



ADJUDICATION NO:41/A/2024

NAME OF PROGRAMME: SABC SPORTS CAF PROMO
DATE AND TIME OF BROADCAST: 22 NOVEMBER AT 18:42
AND 28 NOVEMBER AT 8:15
BROADCASTER: SABC3
COMPLAINANT: BRADFORD

COMPLAINT

Complaint that the broadcasting of cultural bare-breasted nudity is unsuitable/harmful to children, offensive to sensitive viewers and should either be blurred out or shown after the watershed time.

APPLICABLE CLAUSES

- 6. Children**
- (1) **Broadcasting service licensees must not broadcast material which is harmful or disturbing to children at times when a large number of children are likely to be part of the audience.**
- 7. Watershed Period**
- (2) **Promotional material and music videos which contain scenes of explicit violence and/or explicit threatening violence and/or sexual conduct and/or the fondling or touching of breasts and/or genitalia or the anus and/or nudity and/or offensive language intended for adult audiences must not be broadcast before the watershed period.**
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ADJUDICATION

[1] A complaint was lodged with the BCCSA against SABC3 for flighting an alleged unacceptable promo without any warning before the watershed at 18.42 on 22 November and at 8.15 on 28 November 2024. The Complainant is of the opinion that the broadcasting of cultural bare-breasted scenes (and any kind of nudity) is unsuitable for, and harmful to children. That it is offensive to sensitive viewers and should either be blurred out or shown after the watershed time.

[2] **The complaint reads as follows:**

"I just saw an advert for SABC Sport which aired on S3 at approximately 18h42 during the repeat of Tropika island of treasure.

I was watching the programme with my young nephew when the advert with bare breasted women came on. It's appalling! I had to rush to change the channel so that this young child didn't have to see it .

It is completely unacceptable that such an advert was aired during a time when families sit together and watch television. If you want to air it then do so after 10.

Using culture is no excuse to show bare breasted women on day time television.

"At around 8:15 this morning on S3 I saw an advert for SABC Sport which features bare breasted women.

I sent the complaint below to the SABC and they did not respond and they are still showing this ad.

This is completely unacceptable. They could have blurred it out but don't seem to care about my concerns that the advert plays during times when children are watching.

Can you please investigate and convey my concerns to them."

[3] **The Broadcaster responded as follows:**

"BCCSA COMPLAINT: DELAINE BRADFORD - SABC 3 - SPORTS PROMO - 22.11.2024 - 18:42

In respect of the above-mentioned complaint, we submit an electronic copy of the segment. Please find our comments as follows:

1. The SABC would like to thank the complainant for reaching out to us with their concerns regarding the recent SABC Sport TV promotion that aired on SABC 3. The SABC appreciates your feedback and is grateful for your continued viewership.

2. At SABC, we prioritize the provision of educational, informative, and entertaining content that caters to a diverse and rainbow audience. We value your perspective, and we would like to take the opportunity to address your concerns in detail.
3. The commercial you referred to is a promotional video celebrating Bafana Bafana's participation in the CAF tournament, and it intends to inspire and unite the nation through sport and encourage Bafana Bafana to become victorious in their efforts to conquer the African Cup Of Nations. It is important to note that the promo is set in a cultural context, showcasing young Xhosa maidens wearing traditional regalia, and features a popular maskandi song, by lhashi Elimhlophe titled '*Zizohlangana lizizwe Ngebhola*' which loosely translates soccer will unite nations. The music and imagery are carefully chosen to reflect the cultural heritage of South Africa, and the bare-breasted maidens are depicted as part of an authentic cultural expression, rather than as a form of nudity in a sexual context.
4. It is our submission that cultural nudity such as that seen in this promo is not regarded as nudity in a sexualized manner. This is a representation of the cultural practices and traditions that are integral to various South African communities.

The SABC adheres to the BCCSA Code of Conduct, which allows for the responsible and respectful depiction of cultural practices, provided they are contextually appropriate and not presented in a sexualized or exploitative manner. In this instance, the promo was crafted with cultural sensitivity in mind, aiming to educate and celebrate diversity. We understand that this may be a sensitive subject for some viewers, particularly for families watching television with children. While the SABC acknowledges the complainant's concern about the timing of the advert, we would like to clarify that the airing of this promo was aligned with our programming schedule, and the content was deemed suitable for the broader audience. However, we understand that sensitivities may vary, and we will take your feedback into account in future programming decisions. We also encourage parents and guardians to use moments like these to have conversations with young viewers about cultural differences, respect for human bodies, and the importance of celebrating the diversity of our nation.

