



## Are Reality TV Producers Liable?

**The Law and Ethics Govern How Responsible Producers Are for Dangerous Scenarios on Shows**

By **EMILY FRIEDMAN**

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For a reality TV show producer, nothing makes good television quite like filming people as they get high, drunk or sometimes even both.

On the eighth season of MTV's the Real World, for example, roommate Ruthie not only drank herself into unconsciousness on the season premiere, but later drove home from a bar drunk. Eventually, a producer gave her an ultimatum: go to rehab or go home.

On A&E's "Intervention," the camera captures addicts as they overindulge and eventually deconstruct. Vices have included cocaine, methamphetamines, crack and handles of liquor that are consumed in mere seconds.

Like the scenes caught during filming of the "Real World," "Intervention" has also seen participants drive under the influence.

How far reality programming should let a participant spiral out of control before someone — be it a producer, a director or a crew member — steps in (or, in these two cases, takes the car keys away), is up for debate, and it's not always clear what is mandated by the law, entertainment law experts told ABCNEWS.com.

### **Can Producers Be Held Liable?**

While preventing someone from jumping off a balcony in a public place is not mandated by law in the United States, as it is in many European countries — where a reverse good Samaritan law exists — legal experts tell ABCNEWS.com that when producers create a situation where injury or danger is foreseeable, the rules change a bit.

"Some states say that if you have some connection to the activity, and you have the reasonable ability to intercede, then you need to do so," said Larry Waks, an entertainment lawyer, who has worked extensively with reality show producers. "And usually, the states also have good Samaritan laws that say, if you do intercede and something bad happens as a result, you cannot be held responsible."

In other words, if producers are behind a camera, filming someone who is about to drive drunk, many states will hold producers liable for any injury if, instead of stepping in to try to stop the dangerous activity, they continue to roll the tape, sure not to miss a clip, boiling over with entertainment value.

Consumer-oriented states, like New York and California, said Waks, have the most stringent laws when

it comes to liability. And more often than not, big television networks that are extra cautious when it comes to injury and responsibility, will hire limousines to transport the contestants □ as on ABC's "The Bachelor" series □ to eliminate even the possibility that a contestant might drive while drunk.

Many cases involving liability hinge on the contractual agreement between producers and participants on reality shows. Also, whether contestants are "in the right mind" to be signing away their privacy through waivers, is an issue lawyers said plagues the industry.

"Can you give adequate consent when you're toasted or you're drunk?" asked Neville Johnson, a partner at Johnson & Johnson in Los Angeles □ a firm that has sued many networks for damages resulting from reality shows. "I also query whether there is an adequate explanation as to what is going to occur."

On the "Intervention" Web site, A&E explains that contestants are told they are being filmed for a documentary on addiction and are unaware of the impending intervention at the end of the episode.

When asked why producers should be held liable for actions these people would more likely than not be engaging in, even if they weren't being recorded, Johnson said that producers are still enablers when they watch participants drink and use the footage for entertainment purposes.

### **Has Reality TV Gone Too Far?**

Liable or not under the law, pop culture authorities told ABCNEWS.com that they think many producers cross the line during filming of these shows, and that ethics and morals should play a role in decision-making when contestants put themselves and others in danger.

"I think [reality television] is taking more extreme actions," said Liam O'Neil, pop culture expert and professor at the school of communications at Quinnipiac University, in Connecticut. "I think producers really do have to look at this and not intentionally put people in dangerous situations, and then have plans to get people out of these situations as they arise. You have to act ethically, even if that means scrapping the episode."

Elayne Rapping, a professor of American studies at Buffalo University who specializes in popular culture, agrees with O'Neil. She said that if producers were to really take responsibility for the danger inherent in many reality shows, the number of shows out there would decrease dramatically.

"I think that the direction that [reality television] is going is increasingly morally questionable and is also sort of the bottom of the barrel of American culture," said Rapping. "It would probably mean they'd have to cancel the shows, because there is no control over the people in them. These people are addicts, and they're out of control. I don't see how these producers could guarantee safety.

"Sure, they're still going to [act dangerously, away from cameras], but to see them self-destruct as a form of entertainment is really offensive," said Rapping. "I think the producers should be held responsible for that, because they're putting on the show to make money, and with no regard whatsoever for the people they are putting in these situations. I think that's kind of sick."

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