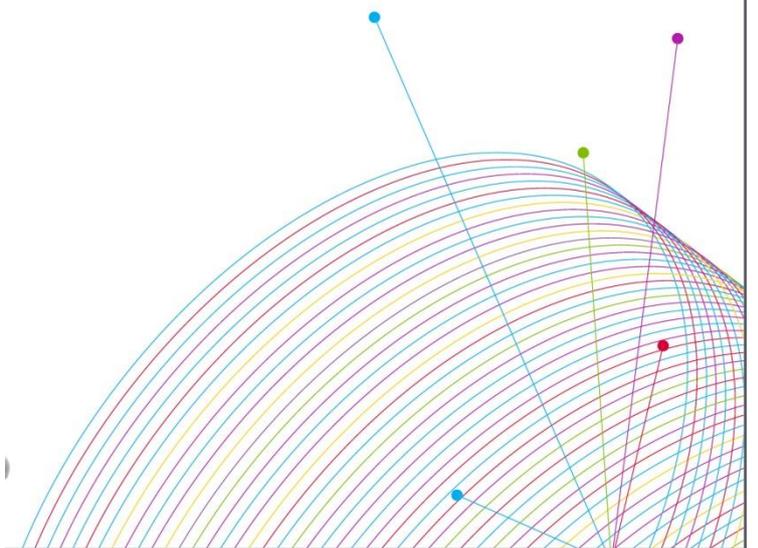


# LITMUS TESTING 2015

PREPARED FOR:

BROADCASTING STANDARDS  
AUTHORITY





## Litmus Testing 2015

Report Prepared For

### Broadcasting Standards Authority

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|------------------------|--------------------|
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### Opinion Statement

Nielsen certifies that the information contained in this report has been compiled in accordance with sound market research methods and principles, as well as proprietary methodologies developed by, or for, Nielsen. Nielsen believes that this report represents a fair, accurate and comprehensive analysis of the information collected, with all sampled information subject to normal statistical variance.

## EXECUTIVE SUMMARY

### OBJECTIVES

As specified in the Broadcasting Standards Authority's (BSA's) Statement of Intent 2014-2018, members of the public must 'litmus test' at least five BSA decisions each year. The purpose of this testing is to help ascertain how well Board decisions align with public opinion. This contributes to ensuring members have a clear appreciation of the diversity of community views and public attitudes towards these decisions.

In 2015 'litmus testing' focused on the Accuracy standard, in particular the distinction between fact and opinion. The purpose of the research was to understand how an audience determines what is fact and what is opinion, both in general and specifically in the context of selected radio and television clips that were the subject of complaints. Whilst the fact/opinion distinction is one of several guidelines for the Accuracy standard, its challenging nature makes it an important area of focus for the BSA.

The BSA will use the results of this research to ensure that their expectations of the public's ability to distinguish between fact and opinion are in line with reality.

### METHODOLOGY OVERVIEW

Four focus groups were conducted in Auckland with members of the public aged 18-65 years. Three of these focus groups were based on age and life stage, while the fourth focus group was composed of respondents who were identified as being particularly interested in and engaged with news and current affairs.

### KEY FINDINGS

#### RESPONDENT CUES FOR DETERMINING FACT FROM OPINION

The research set out to uncover the ways in which respondents decipher between fact and opinion. The following cues were generated in the groups:

- The **language** used tends to help an audience determine fact from opinion. For example, the use of "I think" or "In my opinion" signifies opinion rather than fact.
- The speaker/presenter citing or having **personal experience or expertise** in relation to the topic can make it feel more factual.
- The **role or reputation of the presenter** is also a signpost for respondents. If a presenter is known for being opinionated, their statements are more likely to be taken as opinion. While a presenter who is known for being a reliable source of information (i.e. a newsreader), is more likely to have their statements taken as fact.
- The **type** of programme can be a factor, with respondents finding some programmes easier to identify as having factual or opinion-based material.

- The **evidence or proof provided can serve to verify a fact. Visual proof such as video coverage of an event** is also cited as a signpost for factual information. To a lesser extent, **non-verbal cues**, such as body language, appear to influence whether the audience considers the information fact or opinion.

### THE ABILITY OF THE AUDIENCE TO CLEARLY DIFFERENTIATE BETWEEN FACT AND OPINION WITHOUT HAVING READ THE BSA DECISION

Respondents were shown five clips that had been complained about and asked to make comment on whether they thought a fact or an opinion was being presented. When the groups used only their own cues to differentiate fact from opinion, a wide range of responses was generated. This suggests respondents had difficulty **clearly** discerning between fact and opinion.

| Clip   | Percentage who felt that it was VERY or QUITE clear that the statement was a fact(out of n=24) | Percentage who felt that it was VERY or QUITE clear that the statement was opinion (n=24) | Percentage who were unclear as to whether it was fact or opinion (n=24) |
|--|--|---|---|
| Allen and Mediaworks TV Ltd – 2014-106: National Party election advertisement                                    | 42%  | 25%   | 33%   |
| Bolton and Radio New Zealand Ltd – 2009-166: Allegations of anti-Semitism on National Radio                      | 33%  | 17%   | 50%   |
| Cumin and The Radio Network Ltd – 2014-098: Rachel Smalley on Israel-Hamas conflict                              | 21%  | 54%   | 25%   |
| Dempsey and 3 others and Television New Zealand Ltd – 2014-047: Mike Hosking and climate change                  | 0%   | 96%   | 4%  |
| Emirates Team New Zealand and The Radio Network Ltd – 2014-089: Alleged resignation of Team New Zealand designer | 33%  | 46%   | 21%   |

## BOARD'S DECISION AND RATIONALE WAS UNDERSTOOD AND ACCEPTED BY THE MAJORITY OF RESPONDENTS

After seeing the five clips that had been complained about, respondents were then given the Board's decision, including rationale and reasoning, to read and consider. The table below shows participants' reactions to the rationale behind the Board's decisions. For all clips, the vast majority of participants were able to follow the Board's rationale and agree with, or at least accept, the decision made.

