

The Hits, 13 October 2006, 19:45

Introduction

A viewer complained that The Hits broadcast the unedited version of Michael Jackson's 1983 music video *Thriller* at 19:45 . The complainant was concerned that this video had a BBFC '15' Rating and was therefore unsuitable for transmission before 21:00 .

Ofcom asked Emap (the licence holder for The Hits) to comment on the video's suitability for transmission before the watershed with specific regard to Rule 1.3 of the Broadcasting Code ("the Code"), which requires children to be protected from material that is unsuitable for them by appropriate scheduling.

Response

Emap stated that it broadcast *Thriller* as a music video supplied by SonyBMG and that it was unaware of a BBFC rating for it. Emap further stated that it reviewed every piece of content for its suitability for the time of transmission and in this case considered that the horror elements of the video, filmed 23 years ago, were of an almost humorous 'B movie' quality by today's standards. Emap considered that in comparison, some of the scary and realistic effects used in the most recent *Dr Who* series indicated to them that today's children were more aware and used to seeing such material particularly given that *Dr Who* was transmitted in the same timeslot as the *Top 20 Freaks of Pop*.

Emap also said that The Hits targeted 16-34 year olds and that programming on Friday evenings (when this video was broadcast) was always designed to appeal to an older audience, with a chart based format featuring 'oldies' or rock music that was not considered child friendly. Emap also pointed out that the programme had a relatively low proportion of children watching, compared to the general population.

Decision

Rule 1.3 of the Code states: "Children must also be protected by appropriate scheduling from material that is unsuitable for them." Appropriate scheduling should be judged according to various factors including:

- the nature of the content;
- the likely number and age range of children in the audience;
- the start and finish time of the programme;
- the nature of the channel or station and the particular programme; and
- the likely expectations of the audience.

On 13 October 2006 , The Hits broadcast the full 13 minute unedited version of Michael Jackson's *Thriller* music video at 19:45 in a programme item entitled *The Top 20 Freaks of Pop*. The video portrays Michael Jackson 'morphing' into a werewolf and teaming up with a group of zombies to pursue his girlfriend.

The Code specifically requires (Rule 1.21) that BBFC '18'-rated films can only be broadcast on free to air services after 21:00 . All other material, including 'PG' and '15' rated films and videos, shown before the watershed must be assessed by broadcasters to ensure the content complies with Sections 1 and 2 of the Code. This may mean that some editing of 'PG' and '15' rated films is required if pre-watershed transmission is planned.

Ofcom's legacy regulator the Independent Television Commission (the ITC) previously judged the horror elements of this unedited version of *Thriller* to be unsuitable for transmission pre-watershed (ITC Programme Complaints Bulletin: Monday 27 January 2003). Whilst Ofcom noted Emap's claim that the programme *Top 20 Freaks of Pop's* had a relatively low proportion of children watching it is nevertheless important to underline that this is only one of the factors to be taken into account in considering appropriate scheduling. The Hits is a free-to-air music channel broadcasting primarily chart pop videos, which is likely to be of significant appeal to children. Whilst *Thriller* was primarily a dance video and widely acknowledged as a significant piece of pop culture, it nonetheless featured horror elements (in the form of Michael Jackson 'morphing' into a werewolf and the realistic presentation of zombies) which Ofcom considered inappropriate for broadcast at this time. In particular, research conducted by the ITC concluded that young children find images which portray an individual undergoing a dramatic physical change (such as 'morphing'), while their psychological identity remains the same, particularly disturbing . Ofcom considered that the imaginary horror in the full unedited version of *Thriller* was materially different to that contained in a programme like *Dr Who* – which was aimed at a young audience and was of a sci-fi nature. Ofcom therefore judged that the 'morphing' of Michael Jackson into a werewolf was likely to have been capable of causing significant distress to younger viewers.

Ofcom therefore considered that the broadcast was in breach of Rule 1.3 of the Code.