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**ADJUDICATION NO: 27/A/2017**

**NAME OF PROGRAMME:** GENERATIONS, THE LEGACY

**DATE AND TIME OF BROADCAST:** EPISODE OF 11<sup>TH</sup>, 17<sup>TH</sup> AND 18<sup>TH</sup> JULY AT 20:00

**BROADCASTER:** SABC1

**COMPLAINANTS:** MSIMANGA, MOFOKENG, MBASA, MNCUBE

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**COMPLAINT**

Material considered to be harmful to children. The complainants allege that Generation – The Legacy has aired episodes with scenes featuring sex and nudity.

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**APPLICABLE RULES**

**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.
- (3) Some programmes broadcast outside the watershed period may not be suitable for very young children. Licensees must provide sufficient information, in terms of regular scheduling patterns or audience advisories, to assist parents and *de facto* or legal guardians to make appropriate viewing choices.

## ADJUDICATION

[1] The Registrar received several complaints regarding the Smanga and Tshidi storyline in the programme Generations Legacy. The Complainants are of the opinion that recent episodes contained explicit sex, pornography, soft porn, unacceptable kissing and sex sounds. The programme is broadcast at 20:00 and should be moved to a later timeslot or removed.

[2] **The complaints read as follows: was formulated as follows:**

**Msimanga:** “I wasn't aware of the procedure that should be followed when making a complaint but its not a problem. Channel:SABC1, Soapie: Generations The Legacy@8pm - Episodes: I obviously dont have the exact dates when the episodes were aired but I can recall the scenes & characters in question.

- Nolwazi in lingerie waiting for Fana
- lucy and Mrekza in bed all the time when they were still in a relationship
- Namhla stripping naked to get into the air vents
- Almost everyday Smanga and Tshidi are making love..almost all their scenes they are in bed having sex,or stripping off their clothes..kissing and moaning...I mean the amount of sexual scenes on Generations is just absurd.
- The most recent was aired yesterday ,11 July 2017, The models parading in sexy lingerie and as usual Smanga and Tshidi at it again...the whole episode is concentrated on sex and nudity...

I speak on behalf of a number of parents whom I have had this conversation with, its not a crime or a bad thing to have kissing scenes and cuddling in bed...its how often its done and how intense it is that counts..The way sex and nudity is portrayed on Generations really has an impact on our kids. Its so intense and the moaning sounds they make just makes it seem exciting and our kids watching that are driven to want to experience the act...no wonder why 10 year olds are raping 6 yr olds..

As a parent I can restrict my kids from watching at night but its a waste of time because the soapie repeats everning morning at 09am on SABC1.

The soapie is suitable for adult viewing and should be moved to a late at night time slot and not repeat in the mornings OR reduce sexual scenes and nudity..I am a big and loyal fan of Generations and it was never this sexual....I suppose they're trying to get more adult viewers but its at the expense of our teenagers..There are many soapies doing very well and they go through many episodes without even a kissing scene.

The soapie is appropriate for adults..not kids..it should be rated PG 18,nudity,sex...Back then we would watch it as a family with my kids..lately I have had to change that.

Hopefully something will be done about this...lets not promote inappropriate behaviours in our kids.”

**Mofokeng:** “Am writing this as a parent of a 5 years and 8 years old boys. Yesterday (11 July) towards the end of the above drama as a parent I saw the interaction between Smanga and Tshidi as something offending to the boys. In the process Smanga was visualising or thinking about something that he did with Thabi sometime ago, and this as well was not right. The boys wanted to know why is the lady tied the bed and if Smanga is going to burn her with a candle.

Can you please look at this and assess if this is correct to be viewed at that time of the evening when the kids are still watching TV.

Thanking you in advance. Every time you see Smanga and Tshidi they start kissing and making those noises, pushing each other on top of tables and sofas. Undressing each other, the scene of Thabi being tied up to the bed with a red bra and red panties tossing and mourning. You know we enjoy the interaction of people like Tau and his lady friends, or Thandaza and Ranthomeng(Mavhango) you will never see this adults kissing like they are from prison.”

**Mabasa:** “I thank you for taking your time to review my complaint. I was watching Generations the Legacy on this Date: 11/July/2017 or 11/07/2017 Time: 20:00.

The drama was having too much sexual practice which is more like we are watching adult movies. The story actually shows sexual practice at a high degree during the time when children are awake and watching. It is painful what this story is feeding our younger sisters and brothers and children, and we wonder why there is children pornography trending everyday on Twitter and children raping children.

I strongly believe this will be reviewed for the future of the generation that television is building through this drama. May this be a concern to everyone who really cares about the state of the mindset of their children. Thank you so much for reviewing my concern.”

**Mncube:** “I am writing this email disgusted. The content that is being broadcasted on Generations the legacy ( Sabc1 weekdays at 8pm ) , Is indecent and contradicts their PG (While there is Nudity and S ) restrictions. They have intensive sex scenes and we watch the soapier with kids and parents. The Broadcast was on Monday 17 July 2017 and 18 July 2017 . They have scenes where by they are kissing which is put in our faces, they make sex sound .

I kindly ask that they age restriction be changed or the soapier removed for it doesn't satisfy us as the viewers. We feel harassed at our own homes. I would also like an apology. I am disgusted i have even sworn never to watch the soapier ever again .

Please intervene we cannot take this anymore. I have had it . Your immediate assistance will be highly appreciated.”