| Clip   | Board Decision       | % considering Board made an acceptable (neither good nor bad)/ good / very good decision |
|--|----------------------|--|
| Allen and Mediaworks TV Ltd – 2014-106: National Party election advertisement                                    | Not Upheld (opinion) | 96%  |
| Bolton and Radio New Zealand Ltd – 2009-166: Allegations of anti-Semitism on National Radio                      | Not Upheld (opinion) | 79%  |
| Cumin and The Radio Network Ltd – 2014-098: Rachel Smalley on Israel-Hamas conflict                              | Upheld (fact)        | 100%   |
| Dempsey and 3 others and Television New Zealand Ltd – 2014-047: Mike Hosking and climate change                  | Not Upheld (opinion) | 100%   |
| Emirates Team New Zealand and The Radio Network Ltd – 2014-089: Alleged resignation of Team New Zealand designer | Not Upheld (opinion) | 83%  |

## SPECIFIC REACTION TO THE CLIPS TESTED IN 2015

When prompted to consider whether the clip contained fact or opinion, participants had the following reactions:

**Allen and Mediaworks TV Ltd – 2014-106: National Party election advertisement.** This clip confused many respondents who weren't sure whether John Key's stated plan was opinion or fact. His role as Prime Minister and the fact that the clip was an advertisement appeared to be two opposing factors which fuelled confusion. Once they had read the BSA's reasoning, however, almost all of the respondents (96%) were supportive of the BSA's decision not to uphold the complaint on the basis that this was not fact.

**Bolton and Radio New Zealand Ltd – 2009-166: Allegations of anti-Semitism on National Radio.** The fact that this complaint involved a discussion of a person's character and actions, rather than an event or statistic, made for much discussion. Half those interviewed were unclear as to whether this was fact or opinion and were looking for cues – such as evidence – to help them decide either way. This clip also highlighted the importance of the nature of the programme, or context, in which the comments were made. Once respondents were made aware that it was within a segment called "Ideas", they were more inclined to feel that the BSA had made the right decision to not uphold the complaint.

**Cumin and the Radio Network Ltd – 2014-098: Rachel Smalley on Israel-Hamas conflict.** Whilst respondents felt that Rachel Smalley clearly indicated upfront that her statements were her own opinion, her speech then went on to contain a mixture of factual points and emotive language which made it difficult for respondents to be definitive in their decision making. Rachel Smalley's reputation as a broadcaster also influenced perceptions of fact or opinion as some respondents felt that her previous role as a newsreader would automatically make the audience believe that what she was saying was factual.

**Dempsey and 3 others and Television New Zealand Ltd – 2014-047: Mike Hosking and climate change.** This clip engendered the greatest degree of unanimity and was the easiest to understand of all the clips tested. Many respondents were familiar with Mike Hosking as a broadcaster and as a personality and therefore were inclined to take his comments as opinion. The language he used throughout his comments clearly indicated that this was his opinion and all respondents agreed with the BSA's ruling that this was not a breach of the Accuracy standard because opinions are not required to be accurate.

**Emirates Team New Zealand and The Radio Network Ltd – 2014-089: Alleged resignation of Team New Zealand designer.** As with the Rachel Smalley clip, this piece generated discussion around the role of presenters and hosts and the level of trust that the audience places on broadcasters. Whilst some respondents felt that the host Martin Devlin's tone and profile made his statements feel factual, most were supportive or understanding of the Board's decision not to uphold the complaint on the basis his comments were not statements of fact which were required to be accurate.

## OBJECTIVES AND RESEARCH APPROACH

### BACKGROUND

As specified in the Broadcasting Standards Authority's (BSA's) Statement of Intent 2014-2018, members of the public must 'litmus test' at least five BSA decisions. The purpose of litmus testing is to help ascertain how well Board decisions align with public opinion. This contributes to ensuring members have a clear appreciation of the diversity of community views and public attitudes towards these decisions.

The last round of litmus testing was conducted in March 2014, when Nielsen ran four focus groups. The focus for the litmus testing in 2014 was the Discrimination and Denigration standard.

Over the last three years, the focus of litmus testing has been on an audience's gut reaction to, or value judgement of potentially offensive content (standards relating to good taste and decency, children's interests and discrimination and denigration). Therefore, participants were asked for their views on whether standards were breached in the clips tested.

In 2015, the focus was changed to explore the criteria used by the audience to evaluate fact and opinion and the ability of respondents to clearly differentiate between those; rather than considering whether the BSA should have upheld a breach of accuracy.

While the goal of the research was not to ascertain whether respondents agreed or disagreed with the outcome of the complaints, participants were still asked whether they agreed or disagreed with, or at least understood, the Board's rationale in reaching its decision.

### RESEARCH OBJECTIVES

This year, one aspect of the Accuracy standard was the focus of the research – the distinction between fact and opinion.

Specific objectives of the research were to:

- Ascertain how difficult it was for respondents to differentiate between fact and opinion
- Explore factors which contributed to this distinction (for example, type of programme, reputation or expectations of person speaking, nature of the topic etc.)
- Examine individual and group responses to the Board's actual decision
- Understand participants' reaction to the Board's decision after they were provided with a summary of the decision making process.

## SAMPLE STRUCTURE

Four focus groups were conducted. Three of the groups were based on age and life stage:

- 18-30 years old with no children
- 30-45 years old with children
- 45-65 years old.

The remaining group was made up of respondents who identified as being particularly interested in and engaged with news and current affairs (which is the main focus of the Accuracy standard). This group was aged between 30-64 and in this report is identified as “Newshounds”.

The age or life stage of the respondents did not make a significant difference to their feedback regarding the clips or the BSA’s rulings. Although the Newshounds group had a higher level of engagement with news and current affairs than the other groups, their reactions were similar to the other groups we spoke to.

All groups were held at Nielsen’s Takapuna offices, with two groups held in the evening and two held during the day. Participants came from a range of Auckland areas and all received a koha of \$80 for attending.

## OVERVIEW OF RECRUITMENT QUOTAS ACROSS THE GROUPS

- A range of household income (low, medium, high) and employment status (unemployed, part-time, full-time, students)
- 13 males and 11 females across the groups
- Range of ethnicities.

