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The specific social responsibility of big television companies and risk contents

Abstract

This paper analyses the strategy of private nationally broadcasted television companies that use Corporate Social Responsibility (CSR) compliance reports to gain reputation exhibiting them as socially responsible. The reports released regarding to sustainability initiatives delivered by television companies are confusing as the concept of CSR is not adapted to the specific social purpose of broadcast programming. Under the recent General Law on Audiovisual Communication (LGCA by its initials in Spanish) the authors propose to distinguish between common CSR obligations, such as environmental responsibilities and specific responsibilities of CSR, concerned for their own company. To measure them it is essential to analyze the risk contents of TV programs. The research project developed a protocol of risk content categories. The main TV content rules, legal texts, style guides, self-regulatory codes, broadcasting authorities studies and association viewers studies have been inquired and reviewed to develop this protocol. The ten RC categories obtained by this procedure used in a more comprehensive survey conducted three years ago are now applied in a new project on a 2014 selection of programs to analyze if the TV content continues having a disregard of the television networks and determine whether there have been any significant changes in programming.

Keywords

Corporate social responsibility, risk contents, TV companies, public interest, programming, public service broadcasting, television audiences, sustainability

1. The new regulatory and technological framework of television

Private television channels, through UTECA (Union of Associated Commercial Television), demanded during a period of time for the requirements applicable to the broadcast scheduling of public

channels to be differentiated from that of private channels, whose main objective is to ensure the stability of their business. This proposal was already recognised by Directive 2007/65/EC on Audiovisual Communication services of the European Parliament which updated the previous directive to adapt the regulations to the new reality stemming from the renovation process of the audiovisual industry brought about by the introduction of digital technology.

The difficulty of combining the “basic public service” of television with the objectives of the “television business” and the required implementation of the new directive, led to the General Law on Audiovisual Communication (LGCA, 2010) whose “generic” character proposes to include, in a common framework, the diverse Spanish regulations relating to television production and broadcasting. The new law disassociated the legal framework of commercial television from the management of the “public service” which here after will be defined as the “general interest”. It embraced in this way the aspiration of the private television channels to separate their activity, until then considered as a “basic public service”, from that offered by public television: after the LGCA “the public service of Audiovisual Communication”, administered by “public providers” (Heading IV, Article 40 and subsequent), is differentiated from the set of rules governing the provision of audiovisual services in the market, which should be regulated by criteria of transparency and diversity (Heading III, Article 22 and subsequent). The law was later rectified by another in June 2012 to “increase the flexibility of the management of the public services of regional audiovisual communication” (Chinchilla and Aziparte, 2012).

Two years before the publication of the LGCA, the Union of Associated Commercial Television (UTECA) commissioned a study entitled Report on the level of public service compliance (2008). The report produced a commotion: it demonstrated that Spanish state television (RTVE), compelled to compete to keep audience numbers, responded deficiently with regard to its obligation to schedule a public service. Spanish public television on signing the report used it to argue that UTECA had falsified the presentation of data. The report showed that the programme scheduling did not properly fulfil with a “public service”. When the LGCA separated “the services of general interest”, characteristic of the private sector, from the “public audiovisual service”, excluded from the market, the controversy was settled. The law tacitly accepted UTECA’s reasoning, although it did not apply it to regional channels. Under the new law, the channels represented by UTECA, presently limited to a duopoly worthy of suspicion regarding its observance of competition regulations, do not remain, however, free of obligations with respect to programming content, especially if we deal with that broadcast for children. (LGCA: Article 7).

The intention behind this article is based on the references to the transparency, to the rights of the audience and to the self-regulation of the articles 6, 7, 9, 12, 57, and 58 of the LGCA. In 1993, the first “agreement on principles for self-regulation of television networks” was signed and on the 9th December, 2004 the general scope operators signed the Code of Self-regulation for Television contents and Infancy, subscribed by the government of Spain and TVE, Antena 3, Tele 5, la Sexta y la FORTA. In November 2005 joined Cuatro TV. The exclusion of private televisions from the obligation to meet “public service” conditions in the programming cannot be interpreted as if for them everything was permitted, but it has been what has happened since the enactment of the law. The Code of Self-regulation has barely been implemented and, during the past four years since the adoption of the LGCA, no progress has been made in creating the controversial State Board of Audio-visual Media (CEMA), which could confirm the adequacy of programmes.