[3] **The Respondent’s argued as follows:**

**“BCCSA COMPLAINT: PAMELA MSIMANGA & MPHONG MOFOKENG – SABC 1 – GENERATIONS THE LEGACY - 20:00 - 11.07.2017**

In respect of the above-mentioned matter, please find our comments as follows:

1. The SABC would like to reiterate that Generations – The Legacy is a soap opera. As per the nature of soapies, deals with lots of themes such as relationships, romance, intimacy secrecy, betrayal, love triangles, crime and suspense hence the episodes capture the audience through the eyes of the characters and where they are in their journey of life, be it good or bad.
2. It is not true that the episode aired on 11 July 2017, the whole episode was concentrated on sex and nudity. In the quoted scene, the models were at a photo shoot which is how they would dress given the brief and some models had gowns wrapped around them waiting their photo-shoot. There is no clause in the BCCSA Code that suggests that models should not be shown on television in their swim suits. The context itself did not relate to sexual conduct. In the second scene referred to by the complainant, Tshidi and Smanga are involved in what could be regarded as an intimate scene leading to suggestive sex.
3. In the 'sex' scene at the end of the episode, the sex is implied. There is flirtation, but the characters are clothed, there is no 'sex'. The flashback in this final scene has aired before and it was also implied sex. The episode in question had a PG 13 advisory.
4. The nature of daily drama is that our characters are clothed and every now and then it is necessary for sex to be implied in certain scenes when the story requires it. We are not at all trying to gain viewers by having romance scenes on the show as its part of soapie themes.
5. The same BCCSA Code that the SABC subscribes to, applies whether it is morning or evening.

We submit that there was no contravention of the Code.”

## EVALUATION

- [4] The BCCSA received about 160 complaints regarding some episodes of Generations – The Legacy. Only four of the Complainants were prepared to reduce their complaints to writing.
- [5] The common theme of these complaints is that Generations – The Legacy has many scenes /episodes which depict suggestive sexual encounters during times when children are also watching the soapie.
- [6] This soapie is shown outside the watershed period: It is shown at 20h00 – 20h30; repeated the following day at 09h00; and also repeated during the weekend's Omnibus on Saturday at 09h00.

- [7] The most contentious episodes / scenes seem to have taken place on the following dates: 11, 14, 17, 18 July 2017.
- [8] The scenes which attracted more criticism were those involving Nolwazi and Mazwi, Smanga and Thabi, and Smanga and Tshidi.
- [9] There were also comments about Mrekza and Lucy always being in bed in most of the episodes where their relationship features.
- [10] There are also some complaints about models dressed in bikinis.
- [11] Some of those complaining suggested that the amount of sexual conduct on Generations – The Legacy is so much that this soapie must either be moved to a later time slot during the watershed period, contain an age limit of 18, or simply be completely removed from SABC1.

**The Code of Conduct For Free-To-Air Broadcasting Services has important provisions:**

- [12] The watershed period for free-to-air television broadcasting service licencees is between 21h00 and 05h00. This implies all the Generations – The Legacy flightings take place outside the watershed period, which means at times when many children are still watching TV.
- [13] Clause 7(1) states that 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. The question to be asked is whether any of the scenes being complained of were showing explicit sexual conduct? The answer is NO. It is, however, conceded that most of the scenes complained of involving Nolwazi and Mazwi, Smanga and Thabi, and Smanga and Tshidi do test the thin line between suggestive sex and

explicit sex. The groaning kisses and / or systematic removal of clothing do also test the thin line between suggestive sex and explicit sex.

- [14] The scenes involving models in bikinis and / or removing gowns to show their bikinis cannot however be regarded as sexually suggestive, as this is a normal occurrence in the modelling world, and models are always associated with bikinis and bras in public.
- [15] No video could be found to support any contention that scenes involving Mrekza and Lucy in bed contained any sexually suggestive conduct.
- [16] By the same token, the scene involving Namhla taking off her clothes in order to go through the ventilation is not in any way in bad taste; and has no sexual connotations.
- [17] Clause 7(3) states that some programmes broadcast outside the watershed period may not be suitable for young children. In cases such as these, licensees must provide sufficient information, in terms of regular scheduling patterns or audience advisories, to assist parents and de facto or legal guardians to make appropriate viewing choices.
- [18] The Respondent asserts that their audience advisories, with an age limit of 13 years, are appropriate for the type of contents that is featured on Generations – The Legacy. The people who complained argue that the scenes being complained of do test and / or cross that thin line between ultra suggestive sex and explicit sex; and that the age restriction must at least be adjusted to 18 years. It is possible that the particular episodes being complained about may not have been appropriate for young people below the age of 16; this may however be a subjective view from a particular segment of the population that may be viewed as being “oversensitive”.

[19] The subsequent actions of the Respondent do indicate that the Respondent did concede that the audience complaints may have some validity: The Respondent decided not to flight the offending episodes on its usual Omnibus on Saturday 22 July 2017, and the episode of 14 July has since been completely removed from the You Tube without explanation.

## **RULING**

[20] **The Respondent has not breached any of the provisions of the Code of Conduct.**

[21] However, in line with the Respondent's own tacit concession that the "implied sex" scenes, as the Respondent calls them, may have gone too far closer to explicit sex. It is, therefore, recommended that, in line with Clause 9(1) and the practice already prevalent on radio, the Respondent must place an additional audience advisory whenever such ultra-suggestive sex scenes will be shown: *"Today's episode may contain some scenes which involve suggestive sex. Viewer discretion is advised"*. Such an advisory must be implemented in line with Clause 9(1).

**PROFESSOR BONKE DUMISA  
BCCSA COMMISSIONER**