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NORMAL SERVICE WILL NOT BE RESUMED



KEY CONCEPT: INSTITUTIONS

Higher Media

INSTITUTIONS

Institutions considers how the actual media industry – controls, laws, and ownerships – affect media texts.

We will consider:

- ◆ Legal constraints
- ◆ Self-regulatory/codes of practice
- ◆ Market controls
- ◆ Societal controls
- ◆ Effects of technology
- ◆ Internal constraints

LEGAL CONSTRAINTS

Legislation and laws affect media products. They demand that certain things are done or not done.

For example, laws to prevent discrimination:

- ◆ **Sex Discrimination Act (1975)**
- ◆ **Race Relations Act (1976, 2003)**
- ◆ **Disability Discrimination Act (1995)**
- ◆ **Equality Act (2010)**

OTHER IMPORTANT LAWS

Copyright, Designs and Patents Act (1988)

- ◆ How does this affect media producers?
- ◆ How does this affect the media consumers?

Libel/slander/defamation of character laws

- ◆ It is illegal to say something untrue but potentially damaging about someone in public, so...
- ◆ How does/might this affect media producers?

SELF-REGULATION / CODES OF PRACTICE

In order to prevent the state/government from imposing regulations and laws that media producers must adhere to, there are a number of bodies who promote **self-regulation**, most often through the drawing up of industry agreed **codes of practice**.

- ◆ Can you think of a reason why voluntary controls (industry) might be preferred to legal (government) controls?
- ◆ What might be some of the problems associated with self-regulation?

INDEPENDENT PRESS STANDARDS ORGANISATION (IPSO)

The *Independent Press Standards Organisation* has an agreed **code of practice** for journalists and print editors

The code of practice includes:

- ◆ Accuracy and anti-discrimination
- ◆ Giving people an opportunity to reply
- ◆ Avoiding harassment and ensuring privacy
- ◆ Advice for reporting on children
- ◆ Advice for reporting on criminal matters



You can find the full *Editors' Code of Practice* at bit.ly/ipsocode

IPSO CODE OF CONDUCT – WHAT IT COVERS

Accuracy	Children in sex cases*	Financial journalism	Opportunity to reply
Hospitals*	Confidential sources	Privacy	Reporting of crime*
Witness payments	Harassment*	Hidden devices/ subterfuge	Payment to criminals*
Intrusion into grief/ shock	Victims of sexual assault	Discrimination	Children*

There may be exceptions to the clauses marked * where they can be demonstrated to be in the public interest

Exceptions may occur when in the **public interest** e.g.

- Detecting or exposing crime or serious impropriety
- Protecting public health and safety
- Preventing the public from being misled by an action or statement of an individual or organisation
- Public interest in freedom of expression itself



