

REVISED

ORDER

In the matter of Complaints against Big CBS Love for telecast of programmes 'Sex and the City' (7, 9, 10, 11, 17, 21, 23 & 29 April 2013), 'America's Next Top Model' (20 March 2013) and 'Britain's Next Top Model' (15 April 2013)

The Ministry of Information & Broadcasting has filed a series of complaints against Big CBS Love Channel for its three programmes 'Sex and the City', 'America's Next Top Model' and 'Britain's Next Top Model' telecast on dates mentioned above.

The complaints are summarised as under:

- **SEX AND THE CITY:** a) *Carrie is sitting with a male friend who is showing her some movies that he videotaped while having sex with models. The camera captures shots of these adult videos. Though the videos are blurred, it clearly shows a man and a woman having intercourse. (07/04/2013)*

- b) *The episode starts with a screen shot, which says 'The Fuck Buddy'... Miranda and Kevin are walking through a corridor and they suddenly start kissing each other. Kevin pushes Miranda on to the wall and commands her to rest her hands up on the wall and to spread her legs. As she follows the orders, he moves his hand down from her waist towards her middle pelvic region... And Miranda is giving very obvious suggestive expressions and making suggestive noises as well. (09/04/2013)*

- c) *In this episode, some intimate scenes between one of the protagonists Miranda and her new boyfriend Ethan have been shown... Mithan and Ethan can be seen kissing each other passionately... there is already some porn movie playing on TV. As Miranda inquires about it, Ethan replies, "Just something to get us in the mood. I think its kinda sexy, don't you?" Miranda says, "Yeah, I guess it could be." Then they start kissing and making out while watching an adult movie... (10/04/2013)*

- d) *In this episode, some intimate scenes between Miranda and her boyfriend Josh have been shown... Miranda meets Josh after a long time and they again have sex for 'old time sake'... Miranda can be seen lying on the bed and making loud suggestive sounds. Josh is moving suggestively over her... In the next shot, Miranda can be seen sitting on Josh's lap. They are moving suggestively... (11/04/2013)*

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Indian Broadcasting Foundation, B-304, Ansal Plaza, Khelgaon Marg, New Delhi 110 049
Email: bccc@bccc.co.in Website: www.ibfindia.com Tel: 91 11 4379 4400 Fax: 91 11 4379 4455

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e) This episode shows the story of a man named Jack (the boyfriend of Miranda) who likes to 'have sex at places where he can get caught'. In the clip, Miranda and Jack could be seen kissing passionately in Jack's bedroom. Jack removes Miranda's shirt and says, "lets do it in the bed"... The couple lies down on the bed making a lot of suggestive movements and sounds... Unexpectedly, Jack's parents enter the room and catch them having sex. Jack, instead of trying to hide anything, continues humping her in front of his parents... (17/04/2013)

f) Dialogues of the programme are very erotic, suggestive, indecent and not fit into Indian composite system of values. (21/04/2013)

g) One of the protagonists Samantha meets a man and after a few meetings and friendly calls, they decide to have sex... The man looks down to his pants and says, "I'm very well endowed"... The man again says, "No, no. I'm serious, it's huge. I mean, most women they just can't handle it." Samantha says in a suggestive voice, "I'm not most women. So unzip and get over here"... (23/04/2013)

h) In this episode, Charlotte has been shown dealing with the problem of dating a man who uses abusive words during sex... In the visuals, a bedroom scene has been shown wherein Alexander is on top of Charlotte. They are making suggestive movements and sounds... (29/04/2013)

- **AMERICA'S NEXT TOP MODEL (20 March 2013)**: During the model hunt programme, a nude photo shoot by contestants, who aim to become the top models of America, has been shown. In one of the shots, a naked female model could be seen running towards the male model and while doing so, she accidentally hits his private parts... The clip includes a number of obscene shots wherein a male model lifts naked female models over his shoulders, holds a naked female model from her back.
- **BRITAIN'S NEXT TOP MODEL (15 April 2013)**: The channel has telecast a model hunt show in which 14 young models compete... As part of their first photo shoot, these girls are asked to pose topless, wearing just a pair of jeans... Showing two women models posing half naked and in some shots cuddling each other in an indecent way is unpleasant.

There have been repeated complaints against this channel as well as against the said programmes. The Council was shocked to see the clips of the shows in question. The said programmes clearly are in gross violation of IBF Self-Regulatory Guidelines as well as the 'Programme Code'.