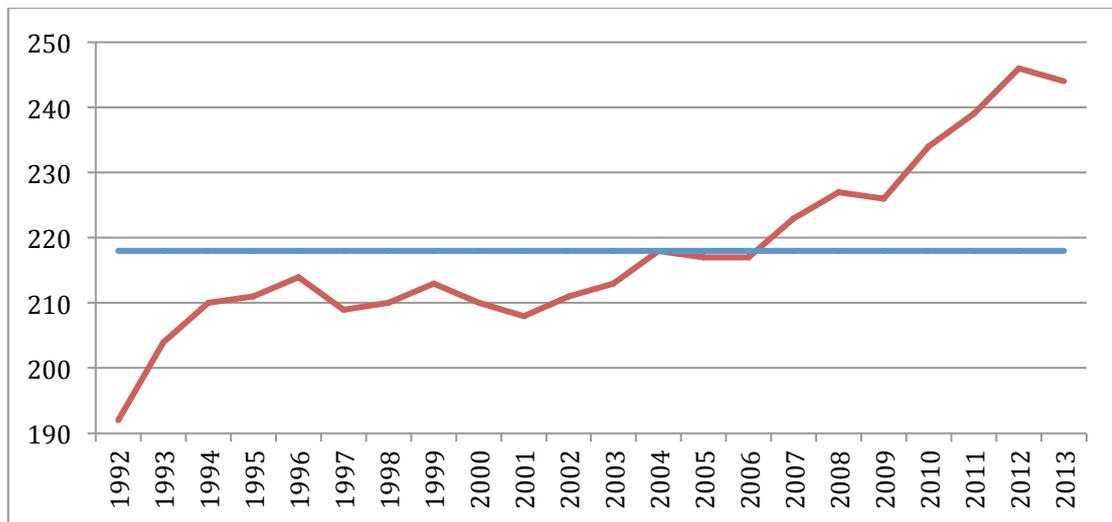
One motivation for this study is to make it clear that the distinction between “programming of general interest”, appropriate to the commercial purposes of private

television, and “programming of public service”, to which they must adhere public television, could serve as an alibi for commercial televisions to program without being conditioned by their own social obligations. The research aims to establish a method of analysis of the programming that allows an effective enforcement of the law and the Code of Self-regulation by measuring contents of risk (CR) whose treatment is also affected by the statements of Corporate Social Responsibility (CSR) of the companies.

The research began with the publication of the LGCA. It aimed to set up a web of categories to measure the degree of implementation of the private televisions of their CSR commitments. The companies are interested in promoting a favourable social image and making the CSR services profitable by appealing to statements, explaining motivation, replying to the critics in the media, spreading corporate reports and other documentation. There was, therefore, the intention of taking at their word those who urged to differentiate between “public service” and “commercial industry” in order to compare the reality of their programming with the image that they offer or simulate when they introduce into society their corporative reports.

The social influence of television has increased with internet. Despite the fact that some predictions foresaw that the competition of other digital entertainment media, like mobile phones, game consoles and video games, would lead to a decrease of television audiences, the truth is that the audiences of generalist channels, far from decreasing due to thematic fragmentation, plurality of channels and the generalisation of the internet as a communication media, have increased in recent years. Hence the subject of research has great social relevance. In Spain as in the United States, television consumption is above four hours per person (Kubey & Csikszentmihalyi, 2013). In the table below we can observe how the audiences and the time devoted to television have been increasing in Spain:

Graph 1: progression of the daily consumption of conventional television in minutes per day and the average consumption 1992-2013 (218 minutes)



Source: own figures based on 2013 television Analysis, Barlovento communication.

2. The CSR of the private television services

The research group led by the first author avoided entering into the problem of quality measurement (Sánchez Tabernero, 2008) in order to concentrate in the study of television reception problems. The regulation of “quality” refers to technical, aesthetic and

production standards, not to normative or moral values (Diego & al. 2010). Nevertheless, the distinction of television social functions, as a “public service” and of “corporate responsibility”, has a normative component. Our criteria is that we have to distinguish between the artistic merits or technical suitability, referring to what is certified in the quality standards, from the normative and axiological contents, to which articles 7, 57 and 58 of the LGCA expressly refer. The analysis of risk contents (hereafter RC) refers to the social effect of the ethical and cultural content of the programming. The present essay includes the actions and research of the National Plan that uses, as an instrument of analysis of audiovisual programming values, the untarnished notions of “public service” and “corporate social responsibility” (CSR).

Limiting ourselves now to the specific study of the provision of audiovisual services in commercial television networks, the treatment is limited to the proceedings to determine the applicable categories to a specific analysis of the degree of compliance with CSR. The creation of evaluation agencies for the development of sustainability indexes, similar to the stock exchange’s ones, generalized as an instrument of comparative measurement for corporate social responsibility. The notion of Socially Responsible Investment (SRI) reflects the investment in social commitment. What matters for this article is that appearing in these indexes provides the companies with a way to give themselves prestige, consolidate their social reputation and reassure investors. But it is just as or even more important to understand that television companies can appear prominently and, indeed, that is what happens, in this and other indexes that only refer to environmental activities, while neglecting to fulfill their legal obligations on content broadcasting or failing in their self-regulatory commitments.

2.1. Sustainability indexes

The concept of “social responsibility” has emerged in the context of the institutions that have environmental functions such as gas, hydroelectric, textile, car industries, etc. The European Commission defines CSR as “the voluntary integration of the company's social and environmental concerns in their business operations and in its relations with its stakeholders” (EC, 2001). “The CSR is a business contribution to sustainable development” COM (2002). “Sustainability” is a concept of the United Nations and formalized for the first time in the Brundtland Report, 1987.