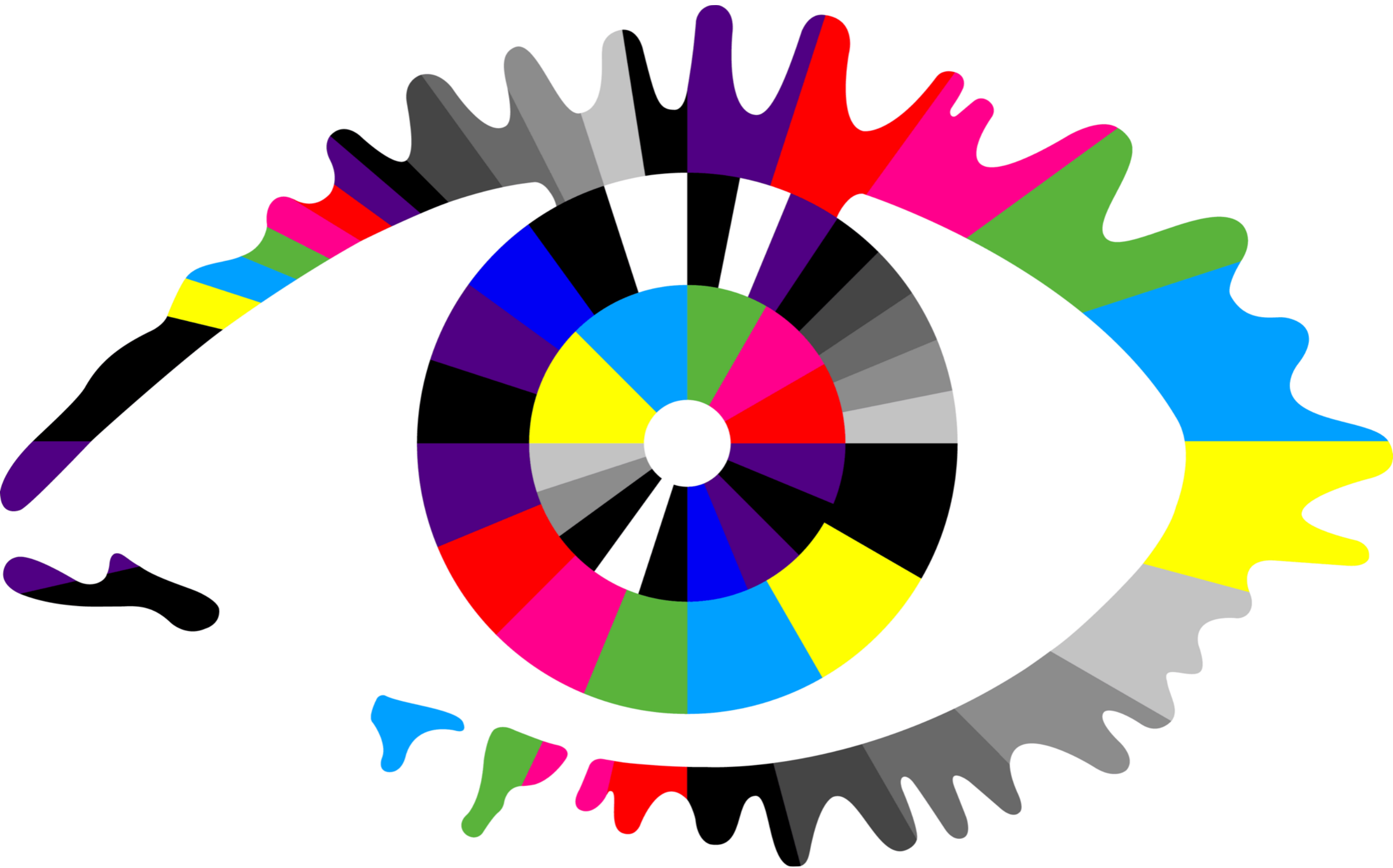
OFCOM

OFCOM: Office for Communications

Has an agreed **code of practice** for broadcasting which includes:

- ◆ Protecting children
- ◆ Harm and offence
- ◆ Crime
- ◆ Religion
- ◆ Ensuring impartiality and fairness
- ◆ Privacy

The OFCOM code is huge - over 130 pages. You can view it if you have time(!) at ofcom.org.uk



ASA

The **Advertising Standards Agency** has an agreed code of practice for advertising – with codes for both broadcast and non-broadcast advertising

They state that all adverts should be:

**Legal, Decent,
Honest and Truthful**

Special rules are in place for products such as alcohol, gambling and financial products

You can find out more at asa.org.uk





QUESTION: SHOULD AIRBRUSHING BE ILLEGAL?

JULIA ROBERTS (LANCÔME) & CHRISTY TURLINGTON (MAYBELLINE)

Julia Roberts



The makeup miracle.
Flawless skin, *lit from within*.

TEINT MIRACLE

LIT-FROM-WITHIN MAKEUP - BUILDABLE COVERAGE

Light emanates from the most beautiful skin. Now, reproduce it.

10 years of research, 7 international patents pending.
Lancôme invents its 1st foundation that recreates the true natural light of perfect skin.

Instantly, complexion appears lit-from-within, visibly flawless. 18 hour hydration.

Discover the makeup miracle at lancome.com

25 INTERNATIONAL AWARDS



Receive your **free 10-day supply**
at the Lancôme counter today.
Available in 20 shades.



LANCÔME

PARIS



Fine lines

Crow's feet

Dark circles

The Eraser
Perfect and cover foundation.
Conceals instantly, visibly, precisely.

NEW

7 YEARS OF RESEARCH
3 PATENTS

Introducing **The Eraser**

Now go beyond covering – introducing The Eraser foundation with its exclusive applicator and SPF 18. Covers dark circles and fine lines to help conceal crow's feet – as if erased! For ultimate flawless-looking perfection.

THE NEW ANTI-AGING FOUNDATION

Illustration

ON THE SURFACE: With our exclusive applicator, The Eraser covers, fills and smoothes precisely.

BELOW THE SURFACE: Our super-concentrated and Goji Berry-enriched formula hydrates the skin.

In 6 Shades. With SPF 18.

MAYBELLINE
NEW YORK

MAYBE SHE'S BORN WITH IT. MAYBE IT'S MAYBELLINE

Christy Turlington is wearing New Instant Anti-Age The Smoother and The Eraser foundation in Fawn ©2010 Maybelline LLC.
Illustrated effect.