The Council issued a Notice to the channel. In its Reply, the channel maintained it is a "niche" channel, meant for and watched by a select audience only. Therefore, the norms and guidelines may not be strictly applied to these programmes.

The channel's representative appeared before BCCC on 10/07/2013. It may, in fact, be mentioned that the channel did not even press for the above defence during hearing. The channel submitted the error occurred only because they had encountered some problem with their S&P (Standards & Practices) Department.

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The channel said it has now restructured its S&P Department and therefore, such violations would not occur in the future. Therefore, it is prayed that the Council may kindly take a lenient view of the matter.

In the Council's considered opinion, the defence raised by the channel is completely untenable and the Council is not at all persuaded by such reasons advanced by the channel. Even if there was some problem with the S&P Department, the same still does not absolve the channel of its responsibility.

The Council finds that the shows in question are violative of Clauses (a), (d) and (k) of the 'Programme Code'. In addition to this, the shows are also violative of 'Theme 2: Sex, Obscenity and Nudity' of IBF's Self-Regulatory Guidelines. Furthermore, the shows are also violative of Clauses a) to e) of Category 'G' Programmes for unrestricted viewing and/or under parental guidance as well as Clauses a) to e) of Category 'R' Programmes. Repeated complaints have been received about the gross contents of these shows in the past.

It is, however, brought to the Council's notice that on 19/07/2013, the IBF Board of Directors has conferred powers on BCCC to levy Financial Penalty on a channel, subject to a maximum of Rupees Thirty Lakhs.

Having regard to the serious nature of the violations, the Council proposed to impose a consolidated Financial Penalty on the channel.

In the light of the above, the channel was issued a Show Cause Notice on 25/07/2013, directing it to show cause why a Financial Penalty should not be imposed on it under the IBF's amended Self-Regulatory Guidelines. The channel was directed to appear before the Council at its 27th Meeting on 12/08/2013.

After hearing the channel at length, this Council decided to impose a consolidated Financial Penalty of Rupees Ten Lakhs only (Rs. 10,00,000/-) on the channel. The Channel was directed to deposit the said amount of Financial Penalty with the Indian Broadcasting Foundation on or before 15/09/2013.

Further, the Council directed the channel to run the following Apology Scroll, in English, in large and legible bold fonts at normal speed, every Two (02) Hours, over a period of SEVEN (07) Days, from 12 Noon on Saturday 24 August 2013 to 10 AM on Saturday 31 August 2013:

"In compliance with BCCC's Order passed on 14 August 2013, Big CBS Love apologizes for the telecast of its Programmes 'Sex and the City', 'America's Next Top Model' and 'Britain's Next Top Model' in March-April 2013. These programmes were found to be in violation of Indian Broadcasting Foundation's (IBF) Self-Regulatory Guidelines."

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Subsequently, the channel submitted two representations before the Council on 26/08/2013 and 11/09/2013, seeking leniency and a reduction in the amount of Financial Penalty. The channel mentioned the following main points:

- That it has admitted the mistake, expressed regret for airing the objectionable content and undertaken to ensure that the episodes found objectionable will not be shown on the channel.
- That for the said violations, it has run an Apology Scroll on the channel for Seven Days from 24/08/2013 to 31/08/2013.
- That besides strengthening its S&P Department, it has also ensured that S&P for all content is part of Standard Operating Procedures (SOP), so that every member of the content team is alert about the nature of content and its appropriate telecast.

The matter was referred to BCCC's Review Board, comprising Justice (Retd.) A.P. Shah (Chairperson), Mr. Bhaskar Ghose (Member) and Mr. Ashok Nambissan (Member). The Review Board was of the opinion that the amount of Financial Penalty be reduced from Rs. 10 lakhs to Rs. 5 lakhs in view of the appeal made by the channel. Subsequently, the matter was put up for the consideration of the full Council, which endorsed the Review Board's opinion.

In light of the above, the Council is pleased to reduce the amount of Financial Penalty to Rupees Five Lakhs only (Rs. 5,00,000/-). The channel is directed to deposit the said amount of Financial Penalty with the Indian Broadcasting Foundation on or before 30/09/2013.

For & on behalf of
Broadcasting Content Complaints Council

A.P. Shah

Justice (Retd.) A.P. Shah
Chairperson

17 September 2013
New Delhi