For the mass media, the reference about the contribution to sustainable development is *Through the Looking Glass*. This guide advises that in order to determine the fulfilment of responsibilities in the media industry, comparisons are established between the sector “best practices” (Sustainability, 2004). It is important, in order to understand the argumentation below, to focus on the observation that the comparisons have to be made between the “good practices” of the industry and not with other companies. Let’s give an example, it is understood that actions to protect children will have maximum relevance among the “good practices” of the media industry and minimum in the energy industry. On the contrary, the actions to reduce CO₂ emissions will have minimum relevance as “good practices” in the media sector and maximum in the energy industry. However, if the specific good practices for each industry are not defined, the meaning of “environmental sustainability” can serve as a stratagem to camouflage, under the appearance of compliance, the irresponsible management of the audio visual business.

In the 2011 Annual Report of Tele 5 we can read: “even though the developed activity of Mediaset España is not an activity that generates significant environmental impact, (Mediaset España) undertakes a commitment to perform it in a sustainable way in terms of efficiency in the use of natural resources and the responsible management of the generated waste. This commitment is reflected in the Environmental Policy.” It is true

that the activity of Mediaset does not generate a “significant environmental impact”, which does not prevent it from usually appearing as one of the five companies on the CSR list. This anomaly derives from the fact that the description of Mediaset’s environmental objectives is coherent with the generic concept of CSR. But to be listed as one of the most responsible Spanish companies in CSR does not indicate anything about the degree of responsibility with which they satisfy the obligations corresponding to their specific activity, or about how they apply the subscribed commitments in the self-regulation agreements. As will be seen below, their programming, once analyzed, does not respond to what you might expect from an operating use orientated to the general interest and responsible for its business. They use, then, their position on the CSR list as a ruse to gain social reputation as if they were a model company because anecdotally they look after the environment. At the same time, they manage to distract attention away from their lack of interest in fulfilling their specific responsibilities.

The TAC report (Mass Media Consumers Association of Catalonia, 2013) highlights many of these tricks that, on some occasions, are brazenly used by the senior executives of commercial channels: “When people choose a programme this is my ethic. Nobody has sent me to save humankind. The only commandment I have is the daily audience figures”, stated Paolo Vasile, chief Executive officer (CEO) of Tele 5, in *El Mundo* newspaper. “The reputation of a company is reflected in its income statement, [...] then there is the image of the television, that is what people see,” can be read in the Presentation of the Editorial Balance of Mediaset Group, 5th October, 2011. “We ensure the quality of contents that we broadcast, we try to reflect in them the diversity of society, and support the broadcasting of contents related to issues of sustainability that concern society”, declares a report about Corporate Responsibility Policy of Antena 3 Group.

In general, the television channels concentrate their commercial success on gaining audience at the lowest cost. In their responsibility reports, they disregard the data that would enable us to assess if their production, not of CO₂ but of programmes, respond to social responsibility criteria. They refuse to analyse the reasons for an “expelled audience”, the ones that exclude themselves offended or exclude programmes, not because they choose other channels but because of a feeling of repulse, and they concentrate only on the captured audience, whatever is the reason for their acceptance. They do not include in their documents data or references that allow us to verify if the broadcasted programming conforms to the legal requirements or to established agreements. They avoid references to the specific “good practice” of the “sector”. They do not inform whether the programming broadcasts during child friendly time conforms to the regulations. They do not indicate whether the programmes are suitable for minors or not, shun classifying or cataloguing them, and frequently broadcast publicity about programmes for adults during restricted schedules. They avoid, in the end, the analysis of the programmed content.

The indexes of the CSR lists, which are worked out disregarding the broadcasted programming, collect these rhetorical statements of the CSR reports which have nothing to do with the assumed responsibility of the companies in the agreements signed for protection. Neither with regard to good practice guides to avoid “broadcasting contents that manifestly promote hatred, contempt or discrimination on the grounds of birth, race, sex, religion, nationality, opinion or any other personal or social circumstance.” (LGCA: Article 57). “Coca-Cola and McDonald’s introduce substances in people’s bodies and therefore people, and especially the media, expect them to be responsible for their nutritional value. BP extracts materials from the earth and, therefore people, and especially the media, expect it to be responsible with environmental impact. The media introduce ideas into people’s heads, but, does anybody think that they are responsible for the cultural impact that they generate? (Sustainability, 2004). Of course, social

responsibility reports do not do so. For that reason, the CSR reports related to television business are misleading. Their own reports are confusing, even if the forms strive to adapt the CSR to the social finality of the communication. Becoming aware of these limitations in the generic use of social responsibility in the reports of companies without environmental impact, it has been urged to focus the CSR on the specific business of recent years. Herein below we are going to comment on the two main references to this adaptation of the CSR concept of the communication business.

2.2. KPMG and Media CSR Forum reports

The KPMG report began in 2001 and was revised in 2008 to include, for the first time, the different aspects that have to be taken into account to measure CSR in the media industry. The interest groups that participated in the study in 2008 emphasized the influence that the media has over the socio-cultural habits of their audience. However the proceedings were still superficial and sometimes confusing. As an example that falls into disorientation we can include Hou and Rober (2011: 136-168). More insightful was the Ingenhoff and Koeling report (2012: 154-167). At last, in 2014, Media CSR Forum published a new document entitled “Mirrors or movers? Framing the debate about the impact of media content” which takes a deeper insight into the social influence of the media sector and how it is assuming its responsibility in the formation of social behaviour patterns, the generation of opinion and cultural influence. According to the document, a conscious corporate responsibility model should include information on how to deal with the contents depending on their influence and the CSR objectives set by the media. Exactly what general broadcasting television channels still avoid doing.

