[IE] Complaint against broadcast of dance routine with sexual overtones upheld

IRIS 2014-10:1/23

Damien McCallig
School of Law, National University of Ireland, Galway

At its meeting of July 2014, the Compliance Committee of the Broadcasting Authority of Ireland (BAI) upheld, in part, a complaint made against the broadcast of a dance routine, which included clear sexual overtones. The complaint concerned the broadcast of the dance routine at 6:30pm on a Sunday evening on RTÉ television's The Voice of Ireland, without any prior audience warnings or notifications as to the nature of the content.

Under section 48 of the Broadcasting Act 2009, viewers can complain about broadcasting content, which they believe is not in keeping with broadcasting codes and rules. The complainant claimed the broadcast of the dance routine breached a number of sections of the BAI Code of Programme Standards (see IRIS 2008-5/23). In particular, the complaint focused upon the unsuitability of the dance routine broadcast without any audience warning and prior to the watershed, for children who were likely to be part of the viewing audience.

Section 3.6.2 of the BAI Code of Programme Standards requires that scenes of a sexual nature must have strong editorial justification before being broadcast and section 3.2.2 prohibits strong sexual content from featuring during children's programming. Where content of a sexual nature is editorially justified, section 2.2.1 of the Code requires that broadcasters should use due care to ensure that viewers are protected from undue offence and harm. Due care, under the Code, requires the use of prior warnings for programme material, which has the potential to offend.

In upholding the complaint, in part, the Compliance Committee noted that the audience profile did not make the programme a children's programme as defined by the Code. Viewers under 18 years of age made up 12.1% of the total audience, a figure that falls below the 50% threshold required in order for it to be considered a children's programme under the Code. Nevertheless, the nature and timing of the programme was such that the Compliance Committee held that it constituted family viewing and regard should be had that children will be members of the audience.

While the Committee noted that the dance routine was editorially justified, the routine included clear sexual overtones and sexualised elements dealing with

© European Audiovisual Observatory (Council of Europe) 2026

adult themes. These were considered inappropriate for children and adolescents who were watching the programme at the time of broadcast.

The Compliance Committee found that, in the absence of any prior audience warnings or notifications, the programme did not demonstrate due care appropriate for the time of the broadcast and the audience viewing. Accordingly, the programme infringed the requirements of section 2.2.1 of the BAI Code of Programme Standards.

Broadcasting Authority of Ireland, Broadcasting Complaints Decisions (September 2014)

http://www.bai.ie/?ddownload=59053

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026