



ADJUDICATION NO: 33/A/2025

NAME OF PROGRAMME: SMOKE AND MIRRORS
DATE AND TIME OF BROADCAST: 01 AND 02 DECEMBER AT 21:00
BROADCASTER: e.TV
COMPLAINANT: METISO

COMPLAINT

Complaint alleges that the storyline incited hate speech.

APPLICABLE CLAUSES

Violence and Hate speech

- 4(1) Broadcasting service licensees must not broadcast material which, judged within context, sanctions, promotes or glamorises violence or unlawful conduct based on race, national or ethnic origin, colour, religion, gender, sexual orientation, age, or mental or physical disability.
- (2) Broadcasting service licensees must not broadcast material which, judged within context, amounts to (a) propaganda for war; (b) incitement of imminent violence; or (c) the advocacy of hatred that is based on race, ethnicity, religion, or gender and that constitutes incitement to cause harm.

5. Exclusions

Clauses 3 and 4 do not apply to:

- 5(1) **Clauses 3 and 4 do not apply to a broadcast which, judged within context, amounts to a bona fide scientific, documentary, dramatic, artistic, or religious broadcast.**
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ADJUDICATION

- [1] A complaint was lodged with the BCCSA against the e.TV programme ***Smoke and Mirrors***, that was broadcast between ***09:00 to 09:30 on 01 and 02 December 2025***. The Complainant is of the opinion that the episodes portrayed African spirituality as an Evil thing, and that African spirituality is portrayed as something that is there to hurt people.

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

"I would like to complaint about Smoke and mirrors, a show that is being broadcast between 09:00 to 09:30. The episode that aired on 01 and 02 December 2025. These episodes portray African spirituality as an Evil thing; African spirituality is portrayed as something that is there to hurt people. African spirituality must be respected because some of us, as African people, are the only thing we have. Smoke and mirrors are really downplaying our African spirituality.

I would like to complaint about Smoke and mirrors, a show that is being broadcast between 09:00 to 09:30. The episodes (166 and 167) that aired on 01 and 02 December 2025. The Sangma so so-called Ngcuka, is killing Nomeva in the name of taking powers from Nomeva. I saw the very same character in a past episode, which I overlooked, killing Sidi and using Sidi's body parts to make cesser, Jackson and Mthethwa Rich and powerful in the community of Emnyameni. These episodes portray African spirituality as an Evil Religion. African spirituality is portrayed as something that is there to hurt and destroy.

The following part of the "Free-to-air" code of conduct is being violated:

4. (2) Broadcasting service licensees must not broadcast material which, judged within context, amounts to (a) propaganda for war; (b) incitement of imminent violence; or (c) the advocacy of hatred that is based on race, ethnicity, religion or gender and that constitutes incitement to cause harm.

Smoke and mirrors are advocating for hatred based on religion. This show is causing harm to our African spirituality. People who are watching the show will believe that African spirituality is evil, and people who are following that religion are evil as well. People will believe African spirituality is there to destroy."

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

"RE: ETV V METISO – SMOKE AND MIRRORS- HATE SPEECH

- [1] We refer to the complaint lodged on 04 December 2025 by Mr Metiso ("**the Complainant**") regarding two episodes of the drama series — *Smokes & Mirrors* broadcast on eTV channel between 21h00 and 21h30 ("**the episodes**") on 2 and 3 December 2025, respectively.
- [2] The Complainant referred to the impugned broadcasts as episodes 166 and 167. However, after reviewing his descriptions and the broadcast dates, we established that the episodes in question are, in fact, episodes 686 and 687, which we shall accordingly address in this response.
- [3] The Complainant alleges that the depiction of a *Sangoma* character performing rituals involving the killing of other characters for power constitutes hate speech, as he contends that it portrays African Spirituality as an evil religion.
- [4] We were requested by the Registrar of the BCCSA to respond in terms of hate speech.
- [5] The relevant provisions of the BCCSA Free-to-Air Code of Conduct for Broadcasting Service Licensees ("**the Code**") are clauses 4(1), 4(2) and 5, which stipulate that:
4. (1) Broadcasting service licensees must not broadcast material which, judged within context, sanctions, promotes or glamorises violence or unlawful conduct based on race, national or ethnic origin, colour, religion, gender, sexual orientation, age, or mental or physical disability.
- (2) Broadcasting service licensees must not broadcast material which, judged within context, amounts to (a) propaganda for war; (b) incitement of imminent violence; or (c) the advocacy of hatred that is based on race, ethnicity, religion, or gender and that constitutes incitement to cause harm.
- 5 (1) Clauses 3 and 4 do not apply to a broadcast which, judged within context, amounts to a bona fide scientific, documentary, dramatic, artistic, or religious broadcast.
- [6] We submit that the impugned episodes do not contain any elements that meet the definition.
- Of hate speech in clause 4(2). There is no advocacy of hatred, nor any incitement to cause harm against adherents of African Spirituality. In any event, *Smoke & Mirrors* is clearly a *bona fide* dramatic production as contemplated in clause 5(1). Accordingly, the hate-speech prohibitions in clause four do not apply.
- [7] The BCCSA has consistently affirmed the application of the bona fide drama exemption in comparable matters. Notably in:
- *Van Wyk & Several Others v SABC3*¹ Where violent and racially charged ~~dramatic~~ scenes in *Isidingo* were found to fall within bona fide drama, and therefore outside the scope of clause 4.
 - *Farham v SABC3*² Where alleged racist dialogue in a drama series was held not to constitute hate speech, with the Tribunal reinforcing that bona fide dramatic content is exempt under clause 5(1).

