyrics cited above promote violence as a way of resolving problems and taking the law into one's own hands instead of reporting acts of criminality to the relevant authorities. Under the **Code** this material qualifies for a **V3** rating and therefore is not for transmission at any time on free-to air broadcast services.

Material in a local news item which included footage of a real-life event. The images included shots of a man being hit in the face and sustaining wounds. The images then included close-up shots of the man's bloody face.

Under the **Children's Code for Programming (Code)** the above-described material qualifies for a **V2** rating. No advisories were given prior to the broadcast of the footage that would have permitted viewers to determine whether they wished to continue viewing. Material attracting a **V2** rating, if included in news and current programming, must be preceded by appropriate advisories.

ABUSIVE AND/OR DEROGATORY CONTENT

Caller 1: *Ragga, dem raw fi true, dem ave a funny smell. Coolie people have a funny smell.*

Host: *How you know dat to be true?*

Caller 1: *Ragga, mi have some a dem whey live side a mi; Some a dem, mi a fi jus back off*

Host: *Because a whaa, di smell?*

Caller 1: *Yes, all when dem use cologne dem kyan smell good.*

Host: *Yuh sure bout dat?*

Caller 1: *Of course Ragga.*

Host: *Dis a sumin wey yuh know?*

Caller 1: *Yuh have one a dem inn mi class*

Host: *Ha ha.....*

Caller 1: *Any time she inna di AC, har skin jus start get widda and she start smell.*

Host: *Yuh sure? Yuh a sey coolie people have a particular smell.*

Caller 1: *Yes Ragga, especially when di rain fall.*

Host: *Oh wen di rain fall di smell come up?*

Caller 1: *Yes very high.*

Host: *Is it an offensive smell, it badda yuh, is it sumting wey yuh affi avoid?*

....

Caller 2: *Yes Ragga, di first time am calling yuh show but actually, mi listen to yuh everyday; about di coolie people dem Ragga dem have a one scent.....one kanka scent, when mi sey kanka dem ave a funky scent, especially di one dem inna de in-bond store dem*

Host: *Di one dem (pause)*

Caller 2: *Epecially di one dem inna de in-bond store from India inna di in-bond store like inna Ochi an dem place deh in a "Tajmaz" dem av a funky scent. Mi nuh know Raga but dem Kanka*

Host: *Dem kanka?*

Caller 2: *Mi nuh know but dem kanka. Dem av a different scent. Hmm Hmm. Really Ragga, wen yuh deh mongst dem. Yuh know like...Ragga, mi usually work wid dem an mi a tell yuh, dem is a disgusting set a people*

The broadcast was in breach of **Regulation 30(b)** of the **Television and Sound Broadcasting Regulations**, which prohibits the transmission of "any statement concerning or comment upon race, colour, creed, religion, religion or sex of any person which is abusive or derogatory" as well as the **Children's Code for Programming** which prohibits the use of language "to abuse or denigrate.

PROGRAMME HOST DURING A MONOLOGUE

“And hear how di `oman is a old idiot..

I can stand up on mi mumma grave on judgment day me and God can sey [X] you are a liar, right.....

[X] I say this unequivocally, you are a wicked, cruel, awful, dutty woman.

Yuh not getting any apology wid yuh careless self, and yuh certainly not getting a cent from mi. ...

If yuh waan know weh yuh problem deh, guh look in a mirror. ...

You are a wicked, evil woman, and see yuh set out fi try fi destroy me....

Yuh wicked, yuh evil, yuh dutty, yuh dutty, yuh dutty suh, till not even Fab soap can clean yuh, yuh need `bout a hundred cake soap fi clean yuh....

I question your suitability and your credibility to be in such an influential position representing the students, given your obvious insensitivity to student concerns. ...

[X] you are a cruel evil wicked woman. You are a terrible terrible piece a human being, and is true certain ... pressure mussi a reach yuh right now ... yuh kyan have sense [X] yuh a idiot?

I question the suitability of [X], to be in such an influential position where she has to interface with students on a daily basis and represent the concerns and the needs of students, given the insidious and awful dispensation she has demonstrated in this matter.

The transmission contravened **Regulation 30 (c)** of the **Television and Sound Broadcasting Regulations**, which prohibits the transmission of “*any malicious, scandalous....matter*” as well as the standards relating to language, in the **Code** in particular the prohibition against language “*used to abuse or denigrate.*”

PROGRAMME HOST DURING A MONOLOGUE:

"A bet you all don't remember an Indian 800 meters athlete name..... Well, it's the same athlete who was stripped of the silver medal won at the Asia Games in 2006, when it was discovered that she was actually a he, after doing what they call a gender test. They realized that this is not a man, but a woman. Well, the latest that we are hearing is that the same mad woman, tried to commit suicide."

Lyrics of the song "Suicidal" played followed by the host's laughter and gleeful hand clapping.

The treatment of the report of attempted suicide contravened **Regulation 30 (b)** which prohibits the transmission of "any statement concerning or comment upon the race, colour, creed, religion or sex of any person which is abuse or derogatory". The comments were also in breach of the **Code**, which prohibits the transmission of "language meant primarily to abuse or denigrate".

All broadcast licensees are being advised to enhance their internal regulation of content intended for transmission to ensure compliance with the **Children's Code for Programming** and the **Television and Sound Broadcasting Regulations**.

Cordel Green
Executive Director