

which any language or behaviour occurs," the acting director wrote.

"While recognising that some viewers might object to this film, I believe that in the context of a satirical comedy this language would be acceptable to most viewers. However, the 'currently accepted norms of decency and taste' do change over the years and letters such as yours enable us to establish the limits more accurately . . ."

Formal Complaint to Television New Zealand

On 2 March 1989 the complainant wrote to TVNZ formally complaining about the programme on the ground that the language in the film did not meet currently accepted norms of decency and taste. He said that the film had been advertised as "a comedy about prohibition-era gangsters".

He said the language he quoted was not acceptable for public broadcasting.

Television New Zealand's Response

On 20 April 1989 Television New Zealand advised the complainant that its complaints committee had considered the formal complaint on 5 April. It was considered in the context of section 24 of the Broadcasting Act 1976 and television programme rule 1.1 (b). This requires broadcasters to take into consideration currently accepted norms of decency and taste in language and behaviour, bearing in mind the context in which any language or behaviour occurs.

"It was noted that your complaint exemplified a situation where you believed you heard language which in fact was not uttered in the way you thought it was. Had you watched the programme in its entirety you would no doubt have realised that the language was being parodied. In one part, when a so-called gangster was being referred to, the dialogue said that he continued to 'murder the English language or anyone who got in his way'.

Television New Zealand continued: "The passage you quoted in your letter in fact ran as follows: 'Why you miserable corksucker. I gonna get you for this. Roma Moronie never forgets a fargin face kid.' Other language used included barstige, icehole, bullstyle, bull fertiliser and son of a batch for expressions not regarded as polite in most circles.

"You may be interested to know that when the censors first saw the cinema version of the programme in September 1987 it was rejected on the grounds of language. The version which went to air in February was a 'sanitised' version devised for television screening."

Television New Zealand said that, given the nature of the programme and the context of the corrupted language, the committee doubted whether it could realistically be considered to be in breach of television rule 1.1 (b) and declined to uphold the complaint.

Complaint to the Tribunal

In his complaint to the Tribunal which followed, Mr Bobb said that TVNZ had attempted to justify the use of profanity claiming it to be satire, used in context, a parody of language, and "language acceptable by most viewers". "Further," he said, "they claim the programme had already been 'sanitised'."

The complainant said he had lived for 20 years or so in Toronto, a city which he said has an Italian population of some 400 000. He was fully aware of the effect produced by a foreign population of varying linguistic ability attempting to speak English. "As for obscene language, I spent 6 years below-deck as a sailor in the Royal Navy, and freely admit to using it myself on occasion".

To summarise, he did not regard the language used as being a parody of English because it was being used by a frustrated adult who had been prevented by the actions of a youth from killing an opposing gang. The language was consistent with the situation. To say the script did not read as it was spoken amounted to a devious technicality.

Television New Zealand's Response to the Tribunal

On 29 May 1989 TVNZ said that the letters of the acting controller of programmes of 23 February and the letter of 20 April provided the essence of TVNZ's approach. A tape of the entire programme was enclosed.

With regard to the "sanitised" version, TVNZ stated that "it is not uncommon for 2 versions of movies to be produced—1 for cinema distribution and a modified version for television worldwide, and for in-flight movies. When the film was first assessed by the then BCNZ appraisers in September 1987 it was rejected on the grounds of the language, as the copy supplied was the version which had been screened on the cinema circuits in 1985 when the Government Film Censor issued it with an RP13 certificate with no excisions being required." The version broadcast was the sanitised or modified one that had been subsequently obtained and was issued with a TVNZ certificate to screen in an adult viewing period after 9.30 p.m. with no cuts (to that sanitised version).

TVNZ submitted that what was actually spoken and what the complainant believed he heard were 2 different things.

As to the alleged breach of section 24 of the Act, the context of the dialogue and the late evening hour of viewing was relevant. The film was acceptable for television screening worldwide and was regarded as suitable for 13 year olds and over in New Zealand cinemas under parental guidance.

TVNZ said the programme should not be judged by viewing only the first 14 minutes (when the words quoted occurred) but by viewing the whole film so that the nature of the language could be determined in an overall context.

"TVNZ would not be so naive as to suggest that what Roma Moronie intended to utter was not strong language. But it is submitted that the manner and method of utterance, when screened to an adult audience in a late evening slot, does not go beyond the intention and meaning of television rule 1.1 (b) against which TVNZ assessed the complaint."

Complainant's Comment on Television New Zealand's Submissions

On 7 June 1989 Mr Bobb commented that a sanitised version did not mean that the programme met the requirement of good taste, thereby divesting TVNZ of further responsibility. The language was explicit. 9.30 p.m. was not a late evening hour. One was entitled to expect a distinction between what was shown in cinemas and on national television. It was true that he had switched off when he found the language used by an adult to a child offensive but that the script did not read the way the words were pronounced was surely beside the point. There was an apparent acceptance by TVNZ of standards which breached the Broadcasting Act.

"Obscenity has no doubt a place in language and in society, but I question attempts to 'normalise', or give it a humorous connotation via national television bearing in mind the powerful impact of the media on some minds. Surely there must be alternatives to the substitution of vulgarity for entertainment," he wrote.

Decision

Members of the Tribunal have watched the film in full. It is a film of some merit, well written and directed. It can be described as a stylish comedy which lampoons the gangster movie genre. It is peppered with deliberate anachronisms and it exploits everything for comic effect. Every principal character is larger than life. There is no danger of the film or any of its characters being taken seriously as any sort of role model.

Johnny Dangerously is the mock-heroic, clean cut gangster. Roma Moronie is the arch-villain. In the company of impeccably well-mannered gangsters, Moronie is uniquely coarse and inept, unable to get even his obscenities right. This is the context in which the language complained of occurs.

The Tribunal accepts TVNZ's account of what was actually