SHOULD AIRBRUSHING BE ILLEGAL?!

Well, no one's really saying it should ... yet.

But the *ASA* had a problem with two *L'Oreal* brands, *Lancôme* and *Maybelline*. The *ASA* objected to two ads featuring Julia Roberts and Christy Turlington which they claimed had been a bit too Photoshopped.

The *ASA* ruled both ads breached the code for standards of exaggeration – **calling the advertisements misleading** – and they've banned them from future publication.

THE ASA AND L'OREAL

- ◆ Julia Roberts' ad for Lancôme promoting *Teint Miracle* claims it creates a "natural light" on the skin.
- ◆ The campaign was shot by famed photographer Mario Testino.
- ◆ Christy Turlington was featured in an ad for a Maybelline product called *The Eraser*, which claimed to erase wrinkle lines.
- ◆ UK politician Jo Swinson – well-known for her battle against the unrealistic portrayal of women in advertising – filed the complaint with the ASA saying the ads are "not representative of the results the product could achieve."

www.foxi.com



**SELF-REGULATION/
CODES OF PRACTICE**

Film



BRITISH BOARD OF FILM CLASSIFICATION (BBFC)

Decides on ratings for all films in the UK



U Suitable for all



PG Parental Guidance - Some scenes may be unsuitable for young children



12 Must be 12+ to view the film



12A Must be 12+ or accompanied by an adult (Cinemas only)



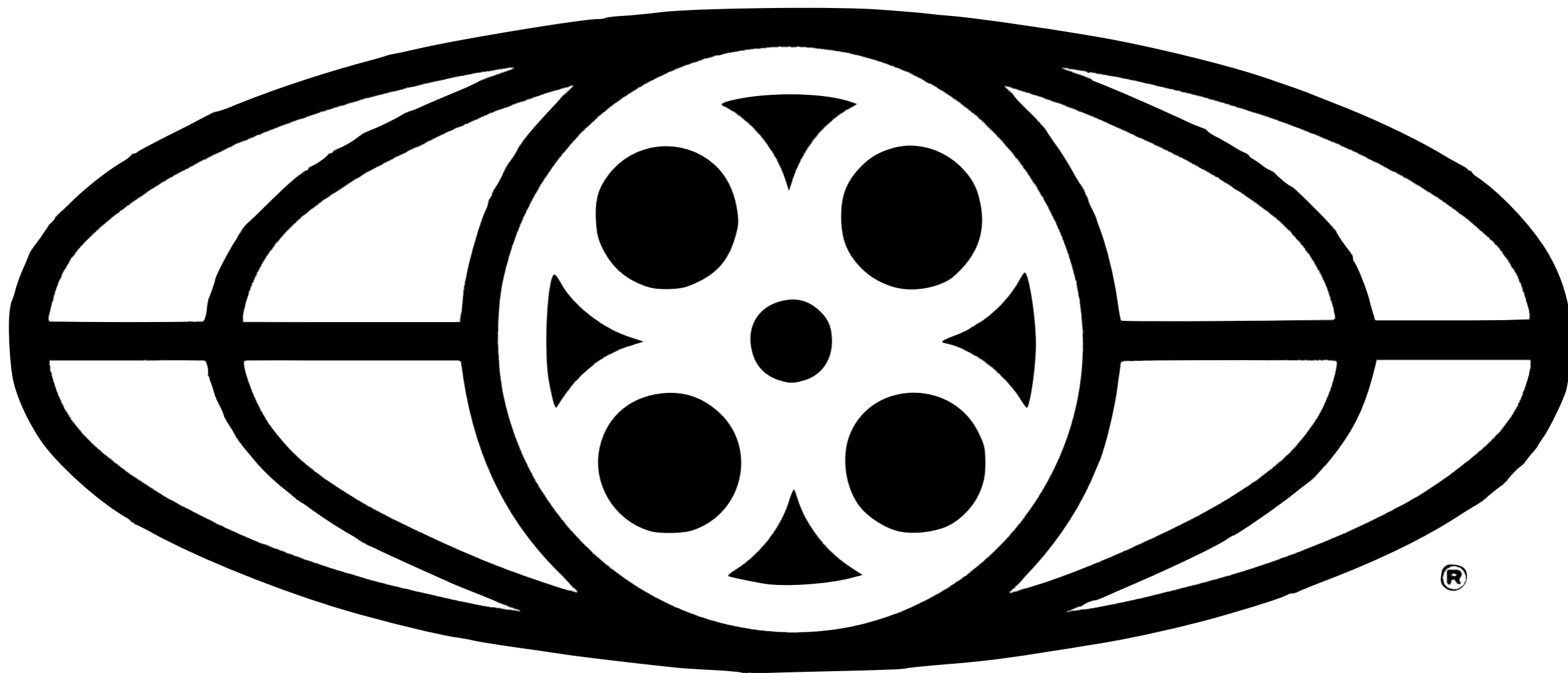
15 Must be 15+ to view the film



18 Must be 18+ to view the film



R18 Restricted. This rating is used for adult-themed products in licenced premises or shops.