## RESEARCH PROCESS

Initially there was a brief warm-up where participants discussed TV programmes and radio stations they enjoyed viewing or listening to, as well as their sources for news and current events.

The group was then provided with information about the BSA, its role and the relevant section of the Accuracy standard which refers to distinguishing between fact and opinion (the Accuracy standards for radio and free-to-air television are included in the Appendix).

The groups were shown two pieces of stimulus about the definition of a fact versus an opinion and the ‘signposts or tools’ that aid in differentiating between fact and opinion (both handouts are included in the Appendix). This stimulus was used to elicit respondents’ own ideas about cues which signal whether a statement is fact or opinion.

Opportunities to ask questions and gain clarification were provided and respondents were encouraged to refer to the stimulus and the standard as they made their own decisions on the clips shown.

Each clip was then shown and the order of the clips was rotated across the groups. The five clips were:

1. Allen and Mediaworks TV Ltd – 2014-106: National Party election advertisement
2. Bolton and Radio New Zealand Ltd – 2009-166: Allegations of anti-Semitism on National Radio
3. Cumin and The Radio Network Ltd – 2014-098: Rachel Smalley on Israel-Hamas conflict
4. Dempsey and 3 others and Television New Zealand Ltd – 2014-047: Mike Hosking and climate change
5. Emirates Team New Zealand and The Radio Network Ltd – 2014-089: Alleged resignation of Team New Zealand designer.

During and after each clip participants were asked to independently note down in writing:

- Their top of mind feedback on how facts and/or opinions were presented
- How clearly they thought fact and opinion were differentiated in the clip.

Once this form was completed and discussed, respondents each received a written and verbal summary of the actual BSA decision. They were then asked to write down (individually):

- Any thoughts about the BSA's decision
- How they would rate the BSA's decision on a scale of 1-5, taking into account the reasoning given by the BSA and the final outcome (1 being "Very poor" and 5 being "Very Good").

The responses to the BSA's decision were then discussed as a group.

Appendix I contains the discussion guide used, as well as the information participants were given about the Accuracy standard.

## OVERVIEW OF FINDINGS

As a way of facilitating discussion around the topic, respondents were asked about their viewing behaviours with regard to news and current affairs and the impact of new media.

- **The importance of news and current affairs.** Respondents said that news and current affairs were important to them for a number of reasons:
  - Keeping up to date
  - Gaining knowledge: *“I like to be informed so I can hopefully make better decisions, opinions and judgements.” (Newshounds)*
  - General interest: *“I’m nosy; I like to know what’s going on.” (Newshounds)*
  - Understanding what other people are thinking or feeling, e.g. polls, comments in social media etc.
  
- The groups spoke about **the impact of social media, technology and new ways of absorbing information** about news and current affairs:
  - **Speed and customisation:** *“It’s [social media] faster because you get straight to the point, whereas if you’re watching the news you have to wait to see what you are interested in.” (18-30)*
  - **The ability to share opinions:** *“And on social media there’s ‘likes’ and ‘shares’ and comments so you can tell the more interesting kind of things by how much people are talking about it.” (18-30)*
  - **The importance of accurate and legitimate news sources:** *“I personally think it (the internet) makes me more sceptical because if you see something on your social media feed... nowadays I have to check the source of the website and perhaps if it’s not the NZ Herald or a reputable website I will not believe it.” (45-65)*

After reviewing stimulus about the definition of a fact versus an opinion and the ‘signposts or tools’ that aid in differentiating between fact and opinion, respondents nominated the following cues that they used for discerning what was a fact and what was an opinion:

- The **language** used helps an audience determine fact from opinion:
  - *“Quite often on talkback radio they announce ‘in my opinion’.” (Newshounds)*

- The speaker/presenter citing or having **personal experience or expertise** in relation to the topic can make it feel more factual:
  - *“When you know certain details for sure whether it is true or not. Like when you know the people that are being talked about in a news item.” (45-65)*
  - *“Some opinions can be based on experience and they are as good as fact. It could be like a doctor who is giving his opinion on the diagnosis, but because of his experience it’s as good as fact as it is personal, professional experience.” (Newshounds)*
  
- The **role or reputation of the presenter** is also a signpost for respondents – What is this person known for? What have they done in the past? Are they trusted to be *reliable in giving information*?
  - *“The thing is it’s a big role to deliver these stories and facts, so you just presume it’s all legitimate.” (18-30)*
  - *“Paul Henry and Mike Hosking – I guess they are very opinionated people. I don’t know how much of an actual fact it is.” (30-45)*
  - *“Well, ‘cause he’s always on the news. You know the country trusts him to put across the news so I suppose you just put your trust into whoever’s on TV and who is giving out the news.” (18-30)*
  
- The **type** of programme is given as a factor, with some programmes being easier to identify as having factual or opinion based material:
  - *“Things like Seven Sharp, Campbell Live are generally opinion... They don’t really back it up... Mike Hosking ends the show with his opinion – he actually states this at the time.” (45-65)*
  - *“If it’s a news programme I’m hoping they’d be checking every aspect to make sure that what they are reporting is as accurate as possible.” (30-45)*
  - *“I personally think [talkback] is their opinion... I was listening to talkback this morning and Larry Williams was outraged about something and he said, ‘that just proves that this country is going to hell’. Well I don’t personally think that it is.” (30-45)*
  
- The **evidence or proof provided can serve to verify a fact**:
  - *“Providing evidence, I suppose, to make you comfortable that it is fact.” (Newshounds)*
  - *“With a fact there’s like statistics or something to prove that it’s an actual fact rather than an opinion.” (18-30)*

- **The placement or timing of the comments** in the programme is a cue for regular viewers or listeners:
  - *“Often the opinion stuff is at the end. They will chuck in a statement that is off the cuff.” (30-45)*
- **Visual proof of an event** is also cited as a signpost for factual information:
  - *“When you’re listening to the radio it is just spoken about, so I suppose that’s when you jump on social media and start typing what you have heard about because you haven’t been able to visually see it.” (18-30)*
- To a lesser extent **non-verbal cues** such as body language appear to influence perceptions regarding the opinion of the presenter:
  - *“Often with the news they can say the statement and then they’ll use their body language... like Hilary Barry will close her eyes and you think, ‘that’s what she thinks about it’.” (30-45)*

## IMMEDIATE REACTIONS TO CLIPS

Respondents were shown 5 clips in rotated order. Reactions were as follows.