5. It is our submission that these explanations help to clarify the intent behind the promo and the cultural context in which it was created. If you would like to view the promo again, we have attached it for your reference.
6. The SABC looks forward to continuing to provide content that both educates and entertains.

In conclusion, the SABC submits that the complaint be dismissed.”

[4] The Complainant replied as follows:

“I do not agree with the response. Nudity is nudity whether it is in a cultural sense or not. It is in poor taste.

When a movie or television series is aired, the age restriction gives you an idea of it's content, therefore allowing you to decide whether it is suitable for your child to watch.

There is no warning prior to the promo that warns parents about the contents of the promo. And even in a cultural sense you should be aware that it might offend some viewers.

As I stated in my complaint, there was a child present and I'm sure that he didn't see the cultural aspect of the promo, he just saw half naked ladies on TV which I think is unacceptable. I don't want any of my children seeing it.

Either blur it out, or put a parental advisory about it's content or air it after 10 pm when children cannot see it. Or should we just stop watching the SABC's programming until the event is over?"

EVALUATION

- [5] I watched the impugned promo, which is set in a cultural context. In typical manner it contained a brief series of scenes, some with accompanying singing. The first scene shows a chorus with young bare-breasted Xhosa girls singing a song about how soccer contributes to nation building. An older culturally dressed woman is seated in front of the girls, speaking about Bafana Bafana over a microphone. In later scenes South African banners and flags are waved and Black players embrace and praise the white coach, Hugo Broos.
- [6] The SABC is South Africa's national broadcaster which means that it is broadcasting to a broad diversity of cultures. The corollary of Freedom of Expression (which is guaranteed to broadcasters by the Constitution) is tolerance of this diversity and acceptance of the public airing of cultural views and actions, even those that are unpopular, as long as there is no transgression of the Code of Conduct. Cultural liberty means that people need freedom to practise their religion openly, to speak their language, and to celebrate their ethnic or religious heritage without fear of ridicule or diminished opportunity. The impugned promo presents cultural practices and traditions that are inherent to various sections of the South African population.
- [7] The Complainant is of the view that the promo is unacceptable and in poor taste. However, the Code of Conduct does not regulate the question of taste. Neither does it prohibit any subject – the question is always how the subject was dealt with and the context within it was used. Therefore, broadcasters are not prohibited from broadcasting nudity, but the context in which the nudity is

broadcast must always be considered. What is considered as nudity and thus offensive and unacceptable to one audience member may not be considered similarly by another. Young Xhosa girls exposing their breasts is not considered to be nudity in the African culture if it is not shown in a sexual context. In this instance it was used for the promotion of soccer, without any innuendo of sexual undertones or sexual arousal - which the Code prohibits. The term 'offensiveness' is too vague and too subjective to be used as a norm.

- [8] The legal test in determining whether broadcast material is permissible, is not what is offensive to an individual or whether members of a certain community might be offended by being exposed to it. It is rather what members of society would not abide other members of society seeing, because it would be beyond the perceived South African community standard of tolerance to do so. It is thus the standards of tolerance, not taste or approval that are relevant. The SABC is required to endorse the values of cultural diversity and not to water them down under the guise of protection of children. The latter would foster a culture of intolerance towards cultural diversity.
- [9] The Broadcaster points out that the airing of the promo was aligned with its programming schedule, and that the content was deemed suitable for the broader audience. Notwithstanding, the Broadcaster acknowledges the Complainant's concern about the timing of the advert and the assurance is given that the Complainant's feedback will be considered in future programming decisions.
- [10] I agree with the Broadcaster that parents and caregivers can use an opportunity such as this to engage their children in a discussion about "*cultural differences, respect for human bodies, and the importance of celebrating the diversity of our nation*". The intention of the Constitution has always been to create harmony and tolerance within the diverse South African society while promoting equality amongst all.

[11] All factors taken into consideration, I find no contravention of Clauses 6 and 7 of the Code of Conduct and the complaint is not upheld. Broadcasters are however urged to apply the same considerations to the scheduling of promos as to all programmes.

A handwritten signature in black ink, appearing to read 'L. Venter', is positioned above the printed name.

**DR LINDA VENTER
COMMISSIONER: BROADCASTING COMPLAINTS COMMISSION**