MOTION PICTURE ASSOCIATION OF AMERICA

MOTION PICTURE ASSOCIATION OF AMERICA

MOTION PICTURE ASSOCIATION OF AMERICA (MPAA)

US trade association that rates the suitability of films' themes and content for certain audiences. These ratings are completely voluntary, and – unlike the BBFC in the UK – ratings have no legal standing.



G General Audiences - All Ages Admitted



PG Parental Guidance Suggested - Some Material May Not Be Suitable For Children



PG-13 Parents Strongly Cautioned - Some Material May Be Inappropriate For Children Under 13



R Restricted - Under 17 Requires Accompanying Parent Or Adult Guardian



NC-17 No One 17 And Under Admitted

Discussion Points

- 1: How might MPAA and BBFC ratings impact on the target audience?
- 2: What content might be allowed / not allowed by each rating?



A FILM BY TOM SIX

THE HUMAN CENTIPEDE 2

[FULL SEQUENCE]

IFC MIDNIGHT PRESENTS A SIX ENTERTAINMENT COMPANY PRODUCTION "THE HUMAN CENTIPEDE II [FULL SEQUENCE]"

STARRING ASHLYN YENNIE LAURENCE R. HARVEY DIRECTOR OF PHOTOGRAPHY DAVID MEADOWS PRODUCTION DESIGNER THOMAS STEFAN

SEX SUPERVISOR JOHN SCHOONRAAD SOUND RECORDIST HENRY MILLNER DESIGNER ELAM HOFFMAN MUSIC BY JAMES EDWARD BARKER

EDITED BY NIGEL DE HOND EXECUTIVE PRODUCERS ILONA SIX PRODUCED BY ILONA SIX TOM SIX DIRECTED BY TOM SIX

WWW.IFCFILMS.COM

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BBFC RULING ON THE HUMAN CENTIPEDE II (FULL SEQUENCE)

“The **BBFC** has **rejected** the sexually violent, and potentially obscene DVD, ***The Human Centipede II (Full Sequence)***. This means that *it cannot be legally supplied anywhere in the UK*. The decision was taken by the Director, David Cooke and the Presidential Team of Sir Quentin Thomas, Alison Hastings and Gerard Lemos.

“***The Human Centipede II (Full Sequence)*** is a sequel to the film ***The Human Centipede (First Sequence)***, which was classified ‘18’ *uncut* for cinema and DVD release by the BBFC in 2010. The first film dealt with a mad doctor who sews together three kidnapped people in order to produce the ‘human centipede’ of the title.

“Although the concept of the *[first]* film was undoubtedly tasteless and disgusting it was a relatively traditional and conventional horror film and the Board concluded that it was not in breach of our Guidelines at ‘18’.

It is the Board’s carefully considered view that to issue a certificate to this work, even if confined to adults, would be inconsistent with the Board’s Guidelines, would risk potential harm within the terms of the VRA, and would be unacceptable to the public. The Board also seeks to avoid classifying material that may be in breach of the *Obscene Publications Acts 1959 and 1964 (OPA)* or any other relevant legislation. The *OPA* prohibits the publication of works that have a tendency to deprave or corrupt a significant proportion of those likely to see them. In order to avoid classifying potentially obscene material, the Board engages in regular discussions with the relevant enforcement agencies, including the CPS, the police, and the Ministry of Justice. It is the Board’s view that there is a genuine risk that this video work, *The Human Centipede II (Full Sequence)*, may be considered obscene within the terms of the *OPA*, for the reasons given above. The Board considered whether its concerns could be dealt with through cuts. However, given that the unacceptable content runs throughout the work, cuts are not a viable option in this case and the work is therefore refused a classification.

David Cooke, Director of the BBFC

BBFC RULING ON THE HUMAN CENTIPEDE II (FULL SEQUENCE)

“There is a strong focus throughout on the link between sexual arousal and sexual violence and a clear association between pain, perversity and sexual pleasure.