### CLIP ONE (NATIONAL PARTY ELECTION ADVERTISEMENT – 2014-106)

#### Synopsis

- *“If it’s a plan, is it a fact or an opinion?” (30-45)*
- *“John Key stated ‘we have a simple economic plan’, and sometimes plans change and they’re not guaranteeing anything. It’s not really that factual, more just what they hope might happen.” (18-30)*

#### Allen and Mediaworks TV Ltd – 2014-106: National Party election advertisement

In an election advertisement for the National Party, John Key stated: “We have a simple economic plan for the next three years: one, we’ll live within our means; two, we’ll start paying off debt; and three, we’ll keep generating new jobs”.

The complainant argued the statement ‘we’ll start paying off debt’ was inaccurate, because Treasury had forecast that debt would increase until the year 2018.

The BSA did not uphold the complaint that the advertisement breached the Accuracy standard, finding that the statement was not a statement of fact.

The BSA said election advertisements in which parties promote their own policies, by their very nature, are not ‘factual’. They are highly political, often hyperbolic vehicles for advocacy and influence. The advertisement amounted to a promotion of National Party policies, not a quantified promise; a guarantee; or a statement of fact.

The BSA found that viewers would have recognised the advertisement as robust political expression, typical of pre-election advertising and campaigning, and would have been able to form their own views about National’s policies with reference to considerable media coverage and publicly available information. The BSA was satisfied viewers would not have been misled as a result of the advertisement.

The BSA also recognised the high value placed on political speech and said upholding the complaint would unjustifiably restrict the right of the National Party and of the broadcaster to free political expression.

This clip was initially confusing for respondents as they debated whether John Key’s statement was a fact or opinion. Most were unclear or felt that the statement was a fact.

**How clearly fact and opinion were differentiated (n= 24)**

| Very clear that the statement was a <b>Fact</b> | Quite Clear that the statement was a fact | Unclear as to whether it was fact or opinion | Quite clear that the statement was opinion | Very clear that the statement was <b>Opinion</b> |
|---|---|--|--|--|
| 6   | 4   | 8  | 4  | 2  |

After reading a summary of the Board's decision, the balance of opinion was greatly in favour of the decision to not uphold the complaint on the basis that John Key's statement was not a statement of fact which was required to be accurate.

**Reaction to Board's decision (n= 24)**

| 1 Very Poor | 2 | 3 Neither Good nor Bad | 4  | 5 Very Good |
|-------------|---|------------------------|----|-------------|
| 0           | 1 | 1                      | 10 | 12          |

**Main issues regarding the clip**

- Whether reference to a 'plan' is opinion or fact
- Reputation of the speaker and the nature of a political advertisement
- The validity of the complaint.

**Whether a 'plan' is opinion or fact:** Participants debated whether reference to 'a plan' was fact or opinion, sometimes cued by the **language** used:

- *"He is making a statement about 'this is what I am going to do'... it wasn't a 'we might do this or we should get there'. It was a clear statement of fact to me." (Newshound)*

Or, **whether the statement is proven** and therefore seen as factual:

- *"That's his intention. But you won't know (if it's right or wrong) until he does it." (45-65)*
- *"It was very un-quantified just saying 'We will start paying off debt'. It's very vague." (30-45)*

**Reputation of the speaker and the nature of a political advertisement:** Some felt that John Key's role as Prime Minister helped define whether what he was saying was accurate or not:

- *"I was confused by this... it's just a matter of trust I guess, like whether you want to trust that John Key would do that." (18-30)*
- *"I still believed that what he said he believed in and for me indeed it was a fact." (45-65)*

**The nature or intent of the content** was also confusing to respondents – possibly because political party advertisements are not commonplace:

- *"I agree that it's pre-election hype that National wanted to put across a good spin on what agendas they were going to put across to the general public, but the BSA saying that they recognise that the viewers would have seen the advertisement as robust political expression – I'm not sure about that." (30-45)*
- *"The reasoning by the BSA makes it sounds like if you are a politician or you are campaigning it's okay to lie or bend the truth because you are campaigning." (30-45)*
- *"I didn't realise that they [political advertisements] didn't actually have to be factual." (18-30)*

**The validity of the complaint.** Some respondents felt that the complaint was misguided because debt can still increase even if it is being paid off. Some also mentioned that Treasury's forecast is just that – a forecast – and is not a guarantee or a promise and therefore is not 'proof'. While this was a focus of the Board's decision it was not a main point of consideration for the groups (probably because they did not have all of the information about the complaint that the Board had when making its decision):

- *"Isn't the Treasury's forecast an opinion in itself?" (30-45)*
- *"You can still pay off debt and have it increase – a bit like a mortgage almost – it's still going up!" (18-30)*

## CLIP TWO (ALLEGATIONS OF ANTI-SEMITISM ON NATIONAL RADIO – 2009-166)

### Synopsis

- *"I was unclear. It certainly sounded like he started with his opinion but as he goes on... there are no facts that he has actually been seen at any of the movements or anything like that." (Newshounds)*
- *"I thought it was factual. He's recounting things that this guy has done. He's not saying 'I believe he's done this', he's going, 'he has done this'." (30-45)*

### Bolton and Radio New Zealand Ltd – 2009-166: Allegations of anti-Semitism

During the 'Ideas' segment of *Sunday with Chris Laidlaw* on Radio New Zealand, the interviewee made statements that the complainant was anti-Semitic and actively promoted holocaust denial.

Mr Bolton complained that the comments about him were inaccurate.

The BSA did not uphold the complaint that the interviewee's statements breached the Accuracy standard, as they were analysis and opinion, not material points of fact.

