Standards cases

In Breach

X-Men Origins: Wolverine
Channel 4, 26 August 2012, 18:55

Introduction

X-Men Origins: Wolverine is the fourth feature film in the X-Men comic book fantasy series. The film focuses on the background of Wolverine, a vigilante who produces metal talons from his knuckles and can recover from any wound. Wolverine becomes part of an experimental army unit with his brother but he leaves the unit after disagreeing about their motives and aims.

A complainant alerted Ofcom to violent scenes in the broadcast of this film before the 21:00 watershed on Channel 4. After viewing the material, Ofcom noted various examples of violence:

1) Wolverine as a young boy discovers bony talons emerging from his knuckles and then stabs and kills a man who is revealed subsequently to be his father;

2) a fantasy gun battle in which a swordsman kills two men by leaping and stabbing them in the chest (not shown in vision);

3) an intense sequence of surgery in which Wolverine's head and body are drilled with holes and liquid metal is injected into him;

4) Wolverine has two violent fights his brother; various stab wounds are shown;

5) Wolverine fights a mutant (who has had his mouth sewn shut and has a long sword coming out of each hand); various stab wounds are featured before the mutant is decapitated off screen; and

6) Wolverine is shot in the head at close range, although this does not kill him.

Ofcom considered the material raised issues warranting investigation under Rule 1.3 of the Code, which states:

"Children must... be protected by appropriate scheduling from material that is unsuitable for them."

We therefore wrote to Channel 4 (or “the Licensee”) for its formal comments on how the broadcast complied with this rule.

Response

The Licensee said that the Code had dispensed with regulating the scheduling of films on television by reference to their ratings from the British Board of Film Classification (“BBFC”), as had happened previously under the Independent Television Commission (“ITC”) Programme Code. Channel 4 commented that “it is noteworthy that the film complained of would, under the ITC Programme Code, on the face of it been transmittable uncut at 8pm”, given its 12A BBFC rating.

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The Licensee added that in accordance with Ofcom’s Guidance, as with any other content broadcast by Channel 4, “films, including 12A films, are scheduled appropriately in compliance with the provisions of the Code, in particular with a view to the “context” of the relevant content under Section Two [of the Code].”

Channel 4 said X-Men Origins: Wolverine had been “carefully edited” by a senior editor at the Licensee to reduce the level of violence in the film to make it suitable for the transmission time. Channel 4 listed 27 edits made to the film to reduce or remove the film’s impact overall, including edits for language and violence. The Licensee said the film was “scheduled with care to avoid programmes specifically made for children” and was preceded in the schedule by 4thought.tv and Channel 4 News.

Channel 4’s view was that the edits made demonstrated the “great care which was taken by the Channel to ensure the film was suitable for its time of transmission”. The Licensee also pointed out that the film had been shown twice before on Channel 4.

Channel 4 responded to each of the specific examples of violence identified by Ofcom in the Introduction to this finding:

1) The Licensee said that, given the previous three films in the X-Men series, viewers would to a large extent have been aware of the “particular superhuman attributes of Wolverine and...not be surprised at his partial metamorphosis in this scene”. Channel 4 added that “the stabbing itself is largely implicit and there is little or no blood” and that it had: edited out close-up shots of the claws emerging from Wolverine’s knuckles; and dipped the sound to minimise the impact of the stabbing to death of a man who is subsequently revealed to be Wolverine’s father.

2) Channel 4 pointed out that this scene is “clearly a fantasy battle” and the stabbing is not seen in vision and therefore only implied.

3) The Licensee disputed Ofcom’s description of this scene, maintaining that the scene was “highly stylised” and “drill bits are not seen being drilled into Wolverine’s body”. It said that Wolverine had volunteered to undergo the operation to become a superhero and knew in advance it would involve pain: “There is no duress and no deliberate infliction of pain for pain’s sake.”

4) Channel 4 said it was important to bear in mind that the fights were “clearly stylised, fantasy fights” with little blood or graphic wounding and in which the wounds immediately healed up “while the participants fly and leap across rooms and through buildings”. Although edits were made to these scenes to reduce their impact, the Licensee was of the view that they would not have been perceived as “real scenes of violence”.