“It is the Board’s conclusion that the explicit presentation of the central character’s obsessive sexually violent fantasies is in breach of its Classification Guidelines and poses a real, as opposed to a fanciful, risk that harm is likely to be caused to potential viewers.”

British Board of Film Classification

June 6th, 2011

UPDATE: BBFC RULING ON THE HUMAN CENTIPEDE II (FULL SEQUENCE)

The producers cut **2m37s** from the film and resubmitted it to the *BBFC*.

This cut version was passed at **18** on **6/10/11**.

It is now available on *Netflix*.

Final Thoughts/Discussion Points:

- How many of you are old enough to see it?
- How many of you have seen it?
- How many of you have younger brothers/sisters... and would you be comfortable allowing them to see it?

MARKET, SOCIETAL & TECHNOLOGICAL CONTROLS

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Institution



MARKET CONTROLS

Consider how the following would affect the product...

- ◆ **The audience** – how they access the text; the size of the audience; ways of targeting them?
- ◆ **The advertisers** – how willing advertisers are to invest; the ability to use advertising; the ability to advertise the text itself?
- ◆ **Competition** – competing texts that are similar or in opposition to this text?

SOCIETAL CONTROLS

The following conditions of society will affect a text at an institutional level:

- ◆ **Public opinion** - The way the public feels about a text, genre, medium or organisation in the media will affect what they produce and how it is produced
- ◆ **Censorship/Freedom of Speech** - the ability of a text to say everything it intends to say - can the text speak freely about the subject matter or is this restricted?

TECHNOLOGY

Technology affects a text in the following ways:

- ◆ **Cost of production** - changing technologies will alter the cost of production. Decisions need to be made about which technology to use to get the best text and the most effective value for money
- ◆ **Ease of production** - changing technologies mean learning how to use new things. They may ultimately make production easier, though.
- ◆ **Piracy** - media organisations are fighting to prevent piracy, which seems to be an easier offence to commit as technology develops.

INTERNAL CONSTRAINTS

The factors within a media organisation that affect production include:

- ◆ Budget
- ◆ Views and ideologies of the owners
- ◆ Political allegiance of the organisation
- ◆ Quality of staff
- ◆ Reputation the organisation has
- ◆ Whether the organisation is unique and innovative or traditional
- ◆ And so on...

EXAMPLE INSTITUTIONS ANALYSIS

We will now complete an example institutions analysis of a Sky News broadcast

Remember we need to include:

- ◆ **Legal constraints** - laws affecting the broadcast
- ◆ **Self-regulatory/codes of practice** - IPSO? OFCOM?
- ◆ **Market controls** - Audience, advertisers and competition
- ◆ **Societal controls** - public opinion of issues, censorship/freedom of speech
- ◆ **Effects of technology** on the broadcast
- ◆ **Internal constraints** - issues inside the organisation