All 4 members of the BSA agreed that the interviewee was expressing his views from his perspective as an academic studying the presence of holocaust denial and anti-Semitism in New Zealand. They said it would be an unreasonable limitation on the right to freedom of expression to view the statements as 'material facts'. The statements involved elements of interpretation, analysis and opinion and are not 'facts' on which the BSA ought to rule.

This was a challenging clip for respondents as they struggled to decide whether the interviewee's comments were fact or opinion. The majority were initially unclear.

### How clearly fact and opinion were differentiated (n= 24)

| Very clear that the statement was a <b>Fact</b> | Quite Clear that the statement was a fact | Unclear as to whether it was fact or opinion | Quite clear that the statement was opinion | Very clear that the statement was <b>Opinion</b> |
|---|---|--|--|--|
| 2   | 6   | 12   | 3  | 1  |

**Reaction to Board's decision (n= 24)**

| 1 Very Poor | 2 | 3 Neither Good nor Bad | 4 | 5 Very Good |
|-------------|---|------------------------|---|-------------|
| 0           | 5 | 4                      | 9 | 6           |

Some respondents were more concerned about whether it was 'fair' to speak about someone else in this manner, however, this is dealt with in another standard (Fairness). This explains why some respondents were less happy with the board's decision:

- *"I thought it was defamation of character based on the nature of the accusation. I mean calling the guy a holocaust denier without hardcore evidence I think was a bit harsh so I disagreed with the ruling." (30-45)*

**Main issues regarding the clip**

- Was this clearly signposted as opinion or fact?
- Expertise of the speaker
- Could the comments about the complainant be proven?
- Context – knowledge of what the programme is about
- Opinion doesn't need to be true.

**Was this clearly signposted as opinion or fact?** Respondents were sometimes confused by the blend of fact and opinion in the piece and used language cues to help them explore the difference.

- *"He only started off saying "I certainly think" so that was his opinion but as the statement went on it sounded like a fact because he said "A key figure is Kerry Bolton" so he's using a lot of words as in Bolton did do these things." (18-30)*
- *"I wouldn't even say they were opinions, they sounded like facts when I first heard it. He was saying things like they HAVE been at this movement and they'll BE at this demonstration so it was almost like Scott knows this for sure, he's gathered this information and he's speaking like this has happened, he was there." (18-30)*

**Expertise of speaker.** When respondents were made aware that the interviewee was a sociologist, this affected their perceptions of whether his statements were opinion or fact. The assumption was made that the interviewee would have knowledge about this topic beyond that of the average member of the public and would therefore be more factual:

- *“I felt it came across as opinion. However as he started talking towards the end it sounded factual. I’m trying to imagine what would imprint on the listener’s mind ‘The Sociologist Scott Hamilton’, so he would probably say something factual.” (45-65)*
- *“What would the outcome have been if they knew this guy wasn’t an academic studying in that field and was just a person with their own thoughts?” (30-45)*
- *“He sounded like he knew what he was doing.” (18-30)*

**Could the interviewee’s comments about the complainant be proven?** Respondents felt that if the statements could be proven then they were factual:

- *“Was he definitely at these demonstrations? Can that be proven? So for me it’s a bit unclear. It was a lot of opinions that sounded factual.” (45-65)*
- *“He has used clever words to make it look like a fact but it was opinion.” (Newshounds)*

**Context – knowledge of what the programme is about.** Most respondents had never heard of the ‘Ideas’ segment on *Sunday with Chris Laidlaw*. When they understood that this was where the comments had been made they were more accepting that his comments were opinion.

**Opinion doesn’t need to be true.** This was surprising for many respondents, particularly when opinions were made about a person rather than an event:

- *“I don’t think it’s okay if they provide an opinion or say stuff about a person with their name out there because people are going to believe what you say... whether it’s true or not.” (30-45)*

### CLIP THREE (RACHEL SMALLEY ON ISRAEL-HAMAS CONFLICT – 2014-098)

#### Synopsis

- *“It was a huge overstatement... You know, there were 3,300 people and she said ‘everyone’ so that’s pretty huge and misleading.” (18-30)*
- *“It was a very strong opinion piece that itemised certain events clearly touted as facts...” (45-65)*

#### Cumin and The Radio Network Ltd – 2014-098: Rachel Smalley on Israel-Hamas conflict

During *KPMG Early Edition* on Newstalk ZB the host read out an opinion piece criticising Israel’s actions in the Israel-Hamas conflict. She referred to a recent bombing of a UN school which ‘killed everyone inside’.

Mr. Cumin argued the statement was inaccurate as in fact 16 people were killed, out of 3,300 sheltering in the school.

The BSA upheld the complaint that the statement breached the Accuracy standard.

The BSA found the statement was a material point of fact even though it was part of an opinion piece. It related to a specific incident and was capable of being assessed as factually accurate or inaccurate. Other news coverage of the incident reported that up to 16 people were killed and 200 others injured out of approximately 3,300 people sheltering at the school. The host’s statement that all civilians sheltering at the school were killed was a significant overstatement. The difference in the number of deaths (16 as opposed to 3,300) was material as the host used this statement to bolster her strong position against Israel’s actions towards civilians.

Whilst as a legitimate exercise of freedom of expression hosts are entitled to express their opinions in editorials within news/current affairs programmes, they must ensure any factual statements made that are material to the issues discussed are accurate so listeners are not misled.

The BSA made no order as they were satisfied the publication of the decision was sufficient to remedy the breach of the Accuracy standard.

Most respondents felt that the statement was an opinion with a quarter of respondents unclear about whether the statement was fact or opinion.

**How clearly fact and opinion were differentiated (n= 24)**

| Very clear that the statement was a <b>Fact</b> | Quite Clear that the statement was a fact | Unclear as to whether it was fact or opinion | Quite clear that the statement was opinion | Very clear that the statement was <b>Opinion</b> |
|---|---|--|--|--|
| 1   | 4   | 6  | 8  | 5  |

However, all respondents agreed with the BSA's rationale and reasoning that the statement was actually a statement of fact, and was inaccurate, so it breached the Accuracy standard.