2.3. Sectorial supplement for the mass media industry

In 2011, Global Reporting Initiative (GRI) published a sectorial supplement for the mass media. The guide was elaborated with the help of relevant experts of the media industry and experts in corporate responsibility. This meant the institutional recognition, in the field of corporate responsibility, of the importance of the differential impact of the media in the social environment. The section Introduction of the supplement for the media sector exposes it congruently:

“Media organizations occupy a powerful place in society for the impact and influence of their content. It is essential that they are responsible, transparent and render account. The Supplement GRI for the Media Sector has been created in order to help media organizations to articulate clearly their role in supporting the progress of a sustainable society and to develop ways to measure and improve their activity... Frequently the term “imprinting” is used to reflect their economic, environmental and social impact. It can be considered that, in the specific case of media organizations, they leave “brain imprinting”²: the impact and influence that their contents have in society. This mark or brain imprinting assumes that content can affect attitudes, behaviour and public opinion, which imposes additional responsibilities from media organizations towards society. It is recognized that it is a challenge to evaluate effectively the specific impact of content.”

The guide demands that the institutional values that have to guide content to be specified (example, ethical codes, editorial policy, publicity policy, content codes and/or specific declarations related to the content) and whether these values apply to all the contents, including original content, publicity and acquired content. The guide requires reporting on the relation between creative activities and divulgation of content and values and content policy, and insists on the protection of the most vulnerable members of the public.

Despite the progress, this approximation to the television business is insufficient. If it becomes an alibi that allows doing the programmed content without checking whether it coincides with the declarations of principles, it may be more misleading than informative. The responsibility reports published during the last years about social fulfilment of audiovisual products of broadcasting and producing channels is more apparent than real, because if programming is not analyzed, it can also be used as a mask to cover a strategy orientated to conceal non-fulfilment.

3. From audience ratings to analyses of risk content

It is clear that the application of the CSR notion to commercial television enterprises has to be referred to the specific object of their use, i.e., to the programmed content (González & González, 2008). The contribution of a content enterprise to environmental sustainability is, therefore, accessory to determine its level of social responsibility compliance. Notwithstanding, guides and reports that are applied in a standard way to determine the CSR of audiovisual companies do not supply the sufficient resources to fill in such requirements.

3.1. Guides, forms and audience ratings

This gap may be observed when examining the guides that already collect this approximation to the specific object the three main constituents of CSR of an operating company of audiovisual content:

Production of responsible content. This concept includes human resources management, relations with external producers and transparency about used resources. The aforesaid guides collected well this aspect, which is almost common to every company, regardless of their commercial objective. Thereupon, even useful, there is little indication of the assumption of personal responsibility of an audiovisual channel.

The responsible broadcasting of content. This concept also includes publicity as part of the broadcasted content. The concept of “broadcasting” covers norms related to broadcasting schedules fulfilment, which have to be adequate to the kind of programmed content and to labelling, qualification, cataloguing and parental control of programming. The guides include different types of recommendations, some precise and some others generic, such as equitable access to content, not hindering consumer decisions, fomenting of audience interaction...In short, rubrics that can be misinterpreted through form answers largely because they can be compatible with all types of content.

Broadcasting of responsible content. This third aspect of the notion implies that the acceptance of a programme by the audience does not have any relation with the specific responsibility of these companies. It is necessary to point out the difference between acceptance of a programme, that refers to the “capture audience” quantitatively reflected in the audience ratings, and its adequacy, which refers to the correction and, a sensu contrario, to the rejection and disgust that a programme can provoke in the audience, either because it is excluded (expelled audience) or because they dislike it, even if they watch it or while they watch it (dissonance of captured audience).

That an audience can watch a programme not compatible with their criteria is a theme already studied and responds to the concept of “pragmatic dissonance” (Núñez Ladevéze & Pérez Ornia, 2004; Torrecillas, 2013). What a responsible management is asked for is that broadcasted programmes do not offend sensibility, do not hurt and do not offend the potential audience, because they expel it or because the audience accepts it contrary to its own criteria (dissonance). A programme can be accepted by a large audience, but it can be damaging or harmful for minors, or detrimental for a family environment, violate “human dignity or use the image of women in a vexatious or

discriminatory way” (LGCA: Article 57). Anyway, nothing stops filling the forms with intentional statements about the preoccupation of assuming the responsibility of the broadcast transmission or policy statements that afterwards do not correspond with the programming actually offered.

It is important to note that the guide forms do not require filling in information about characteristics such as type of programme, classification, cataloguing and labelling, not even adaptation to protected schedules. To give this information it is not enough to fill in the guide forms, as it is imperative to refer to the programme’s content. If this information is missing, the measurement of responsibility may be captious, because, to determine whether the activity is responsible, data is provided that do not relate to the responsibility of broadcasted content, which is what concerns operating companies of audiovisual content.