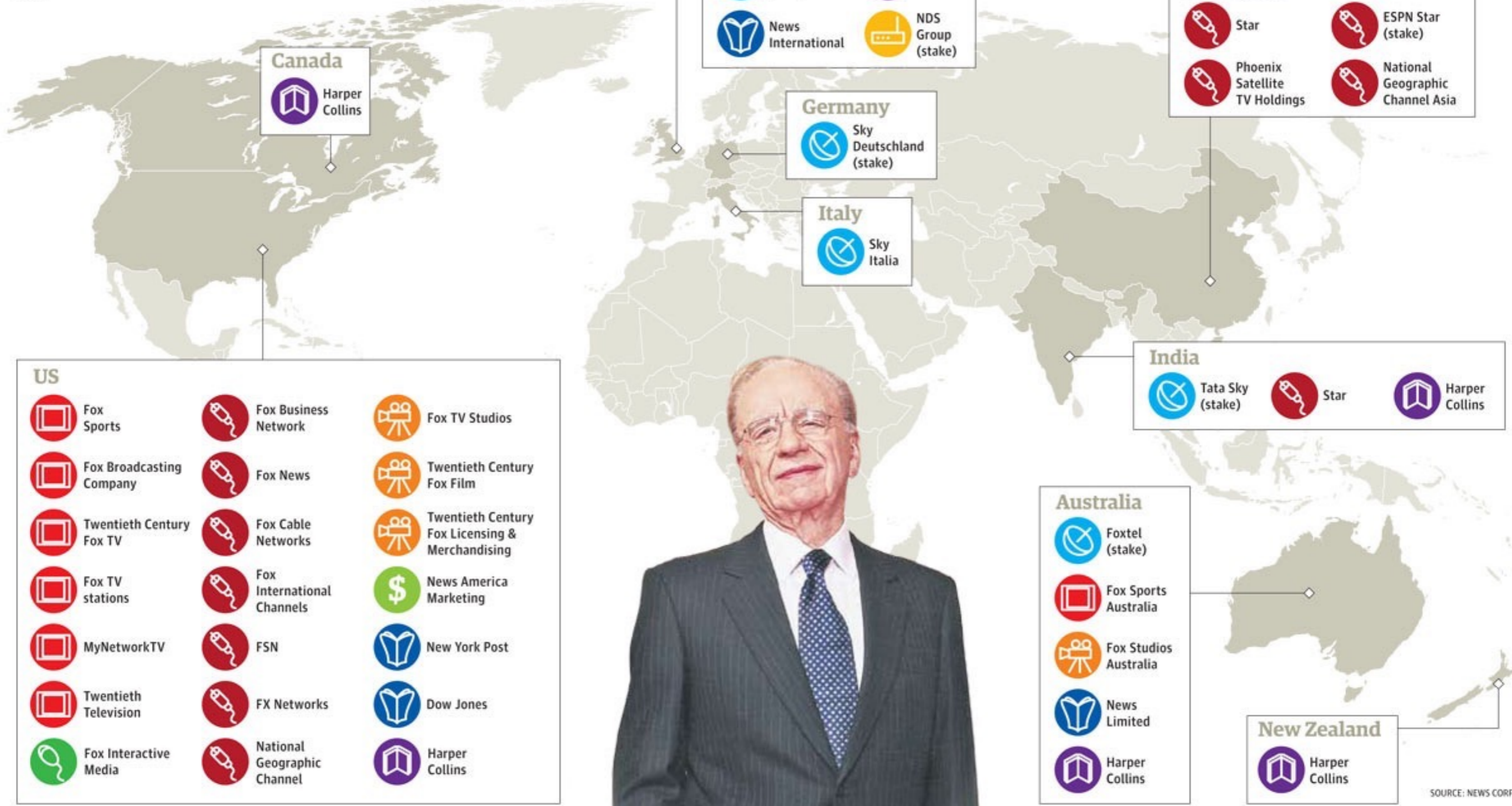
(This will probably take about 2 sides of A4)



Rupert Murdoch's global empire What News Corporation owns

Key

- Satellite pay TV
- TV
- Online
- Cable TV
- Films
- Marketing
- Newspapers/data
- Book publishing
- TV hardware