- *"I said it was clearly a breach of factual information." (45-65)*

**Reaction to Board's decision (n= 24)**

| 1 Very Poor | 2 | 3 Neither Good nor Bad | 4  | 5 Very Good |
|-------------|---|------------------------|----|-------------|
| 0           | 0 | 3                      | 12 | 9           |

**Main issues regarding the clip**

- Mix of facts and opinion
- The inclusion of facts or examples
- Rachel Smalley's reputation
- Being able to isolate the main point of complaint.

**Mix of facts and opinion.** The mix of facts and opinion in the piece was confusing for some participants. They felt that initially it was clearly signposted that the statement was the host's opinion:

- *"At the start she said something like 'I can't sit on the fence any longer', which to me was a sign like 'here it comes, it's going to be just her opinion'." (30-45)*

**But the inclusion of facts or examples** that she went on to use were seen to support the host's opinion, which added to the confusion:

- *"She did use facts to back up her opinion." (18-30)*
- *"I think numbers are clearly facts. You can count the number of people who died and how many lived. So I think it's like a deliberate exaggeration to make her point." (Newshounds)*

**Rachel Smalley's reputation.** The fact that respondents recognised Rachel Smalley from her role as a newsreader/journalist meant that some felt she had built a level of trust that would lead the audience to believe what she said was correct:

- *"I actually recognised her name, that's why I feel I did trust her a little bit more. So like my first opinion was that what she was saying was accurate... I had seen her on the news and I did recognise her name so I figured she kind of knew what she was talking about. And to see that what she said was a complete lie, I guess it was surprising." (18-30)*

**Being able to isolate the main point of the complaint.** Some respondents felt that hearing the whole clip had clouded their view on the statement in question:

- *"I think because we heard the whole of it beforehand it sort of swayed my view a bit." (30-45)*
- *"I think I got a bit lost in terms of how accurate her whole statement was, I was getting confused as to where the accurate and inaccurate parts were. It sounded accurate when you start talking specific numbers." (Newshounds)*

## CLIP FOUR (MIKE HOSKING AND CLIMATE CHANGE – 2014-047)

### Synopsis

- *“The facts were the length and size of the report. From there everything else was opinion.” (45-65)*
- *“Mike is not trying to be factual. He’s not trying to be the authoritative expert on it. He’s basically summing up a report that no one in their right mind would read...” (30-45)*

### Dempsey and 3 Others and Television New Zealand Ltd – 2014-047: Mike Hosking and climate change

At the end of an episode of *Seven Sharp*, presenter Mike Hosking made comments about the most recent report of the Intergovernmental Panel on Climate Change.

Taking into account the right to freedom of expression, the BSA did not uphold four complaints that his comments breached the Accuracy standard as Mr. Hosking’s comments were clearly expressed as his personal opinion.

*Seven Sharp* is a news and current affairs programme, but it frequently takes a non-traditional, light-hearted or comedic approach to topical issues. Mr. Hosking’s comments were made in the context of a segment at the end of each episode where presenters give their views on a chosen topic, not during a news segment. He is well-known for this type of monologue, where he offers his opinion on any number of issues, sometimes in a provocative manner.

The right to freedom of expression includes the right to express one’s opinions, even if they are considered unpopular or incorrect. The Accuracy standard must be applied in such a way as to impose the minimum restriction on free speech, and can only be applied to inaccurate material statements of fact. Viewers would have realised Mr. Hosking was expressing his opinion, and would not have taken his comments as an authoritative conclusion on the topic.

The majority of respondents were clear that this was Mike Hosking’s opinion being presented and all agreed with the factors considered by the Board in reaching a decision.

**How clearly fact and opinion were differentiated (n= 24)**

| Very clear that the statement was a <b>Fact</b> | Quite Clear that the statement was a fact | Unclear as to whether it was fact or opinion | Quite clear that the statement was opinion | Very clear that the statement was <b>Opinion</b> |
|---|---|--|--|--|
| 0   | 0   | 1  | 7  | 16   |

**Reaction to Board's decision (n= 24)**

| 1 Very Poor | 2 | 3 Neither Good nor Bad | 4 | 5 Very Good |
|-------------|---|------------------------|---|-------------|
| 0           | 0 | 0                      | 4 | 20          |

**Main issues regarding the clip**

- Language used and placement in the programme
- Reputation of host
- Complaint was unreasonable.

**Language used and placement in the programme.** Respondents felt that the language used by the host throughout clearly signposted the piece as opinion. After reading the BSA's ruling, respondents also agreed with the recognition by the BSA that the hosts regularly deliver an opinion piece at the end of the show:

- *"He never backed up anything else that he said, he was just saying what he thought. A lot of it was 'it might be a bit dodgy' and 'bad news' so immediately he was giving his own spin." (18-30)*
- *"...as they say, it was just the end segment where he is likely to do these things." (30-45)*

**Reputation of host.** Most were familiar with Mike Hosking and his style of presenting and therefore expected this to be an opinion piece:

- *"I wrote down that it's a total opinion piece given by a known opinionator. His demeanour, it's obviously got a bit of tongue-in-cheek. He's offered analysis, given a comment and also provided his opinion. Anyone thinking that's a fact would either be on drugs or doesn't like Hosking." (45-65)*



- *“I thought it [Hosking’s summary] was perfect. I mean he is provocative but he also encourages, I think, further discussion within things you are watching. I think he is actually very clever.” (Newshounds)*
- *“Yes he is encouraging viewers to ignore it [climate change] but it’s just what he thinks. You don’t have to listen to him.” (Newshounds)*

**Complaint was unreasonable.** Some respondents felt that the complaint was misguided because it was so obvious that the host was giving his opinion:

- *“The complainant says that ‘an increasing urgency of the need to take action with climate change’. At the end of the day it’s just his [Hosking’s] opinion and he’s advising people that it is his opinion. He said ‘so my advice, don’t let it ruin your night’. At the end of the day it’s up to the viewers. He is not saying ‘this is fact, this is real’.” (18-30)*
- *“It was obviously going for the drama and the comedy of it and I don’t think if you were honestly interested in climate change you would have paid any attention to him telling you to ignore it.” (30-45)*

## CLIP FIVE (ALLEGED RESIGNATION OF TEAM NZ DESIGNER – 2014-089)

### Synopsis

- *“I thought it was quite clear that he was giving his opinion. He wasn’t giving us any information about his source, where he got that from. So it just sounded like hearsay really.” (Newshounds)*
- *“I said it was implying that he knows something that is going on or he might have heard something so again it’s leading me back to thinking that it’s opinion.” (30-45)*

### Emirates Team New Zealand and The Radio Network Ltd – 2014-089: Alleged resignation of Team New Zealand designer

During *The Devlin Radio Show* on Radio Sport, the host commented to the programme producer, ‘I wonder when Team New Zealand are going to tell us all that one of their chief designers quit a couple of weeks ago’.

