

INSPECTION REPORT FINDINGS

Title of the programme: The White Lotus
Date of first broadcasting: 12 July 2021
Original duration: 54 minutes/episode (Episode 4/2021)
Name of media service: HBO MAX (Hungary)
Classification by media service provider: Not recommended for audiences under the age of sixteen
Genre: serial, satire

Background:

On July 13, 2022 the Authority received a complaint related to the series entitled 'The White Lotus' that is available on the on-demand media service called HBO MAX (Hungary) operated by the media service provider HBO Europe s.r.o. (hereinafter called the 'Media Service Provider'). The complainants complained about the age rating of episode 4 of the series.

The Media Service Provider classified the episode as 'not recommended for audiences under the age of sixteen' what corresponds to age category IV as laid down in Section 9 (5) of Act CLXXXV of 2010 on Media Services and on the Mass Media (hereinafter referred to as the 'Media Services Act' or 'Mttv.').

Content of the programme:

Paula falls in love with a local man but hides her feelings from her girlfriend, Olivia, because she is afraid that her girlfriend might be jealous. Armond, manager of the hotel White Lotus, who is just recovering from his drug dependency and alcoholism, confesses to Belinda (one of the employees) that he repeatedly used drugs and alcohol but promises he will not fall off the wagon again. During breakfast Rachel, the female member of the young couple who are on honeymoon, is telling her work ideas to her husband Shane who still deals with unraveling the mystery around their reservation since they have received another suite than the one reserved beforehand. The lonely and confused Tanya who has arrived at the hotel with her mother's ashes, cuts them short, and explains about her mother's ashes that had been sprinkled in the sea. The manager recommended a romantic experience to the young couple, a sea shipping in the sunset, however omitted to mention that they would find themselves in the middle of a funeral service. Shane accuses Armond that he acted intentionally but Armond refuses the accusation. Olivia and Paula get back their backpack. Armond stole the large part of the drugs that had been in the backpack since he expected that they would not be in a position to submit a complaint due to the fact that they were hiding illegal stuff. Shane's mother arrives to see the young couple as a surprise guest; Rachel is not happy with that. Tanya gets acquainted with a single man who asks her out. The family's dinner ends in moralizing while the young couple's evening fails because of Shane's mum. Armond wants to let off steam caused by the stress imposed on him, and for this reason takes a few pills before serving the dinner, and thus his inhibitions disappear. He persuades one of his employees, Dillon, to use drugs and have a party in his office. Under the influence of drugs, Armond is just biting Dillon's bottom naked when the repeatedly indignant Shane, jointly with Belinda, opens the door on them in the office.

Outcome of the inspection:

Under the Hungarian regulations, pursuant to Section 9 (1) of the Media Services Act, the obligation to assign a rating to each and every programme is imposed on media service providers providing linear media services.

As regards on-demand media services, with regard to the fundamental purpose of the legislator that minors should not get in contact with any media content which is harmful to their development, media service providers must apply effective technical solutions as laid down in Section 11 (1)-(2) of the Media Services Act as follows:

“(1) The provisions under Subsections (6)-(7) of Section 9 shall apply to on-demand media services.

(2) Pursuant to Subsection (2) of Section 19 of the Press Act, the media service provider of on-demand media services or the broadcaster of such services shall use an effective technical solution to prevent minors from accessing its programs falling within categories V and VI.”

Pursuant to Section 9 (6)-(7):

“Section 9 (6) - Category V shall include the programs which might impair the physical, mental or moral development of minors, in particular those that are dominated by graphic scenes of violence, that promotes or displays deviation from one’s own identity based on sex assigned to them at birth, gender reassignment, or homosexuality, and/or the direct, natural or self-righteous display of sexual content. These programs shall be classified as “Not recommended for viewing for audiences under the age of eighteen.

Section 9 (7) - Category VI shall include programs which may seriously impair the physical, mental or moral development of minors, particularly those that involve pornography or extreme and/or scenes of gratuitous violence.”

Pursuant to Section 19 (2) of Act CIV of 2010 on Freedom of the Press and on the Basic Rules Relating to Media Content (hereinafter referred to as the ‘Press Act’ or ‘Smtv.’):

“(2) Any media content featured in media services which is likely to impair the mental, spiritual, moral or physical development of minors may be made available to general audiences only if it is ensured – in particular by selecting the time of the broadcast, by using age verification tools or by any technical measure – that minors in the area of transmission will not normally hear or see such broadcasts. Access control measures shall be proportionate to the potentially harmful nature of the content.”

Pursuant to the Age-Ratings Recommendation¹ of the Media Council (hereinafter referred to as the ‘Recommendation’):

“Given that the majority of 16-year-olds already have more or less some sexual experience themselves, a restrained visual representation of intimate sexual activity and verbal references to it are permissible in this age-rating category. An important aspect of the acceptable degree of visual representation of sexuality is that it may only be presented in a make-believe manner and not in detail, considering that naturalistic depiction requires a higher age-rating category.”

“As to the direct visual representation of drug use, it is not recommended to present to the 16-18 age group any details that serve as instructions, if the dangers of substance use are treated tolerantly or are possibly supported, or substance use is encouraged. A similar approach is needed for media content where the use of readily available substances, such as alcohol, sedatives or solvents, is presented uncritically or in a positive light.”