Murdoch's UK operations

Reach across platform

Millions of people, at wholesale level, 2010

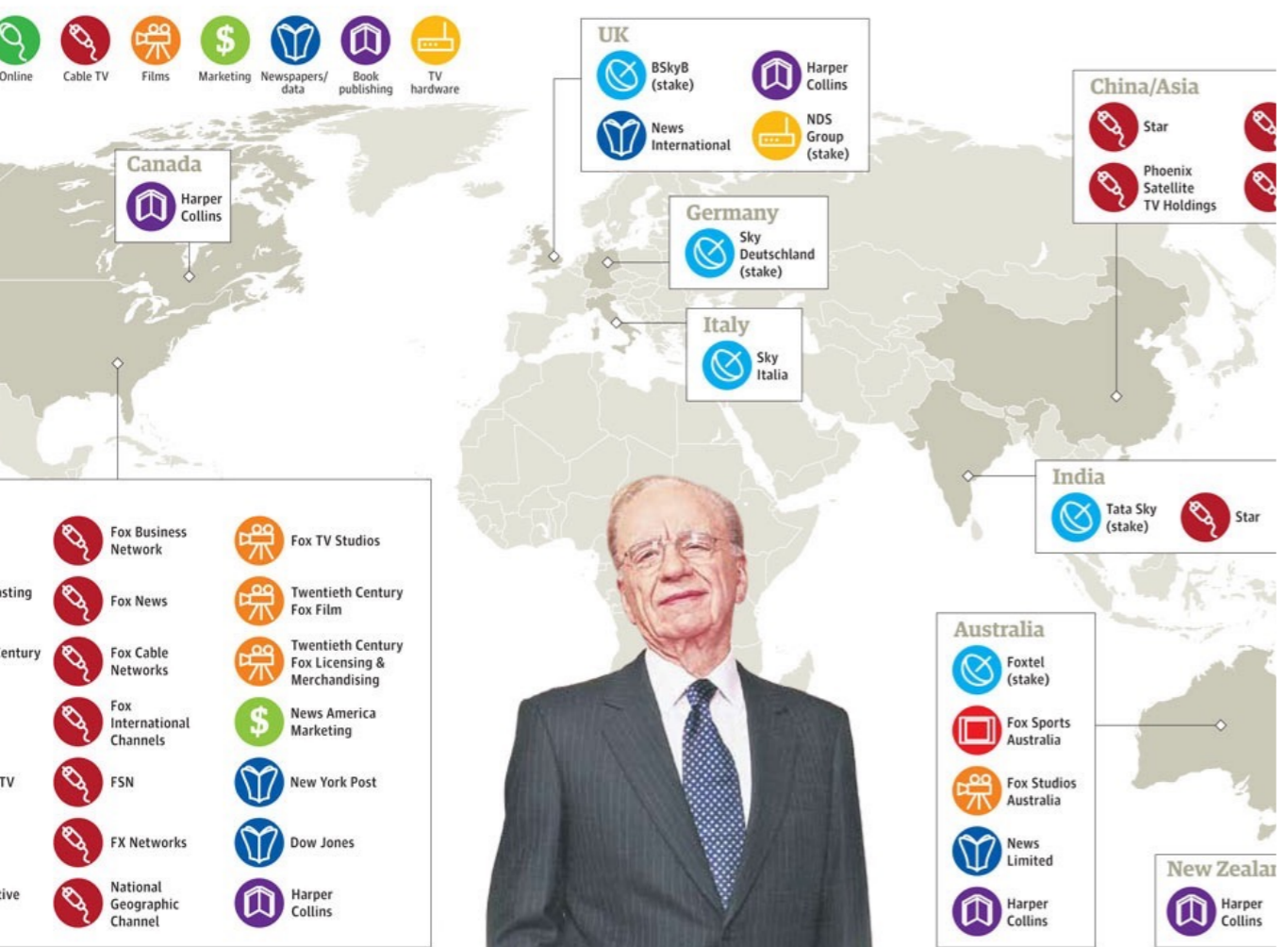


BSkyB: where does the money come from?

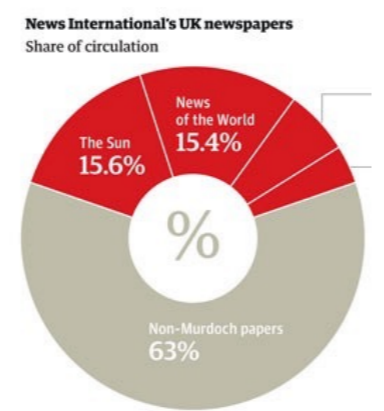
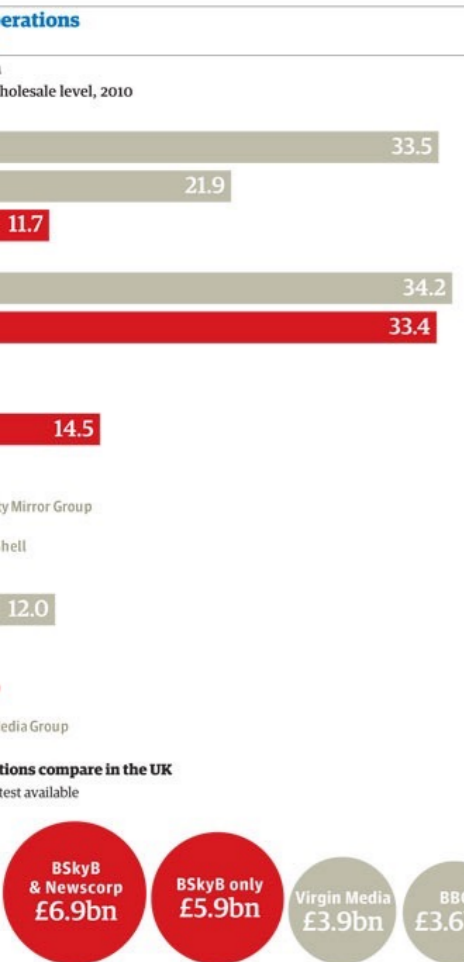
Breakdown of revenues in 2009/10



SOURCE: NEWS CORP



- Fox Business Network
- Fox News
- Fox Cable Networks
- Fox International Channels
- FSN
- FX Networks
- National Geographic Channel
- Fox TV Studios
- Twentieth Century Fox Film
- Twentieth Century Fox Licensing & Merchandising
- News America Marketing
- New York Post
- Dow Jones
- Harper Collins



