



ADJUDICATION NO:34/A/2026

NAME OF PROGRAMME: INSERT FOR THE RYAN O CONNOR
BREAKFAST SHOW

DATE AND TIME OF BROADCAST: 28 AUGUST AT 8:50 (PROMO)

BROADCASTER: SMILE FM

COMPLAINANT: BOTMA

COMPLAINT

Complainant is of the view that promo contained language which was harmful to children.

APPLICABLE CLAUSES

FREE-TO-AIR CODE

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 is likely to be part of the audience.
- (11) No excessively or grossly offensive language should be used before the watershed period on television or at times when a large number of children is likely to be part of the audience on television or radio.
7. Watershed Period
- (1) Programming on television which contains scenes of explicit violence and/or sexual conduct and/or nudity and/or grossly 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 an insert for the ***Ryan O Connor Breakfast show*** broadcast on the 28th of August at 9:50. The complainant is of the view that the insert contained crude language which he found to be harmful to children.

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

“On Friday 28/08/2026 at around 08:50 during the *Ryan O Connor Breakfast* the following **sound clip** from a caller was aired in Afrikaans: “*Nie my hol nie, nie my drol nie*” - which is a crude way of saying “Not my anus, not my excrement”. From the clip it became apparent that the recording originated in The Joyride hosted by Angel Campey and was thus rebroadcasted on Friday 28 August.

I am offended that an otherwise family friendly radio station could think that this is suitable material for a Friday morning. It would arguably not have been allowed or funny in English, this the question arise: why was it considered funny in Afrikaans, or are the current gatekeepers not sensitive enough to the nuances of Afrikaans?”

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

“Thank you for the opportunity to reply. Please find attached the audio recording.

This was an error on our side. **This promo** was sent back into production for the edit to be made removing this line from the promo. However, the producers got confused or overzealous and reloaded the unedited promo again. This is what flighted at 08h50. I picked it up immediately and corrected but it was after the airing.

With regards to clause 6.1 and 6.11, we were fortunate that this played in a period that most children would reasonably be at school so no harm would be done to children.

We do apologise for the error and as mentioned it should never have happened. The producer has been reprimanded and has been reminded that everything loaded on to our playout system needs to be listened to before loading.

We thank the Professor for bringing this to our attention and assure him that this was an honest mistake and should have never happened.

Smile FM strives to provide the highest quality of broadcasting in both English and Afrikaans. Thank you.”

[4] **The Complainant replied as follows:**

"I partly accept the response, but please consider the following: The Joyride with Angel Campey where this sound clip originated, is aired between 16:00 and 19:00, when children are normally no longer at school during the day. Furthermore, The Ryan O' Conner Breakfast Show - between 06:00 and 09:00 - often - especially on Fridays - broadcast live from various primary schools in the Cape peninsula. One would therefore expect a great sensitivity to the suitability of content for children throughout. The fact that some children may have been at school when this clip was aired is not a good excuse because the onus is on the radio station to air appropriate content, also for smaller children still at home."

EVALUATION

- [5] Before considering applicable clauses that relate specifically to *offensive language*, attention should be paid to a more general clause, Clause 6(1) of the Free to Air Code:

Broadcasting service licensees must not broadcast material which is harmful or disturbing to children at times when a large number of children is likely to be part of the audience.

- [6] The Code of Conduct for Free-to-Air Broadcasters makes five references to offensive language. Two of the clauses deal with children and offensive language. Another two deal with offensive language in relation to the "watershed period", which applies only to television broadcast services. The Code, in Clause 7, defines the watershed period as 21h00–05h00 for free-to-air *television* broadcasters, with no equivalent restriction for radio services. The fifth provision dealing with offensive language focuses on audience advisories and is found in Clause 9, which states that "television broadcasting service licensees must provide advisory assistance which, when applicable, must include guidelines as to age, where such broadcasts contain violence, sex, nudity and/or offensive language." This provision applies to television broadcasts only and is therefore inapplicable to radio in the present case.

- [7] Let us turn to consider the two clauses that deal with offensive language in relation to children, and which are applicable to the radio broadcasting context. Clause 6 (10) states that "Offensive language, including profanity and other

religiously insensitive material, must not be broadcast in programmes specially designed for children.” This clause does not apply here, as the *O’Connor Breakfast Show* is positioned as a lively, infotainment-style drive-time programme. With respect to the Code’s provisions dealing with language, it leaves Clause 6(11) as the applicable clause. It reads: “No excessively or grossly offensive language should be used before the watershed period on television or at times when a large number of children are likely to be part of the audience on television or radio.”

[8] In considering applicable clauses, attention should additionally be paid to Clause 6(1) of the Free to Air Code, a clause that makes reference to “harm to children.” It reads: “In Broadcasting service licensees must not broadcast material which is harmful or disturbing to children at times when a large number of children is likely to be part of the audience.”

[9] In the *Montsho vs etv*, Case 12/2016, a case in which the BCCSA found the broadcaster had contravened the Code following a complaint about a programme using a grossly offensive word, the applicable clauses (of the Free-to-Air Code) cited were:

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 is likely to be part of the audience.

(11) No excessively or grossly offensive language should be used before the watershed period on television or at times when a large number of children is likely to be part of the audience on television or radio.

7. Watershed Period

(1) Programming on television which contains scenes of explicit violence and/or sexual conduct and/or nudity and/or grossly offensive language intended for adult audiences must not be broadcast before the watershed period.

- [10] In a similar vein, except for 7(1), which does not apply in the context of a radio broadcast, the same clauses apply.
- [11] The broadcaster concedes that the use of explicit language was a mistake. It states: “This was an error on our side”, adding: “We do apologise for the error and as mentioned it should never have happened.” Consequently, it is not disputed that the impugned remarks in the promo are offensive.
- [12] In mitigation, the broadcaster states: “With regards to clause 6.1 and 6.11, we were fortunate that this played in a period that most children would reasonably be at school so no harm would be done to children.” When Clause 6(11) is being enforced, a broadcaster facing a complaint of offensive language may invoke as a defence the reference in Clause 6 to time – specifically its requirement that “when a large number of children is likely to be part of the audience on television or radio.” This defence carries some weight in relation to a broadcast at 8:50 a.m. on a Friday, when many children and young people are in school.
- [13] The broadcaster is found to not have contravened Clause 6 (11) of the Code of Conduct for Free-to-Air Broadcasters, which states: “No excessively or grossly offensive language should be used before the watershed period on television or at times when a large number of children are likely to be part of the audience on television or radio.” The Broadcaster is also found to not have transgressed Clause 6 (1) of the Code of Conduct for Free-to-Air Broadcasters, which states: “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.” Based on the facts of the case, it could not be conclusively established that a large number of children were likely to be part of the audience during the time of the impugned broadcast.

[14] The complaint is dismissed as no contravention of the BCCSA Code of Conduct clause 6 (1) could be found.

A handwritten signature in black ink, appearing to read 'FM' followed by a stylized flourish.

**DR F MEINTJIES
COMMISSIONER: BROADCASTING COMPLAINTS COMMISSION**