5) The Licensee argued that: this scene occurred from around 20:44 “shortly before the 9pm watershed”; the violence was highly stylised “with the protagonists repeatedly recovering from their wounds”; and, by this point in the film, viewers would have become familiar with the unrealistic nature of the violence in this “fantasy franchise”. Channel 4 said it “is not clear” whether or not the mutant’s mouth was “sewn shut” as indicated by Ofcom: the Licensee said it was “just clear that he [the mutant] has no mouth”. It also pointed out that the decapitation of the mutant is not shown on screen and this only becomes apparent as his body falls from the building.
6) Channel 4 again highlighted the elements of fantasy violence in this sequence and viewer awareness that the main character would not be killed by bullets. The Licensee said “there is little or no blood or gore or, indeed, much suffering” and that it had edited the sequence to reduce the level of violence, including the removal of “a close-up shot of a point blank shot into Wolverine’s head”.

In conclusion, the Licensee reiterated that the X-Men film franchise is “well-known for its fantasy, comic book style” and that the violence within X-Men Origins: Wolverine reflects that style and is “consequently not realistic in the context of normal everyday life”. Channel 4 added that its view of the audience’s likely expectations could reasonably have been informed by the fact that this edited version of the film had been broadcast “a little earlier” on Sunday 25 September 2011 and had not attracted any complaints.

Channel 4 was therefore of the view that the film was appropriately scheduled given the careful edits it had made to the original version.

**Decision**

Under the Communications Act 2003, Ofcom has a duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, including that “persons under the age of eighteen are protected”. This is reflected in Section One of the Code.

Rule 1.3 requires that children must be protected by appropriate scheduling from material that is unsuitable for them.

In applying Rule 1.3, Ofcom must have regard to the need for standards to be applied “in the manner that best guarantees an appropriate level of freedom of expression”. The Code is drafted in accordance with Article 10 of the European Convention on Human Rights, which sets out the right of a broadcaster to impart information and ideas and the right of the audience to receive them without unnecessary interference by public authority. In accordance with the fundamental right to freedom of expression, the Code does not prohibit the broadcast of material unsuitable for children. However, broadcasters are required to ensure that children are protected from unsuitable material by appropriate scheduling.


The film contained dark fantasy and violent themes throughout and a number of scenes of violence, aggression and menace. By way of example, in one scene (example 3 above), to enable Wolverine to kill his brother (who had apparently killed his girlfriend), Wolverine voluntarily submitted to a surgical procedure to change his body skeleton – and talons – from bone to metal. To achieve this, the character was placed in an aquatic container and two rows of hot needles were drilled into Wolverine’s body and head. The character clearly experienced excruciating pain, and a number of close-up shots were shown of the needles being drilled into Wolverine’s cheeks and forehead.

In another scene (example 5), the climatic fight sequence showed Wolverine fight with another ‘mutant’ (the name the film series gives to those who have special abilities), a former soldier colleague of Wolverine who had been the subject of various experiments. The result of these experiments (not seen in the film) was that
this 'mutant' had a gruesome appearance: he was heavily scarred around the eyes and mouth and appeared to Ofcom to have had his mouth sewn shut so he could not speak. The mutant also had long swords extending from the knuckles of both hands. The fight involved various martial arts elements of jumping, punching and kicking but also, given the two characters had blades built in to their bodies, both characters stabbing each other a number of times (although both automatically healed themselves). The sequence concluded when Wolverine leapt towards the new mutant and slashed him aggressively across the neck. In the subsequent shot, it was clear that the mutant had been decapitated because his head was shown coming away from his body.

We took account of the intensity of the surgery sequence, and the repeated sequences of violence and stabbing (despite a number of the characters healing automatically from wounds) spread throughout the film. This material conveyed a continuing theme of dark fantasy violence which, in Ofcom's view, made the content unsuitable for children to view, particularly younger children.

We then assessed whether the content was appropriately scheduled. Appropriate scheduling is judged against a number of factors including: the nature of the content; the likely number and age range of the audience; the start and finish time of the programme; and likely audience expectations.