¹ Case No: 11/2017(BCCSA)

² Case No. 05/2009

[8] These precedents make it clear that fictional portrayals within dramatic productions, even if uncomfortable or controversial to some viewers, do not amount to hate speech under the Code.

Conclusion

[9] The complainant has not demonstrated that *Smoke and Mirrors* is not a *bona fide* drama and nor has he shown how the episodes meet the legal threshold for hate speech under clause four.

[10] In light of the above, we respectfully request that the Commission dismiss the complaint."

[4] The Complainant replied as follows:

"I totally disagree with [e.tv](#). What they are doing is belittling African spirituality.

Why am I saying that, smoke and mirrors, in fact, are portraying two Religions. There is a pastor called Mandla, who finds himself in trouble with a Mshonisa called Mabizela. Guess what happened to Mabizela? He miraculously got killed because He was fighting a pastor who was praying to a Christian God. They are giving viewers the impression that the Christian God is powerful, which I do not have any problem with.

Then, when it comes to African spirituality, there is so much bloodshed. Thandiswa's sister, Sindi, with her unborn child and Nomeva, they all killed by a Sangoma called Ngcuka. This is a pure deformation of our African spirituality. African spirituality is being associated with Evil rituals that need human blood and Body parts. Smoke and mirrors are belittling and ridiculing African spirituality.

The Sangoma called Nomeva was supposed to be a Good Sangoma, but she never succeeded with any beautiful plan that she tried to put in place to save the community of Emnyameni. This also portrays that there is nothing good that can come out of African spirituality. We are failures.

Another Sangoma called Songanga helped Matha to remove the spirit of a man who was killed in the hotel. We thought finally something good was coming from African spirituality, but no, Songanga now He turned out to be selfish and greedy. He wanted to stay in the Hotel for free and eat, drink with friends, then He wants the bill to be in the House. African spirituality is associated with selfishness and greed. Smoke and mirrors are belittling and ridiculing African spirituality.

The following part of the "Free-to-air" code of conduct is being violated:

4. (2) Broadcasting service licensees must not broadcast material which, judged within context, amounts to (a) propaganda for war; (b) incitement of imminent violence: or (c) the advocacy of hatred that is based on race, ethnicity, religion, or gender and that constitutes incitement to cause harm.

Smoke and mirrors are advocating for hatred based on religion. This show is causing harm to our African spirituality. People who are watching the show will believe that African spirituality is evil, and people who are following African spirituality are evil as well. People will believe African spirituality is there to destroy.

Smoke and mirrors are advocating for hatred of African spirituality. They are belittling and ridiculing African spirituality."

EVALUATION

- [6] I have considered the complaint, reviewed the said episodes, the Broadcaster's response, and the Complainant's reply, as well as the relevant provisions of the BCCSA Free-to-Air Code of Conduct ("the Code").
- [7] The essence of the complaint is that the drama series *Smoke and Mirrors* portray African spirituality negatively and associates it with violence, greed and evil, which the complainant contends amounts to advocacy of hatred based on religion, in contravention of Clause 4(2) of the Code.
- [8] Clause 4(2) prohibits the broadcast of material which, judged within context, amounts to the advocacy of hatred based on race, ethnicity, religion or gender, and which constitutes incitement to cause harm. The threshold for the finding of hate speech is therefore a high one and requires both advocacy of hatred and incitement to cause harm.
- [9] The impugned material must be evaluated within its full context, including the nature of the programme, its genre, narrative structure, and intended audience.
- [10] *Smoke and Mirrors* is a fictional television drama series broadcast during prime time. The characters, storylines and events are clearly presented as part of a fictional narrative. While the series depicts criminal and immoral conduct by certain characters who are portrayed as traditional healers, such conduct is not presented as representative of African spirituality as a belief system, nor is it framed as conduct to be emulated or endorsed.
- [11] The portrayal of wrongdoing by individual characters, even if those characters are associated with a particular religion or belief system, does not in itself amount to advocacy of hatred based upon race, religion or ethnicity. The requirement is that the broadcast must incite viewers to cause harm.

- [12] Dramatic productions frequently portray flawed, corrupt or criminal characters across a range of religious, cultural and social identities. Such portrayals are recognised and are legitimate features of dramatic storytelling.
- [13] In this regard, Clause 5(1) of the Code expressly provides that Clauses 3 and 4 do not apply to broadcasts which, judged within context, amount to a bona fide dramatic or artistic production. *Smoke and Mirrors* is a bona fide dramatic production that falls squarely within this exemption.
- [14] The Complainants' concerns regarding the depiction of African spirituality, offence or discomfort felt by viewers does not, without more, meet the legal threshold for hate speech as defined in the Code.
- [15] The impugned episodes do not amount to advocacy of hatred based on religion, nor do they constitute incitement to cause harm as contemplated in Clause 4(2) of the Code.

The complaint is not upheld.

A handwritten signature in blue ink, appearing to read 'A. Dhludhlu', enclosed within a hand-drawn oval border.

ISAAC DHLUDHLU
COMMISSIONER: BROADCASTING COMPLAINTS COMMISSION