These three constituents are included in the notion of “general interest” to which the notion of CSR responds and are contained in article 7 of the LGCA. The Self-regulation Code signed by the main generalist channels in Spain includes this requirement related to mass media social interest. “... necessary collaboration that such important media as television must pay to parents and educators...”. Having signed it supposes the public recognition of the ethical dimension of media activity and the voluntary acceptance of an undertaking that must be met. The responsibility acquired by their decisive participation in the construction of the public arena does not need to be proved. But, it is necessary to clarify what this responsibility implies and define what channels have to inform about in order to show that they are fulfilling, and how they are doing this, the commitments that they declare to provide for the general good.

The aim of our approach is to articulate a method to analyze the degree of Corporate Social Responsibility fulfillment (CSR) on non-thematic programming of national coverage private television channels in Spain (or abroad, *mutatis mutandis*). The general principle based on the directive of 2007 is established in article 7.2 of the LGCA: “The broadcasting of audiovisual contents that could seriously damage the physical, mental or moral development of minors and, particularly, those that include scenes of pornography, mistreatment, domestic abuse or gratuitous violence are forbidden.” The Law 6/2012 of 1st August modifies article 7 of the Mass Media General Law to reinforce measures to protect minors against contents that might harm their physical, mental or moral development, without schedule restriction.

3.2. Risk Contents (RC)

As all of these aspects refer to the programming content broadcasted by the channels, we propose that, in order to analyze the CSR “good practice” of television companies, it is essential to take into account the programmed content. For that reason, our proposal is that the social responsibility of a company specialized in providing audio visual services of producing and programming has to be measured on the basis of the broadcasting contents of its programmes. For the analysis we turn to the notion, of widespread doctrinal tradition, already accepted by the CAC, of “risk contents” (RC). The BBC defines them as those contents that could cause damage or harm to all or part of the audience. Those contents are described in the amended text of article 7 and in the self-regulatory agreements signed by the companies. It is not intended therefore to limit the freedom of production, programming or broadcasting. It is to have a reliable instrument that prevents audiovisual companies from obtaining a reputation or prestige in environmental indexes, like the Dow Jones Sustainability Index (DJSI), while the most vulnerable and defenceless audience is harmed, expelled offended or when market share is gained market by exciting the instincts of customers during protected schedules.

In order to understand the scope of this proposal it must be taken into account that, among other deficiencies, the audience ratings and the questionnaires of CSR guides that broadcasting companies fill in, do not include the motives of rejection of programmes or the offensive or aggressive potential, nor the adequacy or inadequacy for a family environment in protective schedules, or if there is incitement to violence, hatred or inequality on the grounds of sex or race, or other aspects that, in addition, have to be taken care of for legal reasons in the established timetables (LGCA, Article 7.2). Neither do they inform whether the self-regulation agreements voluntarily signed by the channels are fulfilled and how. All these aspects are encompassed in the condition of “risk content” that specifically refers to the third component listed above, i.e. to the broadcasting of “responsible content”. We consequently propose a formal definition of “risk content”. It encompasses those programmes whose content violates the statutory requirements, specifically Article 7.2 of the LGCA, or does not fulfil the ones established in the self-regulating codes voluntarily signed by the audiovisual communication companies.

We believe we have shown why analyzing the programme content on the assumption of pointing out the risk content is the adequate method to determine if an audiovisual company fulfils its legal obligation of serving the “public interest” and its purpose to act with corporate responsibility. To deal with this type of examination is it appropriate to typify risk contents in categories and specify the indicators that enable to discern them (the categories) in the analysis of programming. It should be noticed that risk content is independent from the legal obligation of labelling, classifying, warning or qualifying programme content, which are complementary things. But we must warn that, to comply strictly article 7 of the LGCA, it has been included in the definition of “risk” that a programme is broadcast in “free-to-air” television by a generalist channel during protected schedules. The risk is higher if it is broadcast during specially protected schedules. So the same content can be classified as “risk”, for purposes of analysis, if it is broadcast in a thematic channel or out of protected schedules.

In our project, we have differentiated three analytical phases methodologically independent, although internally related. The first phase aims to elaborate the protocol of categories and indicators to measure the RC in a programme. Regulatory sources were analyzed to obtain an objective body, i.e., not affected by the analyst’s subjective appreciations. The second phase is based on an analysis of the content of a sample of the selected programming from a set of programmes considered by the audience as more exposed to broadcast risk content for the determination of the fulfillment index. The third phase concludes with the presentation of the index. In this exposition we stuck to the two first phases: describing the process of elaboration of the protocol of RC categories and updated references to the results of the content analysis carried out.

4. Protocol of categories for the analysis of the fulfilment of CSR

To address the objective of elaborating a protocol of categories for the analysis of risk content, we took into account legal norms, signed agreements and corporative documentation:

- Current legal norms affecting the sector.
- Corporate reports of the televisions analyzed and the statements of people in charge of the companies.
- Good practice guides and company codes of behaviour.
- Complaint books, press notes or informative replies.
- Self-regulation and co-regulation codes.