We noted Channel 4's reference to *X-Men Origins: Wolverine* being "on the face of it" acceptable to show uncut at 20:00 on Channel 4 under the ITC Programme Code, given its 12A BBFC certification. The ITC Programme Code was one of the set of regulations in place at the Independent Television Commission, one of the regulators responsible for broadcasting before Ofcom was created. The ITC Programme Code was in use until July 2005, when the Ofcom Broadcasting Code was first published. The broadcast of *X-Men Origins: Wolverine* on Channel 4 in 2012 can only be assessed against the Code.

Ofcom recognised that this is the fourth film in the X-Men series and that as a result the likely expectations of the audiences may have been established to some extent. We also acknowledged that *X-Men Origins: Wolverine* is a film based on a comic book series and that, as such, the violence in this film was not grounded in the real world. However, it was a concern to Ofcom that Channel 4's defence of the violence in this film appeared to rely significantly on viewers' recognition of the fantasy nature of the violence. While there were clear elements of fantasy to the scenes of violence in this film, in Ofcom's view these elements did not mean that the effect of the violence on child viewers was necessarily minimised to an acceptable level. Violence — whether in a real or fantasy context — must be appropriately limited when included in programmes broadcast before the watershed. We also noted that this film had, according to the Licensee, been shown twice before on Channel 4 before the watershed (once at a similar time) with either no, or very few, complaints to Channel 4. At the times of those previous broadcasts, however, Ofcom did not receive any complaints about the scenes of violence in this film and so was unable to assess them against the Code.

Ofcom noted that the storyline of *X-Men Origins: Wolverine* was darker than that of the previous three films, dealing with issues of betrayal and violent revenge. The previous X-Men films looked collectively at a group of 'mutants' who had a range of special abilities which were not all connected with the ability to fight at close range. *X-Men Origins: Wolverine* focused almost entirely on its central character whose actions were very much prompted by anger and involved direct and personal violence against others using his metal talons to stab and slash opponents.
We took into account that Channel 4 had clearly taken measures to ensure the fantasy violence was toned down in the film by making a considerable number of edits. A number of graphic incidents of violence (such as decapitation or a point blank shot to the head) were edited out so that the violence was implied and not shown in vision. However, in Ofcom’s view, these edits were insufficient to address the ongoing violent themes throughout the film, and in particular in some of the key scenes which were especially violent and are summarised above. For example, the surgery sequence (example 3) occurred at about 19.40 and lasted for approximately 180 seconds. This was an intense scene, with Wolverine apparently in great pain as hot needles drilled into his body and face. Although Wolverine may have volunteered to undergo this procedure, it appeared in Ofcom’s view akin to a torture sequence.

The final fight sequence (example 5) was intercut with another storyline of teenage mutants being helped to escape their confinement. This fight began at about 20:40 and lasted for approximately five minutes. Again, there were multiple images of stabbing and Wolverine’s final slash to decapitate the mutant was clearly shown (though as Channel 4 pointed out to Ofcom that the viewer did “not see the head being sliced from the body”).

We took into consideration that the film was broadcast from 18:55 on a Sunday evening when there were likely to be children, and particularly younger children, in the audience, some of them potentially watching television unaccompanied by an adult. Audience figures indicated that out of a total of 969,000 viewers, 115,000 were children aged between four and fifteen (equating to almost 12% of the audience). 46,000 of the 115,000 children watching were aged between four and nine.

We noted that the film was preceded by a presentation announcement which stated: “Film fantasy action now on 4. Hugh Jackman seeks revenge as the troubled superhero Wolverine. X-Men Origins.” In Ofcom’s opinion, this announcement did not make sufficiently clear that the film would have a dark and violent theme and scenes of violence, aggression and menace throughout. We also noted that Channel 4 has recently shown films which have a wide family appeal such as Inkheart, Ice Age: the Meltdown, Hairspray and The Golden Compass in similar timeslots (although scheduled up to an hour earlier than 18:55).

Ofcom did not consider that viewers, and in particular parents, would have expected this level of intensity and violence to be shown on Channel 4 from 18:55 on a Sunday evening.

Ofcom therefore concluded that children were not in this case protected from unsuitable material by appropriate scheduling, and there was a breach of Rule 1.3.

**Breach of Rule 1.3**