“As to vulgar language, the use of obscene language relating to genitalia and sexual intercourse in a particularly aggressive way is not acceptable.”

In view of the above, the scenes lacking any kind of emotional affection and sexual responsibility are unacceptable in age-rating IV because they might have a damaging influence on the moral development of the age group between 16 and 18. The sexual intercourse of the men appearing

¹ Age-Ratings Recommendation („Recommendations on the most important conceptual aspects of the enforcement practice concerning the criteria governing the age-ratings and the signs to be used prior to and in the course of broadcasting various programmes and the method of communicating the rating”)

in the closing scene of episode 4 is completely emotionless, it happened only for drugs. The participants were depicted sweating all over, one turning his back to the other, in a state of ecstasy, one standing and the other kneeling, in a manner that a man's mouth touches the other's bottom.

In addition, pursuant to the Recommendation: *“As far as the permissible degree of sexuality is concerned, this category covers works that depict sexuality directly and naturalistically, but do not meet the criteria set out for category VI. (...)”*

Although some of these works actually depict sexual acts in detail, in their own naturalistic reality, and thus, taken out of the context of the film, they may seem pornographic in their own right, the scenes are not self-serving but have a dramaturgical function, the open depiction of sex is not necessarily or not exclusively aimed at arousing and satisfying the viewer's desires.”

“Also included in this category are works that do not necessarily belong to the genre of fiction, which (...) show examples of emotionless sexual intercourse (...)”

In the light of the foregoing, as regards the permissible degree of sexuality, the works that depict sexuality directly and naturally, belong to this category. In addition, the works that give example to emotionless sexual intercourse, should also be included in this category.

Bearing this in mind, pursuant to the Hungarian media regulation, episode 4 of the programme is to be classified in age-rating V ('not recommended for audiences under the age of eighteen') due to the fact that, considering the choice of subject and the way it is presented, it might have endangered the physical, intellectual or moral development of minors.

That being so, the Media Service Provider should have equipped the programme with an effective technical solution and age control to normally prevent minors from accessing it.

The content and scenes subject of complaint:

<p>Segment 1</p>	<p>06:00-06:47</p> <p>Armond, the manager confesses to Belinda that last night he fell off the wagon, he took medicines and drank alcohol, too. <i>Armond: “I know you’re too intuitive for me to bullshit you. I fell off the wagon yesterday. The whole thing with Lani put me on edge, so I took a Xanax. But then I was dragging, so I took an upper. And then I took another, and then another. Then I went down to the bar after work, and had a few shots. And then, I think, the father staying in the Tradewinds ... asked me to fuck him up the ass.”</i> <i>Belinda: “What?!”</i></p>
<p>Segment 2</p>	<p>36:47-37:00</p> <p>When having dinner, Armond massages Mark's shoulders a bit longer, while inquires how they feel themselves. This catches the eye of Mark's son. <i>Quinn: “Dad, I think that guy was hitting on you.”</i> <i>Olivia (to Paula): “Probably because he was high on our ketamine.”</i> <i>Mark: “He was just being friendly.”</i> <i>Olivia: “He looked like he wanted to fuck you, Dad.”</i> <i>Nicole: “Olivia, come on!”</i></p>
<p>Segment 3</p>	<p>47:10-48:12</p> <p>Armond makes a proposal to his employee, Dillon, in his office.</p>

	<p>Armond: <i>“Look, Dillon...I was a bit drunk last night. You don’t know this about me, but I’m five years sober. When I fall off the wagon, I get very uninhibited.”</i></p> <p>Dillon: <i>“It’s all good. It happens.”</i></p> <p>Armond: <i>“And right now I’m even more uninhibited.”</i></p> <p>Dillon: <i>“What?!”</i></p> <p>Armond: <i>“Listen... I’m obsessed with you. I wanna get you naked. What do I gotta do? You have tomorrow off. I’ll give you whatever shifts you want. Let’s party tonight.”</i> (He is waving a bag of white powder, Dillon stares with his eyes rounded in dismay, and grins in confusion.)</p>
<p>Segment 4</p>	<p>53:19-54:10</p> <p>Shane pretty much wants to tell the manager off but cannot find him. According to Belinda, perhaps he is still in his office. They are heading for seeking him together. Belinda is knocking on the door of the office but there is no answer. Shane can hear voices so Belinda enters the room. Inside there are both men naked, Dillon is standing, leaning against the table, while Armond is kneeling behind him, licking his bottom. Both are in ecstasy, their bodies shine in a sweat. Belinda is shocked to see this scene, she is clutching her mouth, Shane stares with his eyes rounded in dismay. Armond perceives the visitors and realizes they are caught. He got as far as saying ‘Fuck!’ after Belinda swiftly closes the door. Belinda is standing numbly while Shane bursts out laughing, leaving cheerfully.</p>

COMPLAINT

Hello,

I have the following problem with the series entitled 'The White Lotus', accessible on HBO Max. The programme includes pornographic content and it has an age-rating of 16+os – instead of 18+ - while in episode 1 there appears a scrotum shown as a close-up, and the things that are shown at the far end of episode 4 – that I do not want to put down in writing.

Besides that, the youngsters take great delight in presenting the use of various pills and drugs, suggesting what a fantastic idea it is and also that the stuff had been smuggled by air.

Should the broadcasting of all this fall short of the level classified as problematic, I hereby beg your pardon.

Yours sincerely,