- The Self-regulation Code on Television and Infancy (SCTVI); and the Code for publicity behaviour (Self-control), whose scope of application is nationwide were used. The Stylebooks of the Spanish Corporation of Radio Television, the Catalan Corporation of Audiovisual Media (CCMA) and the Andalusian Corporation of Radio Television (RTVA) were revised.
- Studies of spectators' associations. The TAC (Catalan mass media users' association) has made a content analysis similar to the one that we propose. It adheres to compliance of article 7of the Code, but does not measure CSR commitments. The AUC made "an assessment of compliance with the Code of Television Content and Infancy. A study carried out within the framework of the Collaboration Agreement between the Ministry of Health and the Communication users' Association" (2011), where it is pointed out that "the code principles, as on the other hand what also happens with legislation in this field, require an independent interpretation for their correct application or, at least, not only one part, precisely which (the operators) have to fulfill. And the same applies to the table of the evaluation of contents according to the age levels which it includes." Our investigation is also motivated by the operators' independence based on the CSR commitments.
- Reference practices of the sector. Answering the question that was made in Through the Looking about the best practice of the sector, we have taken into account the television companies that are best considered for their attention to CSR. In Great Britain, the OFCOM (the Communications office of the UK, which is defined as: "the independent regulator and the competent authority for the communication industry in the UK") made the Code for Broadcasting Orientation, better known as code (OFCEM, 2011). In this report it is pointed out that this sector is a practical model. Both texts are a benchmark comparison of "good practice", thus their Style Books have been added as a guideline to make the protocol of risk content categories.

As a conclusion of the analysis process of the documentation collected, which was corroborated in a seminar subsidized with European researchers as a complementary action (MICINN. CSO2008-01731-E/SOCI), ten risk categories were identified. For the definitions, the LGCA (Articles 7 and 8), other legal texts and the current regulations, the Code and the BBC editorial guidelines were used preferentially. The last two have become a predominant international reference. On a second level of preference, the CSR Reports, the good practice guides, the annual reports, complaints and other relevant documentation of companies were used. The ten classified categories appear, with different emphasis, in the documents and legal texts that were examined:

- Human violence: Appears in all viewed regulatory bodies. It is one of the most researched categories. The study has been useful for the purposes of developing the indicators for an objective measurement.
- Violence with animals. We distinguish this category as the BBC does. This category forced bullfights broadcast in open to be analyzed: they are held between 5 and 8 in the evening, which means that in case of live broadcasting it would be during children protection schedules. The RTVE style book considers it as such.
- Sex exhibition. We understand it broad terms and not only as pornography. It is included in the majority of the used sources.
- Discrimination. Expressly forbidden in the LGCA and included in all the analyzed regulations.

- Treatment of religion. Different from “discrimination”, since content can be broadcast that can harm people’s beliefs, a commodity protected by the European Constitutions.
- Alcohol, drugs, the cult of thinness and unhealthy activities. The imitation effect that TV can produce advises us to consider this category as especially important, singularly amongst the youngest audiences.
- Insults and obscene language. This is television viewers’ main complaint and appears in the majority of analyzed texts.
- Respect for honour, intimacy and personal image. Recognized by our legal system as a fundamental right. Everything included in this category is related with the appearance of minors in programmes without their consent.
- Images of suffering. We contemplate this as a different category from violence as the images that may show a natural disaster are not the result of violence. Two effects are taken into account. On the one hand, the right to intimacy and, on the other, the impact that can be produced in vulnerable audiences.
- The exhibition of criminal activities. Imitation effect and possible damage to the victims of the criminal activities shown.

Once the categories were defined, the programming measurement indicators for each category were determined. All indicators are the result of analyzing the sources used and the formal study of the appearance of each category in an audiovisual content, in such a way that all the manifestations of each category are included in the indicators. To analyze the different categories, the following factors were taken into account: image duration, consequences, previous notice and recreation. Regarding indicators, initially, the scale would have three positions that would range from a minimum of 10 points, which would mean that the programme fails in all of its programming with its function of CSR, and a maximum of 33, which would mean that the programme fully complies with the CSR aims. This has been solved generating a function that is constituted in a cumulative index: $CSR\ compliance = (\sum indicators - 10) / 23 * 100$. The minimum would be: $\sum indicators = 10 (10 - 10) / 23 * 100 = 0\%$ The maximum would be: $\sum indicators = 33 (33 - 10) / 23 * 100 = 100\%$.

A list of programming indicators is attached below:

Table 1. List of programming indicators

Indicator	Minimum CSR compliance	Maximum CSR Compliance	Appreciation
Genre	1	2	Objective
Schedule	1	5	Objective
Images	1	5	Objective
Advertising insertion	1	3	Objective
Advertising adequacy	1	5	Objective
Universal	1	2	Objective
Adults	1	2	Subjective
Language	1	5	Objective
Production	1	5	Objective
Self-regulation	1	5	Objective

As an example of category indicators, the indicator of category 8 “Respect for honour, intimacy and personal image” is included below:

Honour, intimacy and personal image indicators: These indicators can only be checked in non-fiction programmes.

Intimacy:

Images of people indoors without manifesting express consent of the person who is being recorded.

Images of a person’s residence, with enough clarity, that it is possible to identify its location by the viewers.

Images of vehicles where the people who object to the recording are without even the number plate being covered. Except if they are public vehicles.

Information about people who are involved in any judicial proceedings without clearly expressing the principle of presumption of innocence.

Recorded images without the knowledge of the people being recorded.

