

## ORDER

### In the matter of complaint against the Programme '2015 Movie Awards' aired on VH1 Channel on 13/04/2015

This Council has received a complaint from the Ministry of Information & Broadcasting for the programme '2015 Movie Awards' telecast on VH1 Channel on 13/04/2015.

- 1) The complaint states that in the pre-live section of the awards aired on VH1 Channel, one of the hosts, Kelly Osbourne, is seen interviewing rapper-singer duo, Ty Dolla Sign and Charlie XCX. During the interview, Kelly asks Charlie about her song '*Drop that kitty down low*', the one that she would be performing tonight. She asks her, "By the word '*Kitty*', *do you mean that drop your vagina?*" To which Charlie thinks for few seconds and says, "*Yes, drop that, drop that why not?*" Later in the interview, Kelly wraps it up by saying, "*People will drop their kitties everywhere; kitties are going to be falling from the skies.*"
- 2) In the second clip, the best duo award is being given to Zac Efron and David Franco. Both come up to receive the award. While holding the trophy in his hand, Zac Efron starts his thanking speech, but is teased by his partner David Franco. Zac is wearing an open jacket and David is seen staring at his chest. Zac notices that and asks, "*What are you doing Dave?*" David says, "*Hey you got nipples Focker, can I milk you?*" Zac says, let me take this seriously, and the next moment Dave comes attacking Zac, fiddling with his nipples saying, "*I am gonna milk those nipples focker, I am gonna milk those nipples.*" Zac steps back saying, "*Hey, you are crossing your line right now Dave.*" Dave says, "*I am going to bring you down, I am going to bring you down to Chinatown.*" Zac acts as if he got offended and says, "*Don't make me do it man.*" Next moment, Zac grasp David's crotch. David shows like he is hurt and backs off. A few seconds later, he says, "*You are*

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*not supposed to get hold of it. Now you in the character, huh? Very funny. Okay, I am done."*

- 3) In the third clip, performer Rebel Wilson comes on stage dressed in skin-hugging pants and a brassiere with big white wings. She addresses the audience and says she wants to apologise for her indecent behaviour at an event. She starts by reading from a letter, *"To people of the world, I would like to take this opportunity to formally apologise for my actions on the set of Pitch Perfect 2. In particular the night when I accidentally showed my girl power to the President of the United States. Yeah, by girl power I do mean vagina. At least we can all take comfort in the fact that mine looks more like a neat burrito rather than a stand and stuff taco. Thank you."*

On examining the complaints and their video clips, the Council *prima facie* found that the episode was in alleged gross violation of IBF's Self-Regulatory Guidelines.

Theme-2 of the Self-Regulating Guideline dealing with 'Sex, Obscenity & Nudity' in Category G says:

- a. 'Highly coarse language with explicit sexual connotations'
- b. 'Show nudity with full exposure of lower abdomen or sexual organs or posterior or full female breasts'
- c. 'Show fondling of female breasts or human or animal sexual organs'
- d. 'Show explicit images of sexual activity or sexual perversion or violence including rape, molestation, etc.'

It was also in alleged violation of the Programme Code, Clauses 6 (1)(a), 6 (1)(d), 6 (1)(k) as it:

- a. Offends against good taste and decency;
- d. Contains anything obscene, defamatory, deliberate, false and suggestive innuendos and half-truths; and
- k. Denigrates women through the depiction in any manner of the figure of a woman, her form or body or any part thereof in such a way to have the effect of being indecent, or derogatory to women, or is likely to deprave, corrupt or injure public morality or morals.



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The Council, therefore, issued a Notice to the channel on 07/08/2015 with a direction to appear before it on 04/09/2015 (49<sup>th</sup> BCCC Meeting).

In its reply, the channel maintained the programme was a live event staged in Los Angeles, in front of a live audience and televised simultaneously in India on 13 April 2015 between 5:30 am and 7:30 am.

The channel stated that in the first and third clips, the respective women have made reference to the words in issue, in the context of 'song' and 'movie' in which they have performed. The conversation happens between women in a non-sexual context and in a light-hearted manner. In such a case, the determinant of obscenity lies not in words themselves but in the way it is perceived by people. There would be a difference in terms used by women in a non-sexual and non-threatening manner and those used specifically to abuse or humiliate them. The channel stated that for all future repeats, which happened in primetime and during the day of the *Movie Awards 2015*, the said terms were muted.

For the second clip, the channel stated the conversation is strictly between two men with no allusion to women or sex. The focus is on light-hearted repartee between the two men. The channel stated that a mere verbal reference of the words in issue does not have the effect of depraving, debasing and corrupting the minds of audiences.

In its defence, the channel maintained that provision Rule 6(5) of the 'Programme Code' says, "Programmes unsuitable for children must not be carried in cable services at times when the largest numbers of children are viewing", and this programme was aired in the wee hours of the morning.

The channel stated it has a strong Content Regulation Team, but since the live feed was streamed continuously from international satellite, and simultaneously relayed on the channel, the option of muting or editing the questionable content was not available to them.

The channel's representatives appeared before BCCC on 4 September 2015 and apologised for the lapse. The channel's representatives wanted to have suggestions from the Council as to how deal with such issues in the future. The Council directed the channel that its interests would be best served if it refrains from televising live events for which the editorial control does not vest in them.

After hearing the channel's representatives in detail and having considered all the issues involved, the Council orders the following:

**Channel VH1 shall run an APOLOGY SCROLL, in legitimate readable fonts and at normal speed, FOUR (04) times a day, for THREE (03) consecutive days, from 21/09/2015 (Monday) to 23/09/2015 (Wednesday). The Apology Scroll should appear at 12 PM, 3 PM, 6 PM and 9 PM respectively.**




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The text of the Apology Scroll shall be:

*“In compliance with BCCC’s Order of 4 September 2015, VH1 Channel apologises for inadvertently airing objectionable content during its show ‘Movie Awards 2015’ on 13 April 2015. This telecast was found to be in violation of IBF’s Self-Regulatory Guidelines.”*

The channel is also directed to submit certified recordings of the actual Apology Scroll run by it to the BCCC Secretariat by 30 September 2015.

For & on behalf of  
Broadcasting Content Complaints Council

  
Justice (Retd.) Mukul Mudgal  
Chairperson



14 September 2015  
New Delhi