The BSA did not uphold the complaint that this statement breached the Accuracy standard.

Talkback radio is not usually subject to the Accuracy standard unless the presenter makes an unqualified statement of fact. The BSA found this statement did not amount to an unqualified statement of fact. Within the context of the programme, listeners would have interpreted the statement to be in the nature of speculation or gossip, rather than as authoritative or certain. Surrounding comments during the broadcast confirmed that the resignation had not been stated or corroborated by Emirates Team New Zealand itself.

This clip divided the groups with a fairly mixed spread of those who thought it was a factual statement, those who felt it was an opinion and those who were unclear.

### How clearly fact and opinion were differentiated (n= 24)

| Very clear that the statement was a <b>Fact</b> | Quite Clear that the statement was a fact | Unclear as to whether it was fact or opinion | Quite clear that the statement was opinion | Very clear that the statement was <b>Opinion</b> |
|---|---|--|--|--|
| 2   | 6   | 5  | 4  | 7  |

After hearing the Board’s summary the majority of respondents supported the Board’s judgement.

**Reaction to Board's decision (n= 24)**

| 1 Very Poor | 2 | 3 Neither Good nor Bad | 4 | 5 Very Good |
|-------------|---|------------------------|---|-------------|
| 1           | 3 | 6                      | 8 | 6           |

**Main issues regarding the clip**

- This clip generated discussion about the credibility of the host and the role of the host in talkback
- The nature of talkback radio.

**Credibility of the host and the role of the host in talkback.** Some were clear that the statement was an opinion because there was no evidence given to support the statement:

- *"I thought it was opinion given by the host. No facts given to back up his statement." (Newshounds)*
- *"It's not substantiated by any fact from Emirates which is the official source. It's hearsay." (45-65)*

Others were swayed by Devlin's tone and high profile to consider his comments factual:

- *"Well I thought that sometimes you consider certain people to be in the know and I would have considered Devlin to be one of those people that know things before it becomes public knowledge. So if he says that someone has quit I would tend to believe him. So I was a bit on the fence." (Newshounds)*
- *"I really sat on the fence. I listen to a lot of Devlin and Radio Sport so he speaks like that all the time... so I just put that there are big questions in here – Does Martin know something we don't? And where is he getting his facts from?" (30-45)*

**The nature of talkback radio.** The BSA's ruling opened a discussion about **the role of talkback and the fact that talkback radio is not subject to the Accuracy standard**, except where the presenter makes an unqualified statement of fact. Those who were familiar with talkback were more accepting of the clip:

- *"It was fair enough. Some things on Radio Sport are true but by the same token some things aren't. They will chuck something out there and see what sort of bites they get/generate a bit of talk." (30-45)*

Others found that although the comments were opinion, they could be seen as misleading. This had wider implications for the audience's faith and trust in authority figures in the media:

- *"While I agreed with what the BSA said – that it wasn't a qualified statement of fact – just the way that he was talking, it could have misled people." (30-45)*
- *"I would think that he sounded really confident, he doesn't sound like this could be potentially wrong because he ended off with saying, 'I don't think this one has come out yet, has it?' So even though it sounds like a rumour, it sounds like he knows it's eventually going to happen." (18-30)*
- *"Reading where it says that talkback is not usually subject to accuracy, it makes me think, okay, well presenters can kind of say whatever they want, we shouldn't take them too seriously. But... hearing that initially it did sound quite factual and I would also think as a listener, 'Oh, perhaps this presenter knows more than the public', so it comes down to that trust again." (18-30)*
- *"I put down that personally I do not agree with this decision... it's innuendo, opinion piece or whatever but it's wrapped in a parcel that this IS fact and it's also wrapped in a mischievous parcel because at that time money was afoot or not afoot depending on the integrity of Team New Zealand. And that breached my wall of faith with Emirates Team New Zealand because if the rats are jumping off the ship already then, hey – we are sinking money into a sinking ship; the wider implications." (45-65)*

## GENERAL DISCUSSION TO PROVIDE CONTEXT FOR BROADCASTERS AND FOR THE BSA

Across the focus groups some general themes emerged that may be useful for providing context as to how the public discern fact from opinion.

- Respondents were mindful of the imperfect nature of verbal communication and several perceived that both the listener/viewer and the broadcaster may not always have accuracy top of mind:
  - *“I agree with the ruling... but as a human being it would be easy to over exaggerate, and as a listener I won’t catch that the fact she said wasn’t correct. I will just catch her opinion as she was so passionate.” (45-65)*
  - *“I suppose it’s like the legal fraternity and that. It discounts the humanness you know. Tends to be looking black and white, ‘is it a fact, isn’t it a fact?’ Whereas with a lot of the stuff, Rachel, Team Emirates, the holocaust guy, there’s a humanness in amongst all of that as well so you’ve got to try and separate the wheat from the chaff as it were.” (Newshounds)*
- The role of the host was also discussed throughout the groups. Media personalities with multiple roles can make it confusing for audiences to determine which ‘hat’ the presenter is wearing in the particular programme they are watching:
  - *“And the role is significant to me like if she’s a journalist or a host. Swaying people, having an influence could be very detrimental, but if you are just Joe Bloggs ringing up to give your opinion then everyone knows that.” (30-45)*
- The ability of the host – and the media in general – to shape public opinion was also discussed:
  - *“Their opinions shape the nation. You know, this year with the All Blacks they will say ‘they will be chokers’ and that just influences the whole nation into thinking ‘yes, they WILL be chokers’ and it’s all based on opinion and sometimes it’s unfair.” (Newshounds)*
  - *“They’re just influential I guess, so the Accuracy standard is really important – just the fact that they (media) have a big impact on us, the way we look at news and stuff.” (18-30)*

