

# [IE] Programme featuring instructions on contraceptive use did not violate broadcasting code

**IRIS 2015-10:1/18**

Ronan Ó Fathaigh  
*Institute for Information Law (IViR), University of Amsterdam*

On 1 September 2015, the *Broadcasting Authority of Ireland* (BAI) held, by a majority, that showing a model of an erect penis having a condom put on it did not violate broadcasting rules on offence, harm, or the protection of children. The decision arose following a complaint made about an "Ireland AM" programme broadcast by TV3. Ireland AM is a morning programme with a range of content, broadcast between 7 a.m. and 10 a.m., and during a discussion on contraception, a model of an erect penis was shown having a condom put onto it.

The complainant claimed that "this type of material is completely inappropriate on a programme that many households have on in the morning, before children go to school. The complainant stated that "there may have been warnings before the item, but she changed channel to TV3 and none was evident to her". Accordingly, the complainant claimed there had been a violation of the Broadcasting Act's rules on offence and harm (section 48), and the BAI's Code on Programme Standards, in particular the code's rules on due care (section 2.2), protection of children (section 2.3), and sexual conduct (section 3.2).

The BAI rejected the complaint, and held: (a) there were three clear warnings before the segment started, one at the beginning of the programme, one shortly before the segment started, and another during the introduction to the piece. For this reason, the Forum was satisfied that the broadcaster took reasonable measures to ensure that the viewers were informed; (b) although "the time of broadcast meant that some children could view the programme and that some viewers may have found it inappropriate", there was "nothing in the programme likely to cause undue offence or to cause harm"; and (c) the content was "factual and informative", and did not constitute "sexual content".

***Broadcasting Authority of Ireland, Broadcasting Complaint Decisions, September 2015, p. 93***

<http://www.bai.ie/?ddownload=128302>