FURTHER STUDY

- Research Rupert Murdoch's control of the media: What does he own and where? What are his organisations' views and ideologies?
- Write your own institutions analysis of a Murdoch production as a PPT.
 - ◆ Harper Collins Press
 - ◆ BSkyB
 - ◆ Fox Broadcast Network
 - ◆ *The Times*
 - ◆ *The Sun*
 - ◆ Twentieth Century Fox
 - ◆ Fox News
 - ◆ *Wall Street Journal*
 - ◆ *National Geographic*
 - ◆ Fox Sports Australia



INSTITUTIONS: FILM

Specific Institutional Impacts



INSTITUTIONS: FILM

Institution: an established, profit-based organisation; deals in the creation and distribution of media.

Almost entirely profit-driven so can conflict with creative team.

As we have seen, Institutions can include:

- ◆ ownership (public service, commercial, global, independent)
- ◆ controls (legal, self-regulatory, market)

However, for the film study, we will be focusing on:

- ◆ casting
- ◆ producers
- ◆ distribution



CASTING

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Actors are cast in films according to their **suitability** and **sellability**.

Sellability could be based on:

- ◆ previous box-office performance;
- ◆ anticipation of future success;
- ◆ association with a particular genre;
- ◆ response to winning an award.

Terence Stamp was Oscar nominated for *Billy Budd*(1962) - his first film.



CASTING

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Big names can sell a film as effectively than any other advertising, and can overcome negative reviews, and this is why stars are paid such a high salary.

Studios carefully protect and control their stars' reputations to ensure their ongoing popularity.

CASTING

- ◆ **Casting Directors** get instruction from the **director** of the film to have some guidance on who best fits roles.
- ◆ Essentially, the goal of the casting director is to find people who fit the director's artistic vision.
- ◆ Here can lie the first clash between the creative side who have a vision, and the institution side who want to make money.
- ◆ Casting often involves some level of compromise on the creative side - producers will push a big name on a production, no matter how inappropriate the actor might be for the role.

CASTING

Why might the following actors be considered unsuitable for the following roles?

Consider:

- ◆ appearance
- ◆ personal history
- ◆ public image
- ◆ screen image
- ◆ previous roles
- ◆ fan base

Joy (the mother) from ***Room***



played by **Brie Larson**

Joy (the mother) from *Room*



What if they'd cast Megan Fox?

Jon Snow from *Game of Thrones*



played by Kit Harington

Jon Snow from *Game of Thrones*



What if they'd cast Robert Downey Jr?

'Tick' from *Priscilla (POD)*



played by Hugo Weaving

'Tick' from *Priscilla (POD)*



What if they'd cast Dwayne Johnson?

POSSIBLY THE FUNNIEST FILM
IN THE LAST 25 YEARS

Hollywood Never
Faced A Zanier Zero Hour!

Joseph E. Levine Presents
ZERO MOSTEL
in Mel Brooks'
"THE PRODUCERS"
A Sidney Glazier Production



co-starring Gene Wilder · Dick Shawn as L.S.D.
Written and Directed by Mel Brooks · Produced by Sidney Glazier
An Embassy Pictures Release · In Color · Prints by Pathe

PRODUCERS

- ◆ **Producers** prepare and then supervise the making of a film before presenting the product to a **distributor**.
- ◆ They might be employed by a studio or be independent.
- ◆ Studio producers have more to consider in terms of making big profits.

PRODUCERS

Responsibilities include:

- ◆ Finding promising material for a production, then getting the film rights. (Rights holder could have a variety of demands so this can be a lengthy process.)
- ◆ Overseeing **pre-production** (finding screenwriter/script doctor/director/casting/etc.)
- ◆ Overseeing production (usually via executive/line producers or unit production managers). All producers need to agree on standards, so disagreements can have a massive impact on a film.
- ◆ Overseeing **post-production** (such as the last word on whether sounds or music have to be changed or that additional scenes are filmed after all.
- ◆ Selling the film or arranging **distribution** rights.

DISTRIBUTORS

The company/individual responsible for marketing a film (e.g. *Paramount, Miramax, MGM, 20th Century Fox*)

Responsibilities include:

- ◆ Setting the release date
- ◆ Deciding how a film is to be made available for viewing
- ◆ Arranging contracts with exhibitors for amount of gross ticket sales to be paid
- ◆ Ensuring enough film prints are with exhibitors for opening day
- ◆ Ensuring advertising material is available or creating materials if not provided by the production company
- ◆ Securing dubbing/subtitles for a foreign film
- ◆ Securing rating/censorship for the exhibition of the film