Honour and image:

Transmission of surmises, mere hearsay, pure inventions, insidious insinuations or unfounded news. Insinuations or assertions about the attitude or personality of a person questioning their honorability or good image. For example, when before commenting about a person, expressions of doubt or non-affirmatives are added. When these kind of introductions are made, in many cases, it is to avoid possible legal consequences, as it does not appear that what has been said or insinuated is information, conversely it could be an opinion, even if it sows doubt about the virtue of a person.

Derisive, derogatory or insulting comments about any person, public or not.

Academics and researchers affirm that

“rewarded violence or that which is not openly punished, favours the learning of aggressive attitudes and behaviour among spectators. Against this, punishing violence –where we can include negative comments about this kind of behaviour or discrimination towards the people who commit these acts, for example, demonstrations of position of negative value–is something that can serve to inhibit or reduce the learning of aggression.” (Donnerstein & Geen, 2008).

Both, in the BBC editorial guidelines as in The Code, some of the risk contents are permitted as long as there is a “strong editorial justification”. The “editorial justification” appears in all the self-regulation codes analysed. It is included in the KPMG and the media CSR forum report, but it has been excluded from this commentary limited to the categories and indicators that served to analyze the appearance of certain contents, not to discuss if the appearance of this content is contextually justified or not. To do this a register of content restrictions had to be developed according to types of formats and narrative procedures, which are not applicable when the format itself serves as a context, as in current affairs “talk shows” or “tele reality” programmes selected in the samples.

The chosen sample for the 2010–2012 project, CS02009-13306-C03-0 was the second week of May, 2011 of the private generalist channels Antena 3, Tele 5, Cuatro and La Sexta. The audience share as a whole was slightly higher than 55% on the date of the data collection. A categorization using as a reference the genres defined by Kantar Media applied by Barlovento Communication was made for the choice of the type of programmes, and completed with their own elaborated data. Once the programmes

broadcasted during that week had been categorized, the genres were selected in an intentional manner to limit the commentary of those that arouse more controversy in social debate: magazines, the so called talk shows and tele-reality programmes. Revising the programming grids of the week that were the object of study, 19 programmes of these genres appeared, 9 broadcast by Tele 5, 4 by Antena 3 and 3 by Cuatro and La Sexta. In order to complete the book of categories a file card was made with 11 characteristics of each programme and the analysis tables and user guide were developed.

For three months we proceeded with the viewing and recording of data and afterwards, the coding and tabulation of results was done. The protocol designed was applied to carry out the processing of RC nationwide private Spanish television channels. During the week of the study 316 samples of risk content were classified amongst the indicated categories. We have already pointed it out, but we insist that the protocol used is easily applicable to every type of programme. The group of researchers pursues its work about the treatment of violence and images of suffering in the news adapting this protocol. Three years after, the same group applied the same protocol to a selection of programming with the same timetable of the Antena 3 and Tele 5 channels. The verification study was carried out during the week from the 15th to the 19th September, 2014 and forms part of the material of the project being carried out CSO2013-42166-R.

A record data file card was developed for every RC category, taking into account the specified indicators. The record was commissioned to researchers in training of the PhD programme linked to the project.

Table 2. Analysis file card of the category typified as “foul language and insults”

5. Fail Card, Variable, Discrimination, Foul Language and Insults, Entertainment				
Channel: tele 5 17(1)/19(2)-09-2014; Broadcast Time: 16:09 //Duration:238 min.				
	Foul Language		Tone of voice	Insults
	Blasphemy	Swear Words		

Descriptions of the subcategories:

Subcategory “Blasphemy”: Offensive words against elements of a religion.

Subcategory “Swear Words”: Allusion to sexual organs; Derogatory allusion to relatives; Discriminatory allusions: homophobic, racist, etc; Sexual allusions, Eschatological contents.

Subcategory “Tone of voice”: Language Tone; order in speaking.

Subcategory “Insults”: Sexual content: whore, bastard, bitch, etc.; Related to disabilities or physical or mental illnesses; Discriminatory: sexist, racist, for age, for religious beliefs, for physical aspect, xenophobic, political social class, economic or work situation, others; Accused of an illegal or improper activity: drunkard, thief, etc.; Putting in doubt the capacity of the insulted person: retarded, “Do you want me to explain it for you”; Gesture insults; Common insults: stupid, imbecile, etc.

No anomalous record was observed that would advise a readjustment or rectification of the protocol applied three years before. It was verified that the documentary sources had not modified their criteria on programming and the intentional statements insisted

on the same terms, so that the protocol did not need corrections, even in casuistical aspects. In sum, the verification confirmed the stability of the protocol and of the proceedings.

Practically the same results are obtained from the analysis of the programmes in September, in general terms, as three years before. Nevertheless, some significant variation was produced in the risk content programming which we are going to point out: Antena 3 has eliminated from its grid, programmes of the type referred to colloquially as “yellow” or sensationalist, in the three years before, more risk contents were concentrated. It only maintains a section in the morning programme *Espejo Público*, from whose content, risk elements have been eliminated too, by encouraging a more professional and journalistic orientation.

Also on Tele 5, some significant changes have been made in one of the more controversial magazines of the channel, the programme *Sálvame*, object of the evidentiary analysis. Unlike 2011, now, in that same programme, the commentators are urged to moderate their language (despite that, 13 references of using foul words or resorting to insults in the analyzed programmes were found); a telephone is provided for the aforementioned people and, as a major novelty compared to the previous study, a telephone is provided to call the audience advocate. What is not explained is what the destination of the received messages is. Regarding the appearance of risk content, they have only appeared in 3 categories: in “foul language and insults” there were registered 13 references for the usage of inadequate words, shouts and insults; in “sex”, two indicators were reported and another seven in the category of aggressions to “Respect to Honour”. Regarding this theme, it was published in the digital newspaper *vertele.com* (26/09/2014) that tricks are used to avoid lawsuits, as the total amount of compensation claims accumulated by the production company exceeds one million euros. In its 2013 report it warned that

“as of the 31st of December, 2012, the society is involved in a number of litigations to which it is a party. According to the quantification carried out by the professional team that deals with these procedures (lawyers), during fiscal year 2012, the company made provision of an additional sum, related to these litigations, amounting to 400,000€, since as it is considered that the new procedures will originate an additional liability for the company to the ones already provisioned, this amount rising to the sum of 1.500, 000€.”

6. Conclusions

In relation to epigraph 2.1, the general conclusion of these works refers to the transparency of the CSR reports. Limiting to offer environmental or sustainability generic scales is a way to conceal the specifically contracted obligation, when not to falsify it. A responsible fulfillment of a social aim is simulated whose accomplishment is avoided.

From the analysis of the cross-check documentation that is referred to in point 5, it follows that the information presented is opaque, not contrastable, and that relevant information about child friendly time is omitted. In CSR reports and in corporate or advertising documentation, good intentions, which do not correspond to the reality of content, abound. Hence, the interest that may have the measurement and the presentation of an index based on the programming analysis that does not get contaminated by the institutional rhetoric.

Even though the guides and questionnaires previously alluded to in point 3.1 have advanced in their adaptation to the particularity of the audiovisual consuming companies, they are still an insufficient instrument. If the best practices of each sector are not compared and the programming is not checked by the analysis of content, the “environmental sustainability” scales and the diagrams of the guides can camouflage,

under the appearance of fulfillment, the irresponsible management of the audiovisual business.

The analysis of risk content confirms that the CSR lists do not correspond to what you would expect from a holding oriented to serve general interest. The television channels measure their success by the audience ratings, they do not take into account the reasons for rejection, disregard any content assessment, avoid classifying or cataloguing programmes, to mark timetables and other legal requirements.

The documental analysis also shows that Spanish commercial televisions brag of answering to specific aspects of CSR, including references in their reports and other documents, without providing the means to check it. None has elaborated a code of good practice, although having subscribed the self-regulation code and having declared, in the revised texts, their disposition to contribute to the general interest. In the Mediaset España Report (2013), the owner of Tele 5, says: "the selection of educational contents is important because of the capacity of television to influence civic values." Yes, but it omitted to refer to risk content treatment; "the control of content is carried out through meetings in which the specifications about contents are transmitted and assessed." Yes, but the guidelines that guide this behaviour or the ones that are transmitted to the producers are not detailed or published. Neither are the functions and responsibilities of these themes in the companies defined; how social campaigns transversely extend to the programming: "the detail of social contents treated in entertainment and news programmes is itemized." Yes, but all references to "risk content" or "child protection" are excluded.

The categorical protocol through the fixing of indicators obtained from objective sources enables to measure fulfillment grades of CSR with enough accuracy for any type of programming. Once the indicators have been isolated, the application of categories does not have complications.

The protocol developed for the measurement of risk content treatment using the documentary analysis proceeding is consistent if there is a previously contrasted indicator scale. Nevertheless, in this final commentary we simply gloss, from the 2011 analysis, the results relating to the genre defined as yellow magazine in morning or afternoon talk shows. This selection is justified for being the type of programme analyzed in September 2014, whose results have been able to be compared after three years.

The 316 cases recorded as risk content in 2011 were distributed very unevenly among the four studied channels. In our view, this disproportional distribution shows that programmes of the same feature and similar content can correspond to dissimilar editorial treatment. This has occurred with the change of orientation of Antena 3 programming and with the measurements adopted by Tele 5 in the most risky programmes. They are positive variations, even although they are modest they are not irrelevant, experimented in both channels from 2011 until 2014. The shift can have several explanations. The most obvious one is that they have responded to the incitements to transparency and the accumulation of complaints coming from the audience itself. It is also related to the fragmentation of audiences to avoid the internal competitiveness among channels under the same ownership (Vaca Berdayes, 2009).

As the elective possibilities open to the moderator and to talk show guests are limitless, it cannot be said that images and commentaries broadcasted respond to freedom of speech, since the expressive forms available to the commentator to express an opinion or a commentary are countless. The style books and the good practice guides are based on this evidence.

The differences of the two analysed channels' programming about the way to do the same are conclusive. There is an added datum derived from the audience ratings. Despite what sometimes is presumed, the audience of the channel, where the risk content was

avoided most, increased, in that time zone, at the expense of its competitor. Nothing prevents, then, that commercial channels make true their intentional statements, put into practice the criteria which they boast and develop and apply good practice proceeding to special protection schedules' content. Another thing is that they do not do so or how they do what they say they do and afterwards they do not fulfil it.

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