- Some respondents had trouble isolating one specific statement to focus on when they perceived the statement as being in the context of a broader comment:
  - *“You sort of have to have a blindfold on when they are saying ‘look at this one little bit that they are complaining about’.” (Newshounds)*

### **Respondent feedback to format and language used in BSA decisions**

Respondents sometimes found the standard and the summary of the BSA’s ruling hard to understand. Rewording the summaries to reflect ‘everyday vernacular and language’ may make them easier for respondents and the public to digest:

- *“What’s a material point of fact? What is an immaterial point?” (30-45)*
- *“I put down that I think the decision should have been abbreviated to one clear paragraph.” (45-65)*
- *“Try to use language that is understandable and use a bit more brevity.” (45-65)*

## CONCLUDING SUMMARY

Respondents' first reactions to the clips show that it can be challenging for the general public to differentiate fact from opinion when evaluating the clips using their own judgement. The following are the key factors that respondents use to distinguish fact from opinion.

### KEY FACTORS USED TO DISTINGUISH FACT FROM OPINION

The groups identified a number of key factors that they used to help them distinguish fact and opinion in all types of programmes, including:

- Language
- Personal experience or expertise
- The role and reputation of the presenter or speaker
- The type of programme.

Respondents also said that they sometimes used the visual proof provided by seeing events on television to distinguish fact from opinion.

### RESPONDENTS' INTERPRETATION OF THE KEY FACTORS

#### **The authority and position of the person speaking.**

For example, the Prime Minister was more likely to be believed, regardless of the context he was speaking in – in this case an advertisement for the National Party.

The interviewee in the Bolton case was also trusted more to be 'factual' because of his knowledge and experience as a 'sociologist'.

#### **The programme genre and trust in the broadcaster concerned.**

Rachel Smalley was more likely to be believed because she is largely seen as a respected news reader and also because she was speaking on a news programme. On the other hand, clips from broadcasters such as Hosking on Seven Sharp, and to a lesser extent, Devlin on Radio Sport, were more likely to be perceived as opinion by respondents because they more clearly understood the nature of the programme and the role of the host.

### BSA'S INTERPRETATION OF THE KEY FACTORS

Overall, once the BSA's decisions and reasoning were explained, group participants agreed with the Board's ruling and rationale for each of the clips tested in this round of litmus testing. Decisions were largely respected and considered to be fair when laid out in front of respondents.

## APPENDIX I – DISCUSSION GUIDE AND STANDARDS

*This guide is indicative of the subject matter to be covered. It is designed to allow freedom within the topic area and for the addition of relevant topics, which may arise during the group, to be covered.*

**1. RESEARCH INTRODUCTION (2 min)** Greetings and brief explanation of topic – understanding broadcasting standards. Fun, philosophical discussion, no right or wrong – important to accept that other people have different opinions from yourself.

- Confidentiality, explanation and consent to record audio, video
- Introduce clients, timing, amenities
- Thank people for their participation

**2. MEDIA AND ME (5-10 min) – (WRITE DOWN THEN DISCUSS AS A GROUP)**

- What kind of programmes/channels do you tend to watch/listen to, and why?
- Which, if any, do you avoid and why?
- *Probe news and current events* – where do you get your news and current events from? How come?

**3. BROADCASTING STANDARDS – General discussion (5-10 min)**

Now I am just going to give you a little bit of background about standards in broadcasting. *All to have a copy – interviewer to read out.*

Broadcasters in New Zealand have a code of practice and are responsible for maintaining a number of **standards** in their programmes. These standards cover areas such as good taste and decency, privacy of individuals, and balance and fairness in factual programmes such as documentaries. There is also a standard for accuracy. This standard says broadcasters should make reasonable efforts to ensure that news, current affairs and factual programming a) is accurate in relation to all material points of fact and b) does not mislead.

The Broadcasting Standards Authority (BSA) ensures broadcasters fulfill their obligations to maintain standards as agreed under their code of practice. It also provides the public with a free, independent complaints service if someone feels a standard has been breached.

Does everyone understand?

- Has anyone ever made a complaint, or gone to the BSA website to get information?
  - If so, what were your impressions of the process?
  - If not, why not? Is it that you've never found anything you wanted to complain about, or is the process difficult/unknown?

#### 4. BROADCASTING STANDARDS – ACCURACY (15 min)

As we mentioned earlier, broadcasting standards cover a number of different issues concerning what we watch on TV or listen to on the radio.

The Accuracy standard says that broadcasters should make reasonable efforts to ensure that news, current affairs and factual programming is accurate. In our discussion today, we'll be covering just one aspect of this standard – Guideline 5a.

*Each participant to get a copy of Guideline 5a and moderator to read out.*

##### **Guidelines**

**5a** The Accuracy standard does not apply to statements which are clearly distinguishable as analysis, comment or opinion.

The key point is that if something is an opinion, it does not have to be accurate because the Accuracy standard doesn't apply. This is partly because of the importance of freedom of expression and the right to express one's opinions.

We will now look at the difference between a fact and an opinion or comment.

*Each participant to get a copy of the first section of the 'Fact and Comment' sheet and moderator to read out.*

- Does this fit with your understanding of the difference between fact and opinion? If not, why not?

We want to explore *how* we as the audience distinguish between fact and opinion.

One way is to consider whether statements have been 'signposted' as being statements of opinion and not of fact.

- How do you tell the difference between fact and opinion?
- In other words, what are some particular 'signposts' of what is fact and what is opinion?
- *Are there any questions?*

*Each participant to get a copy of the second section of the 'Fact and Comment' sheet and moderator to read out.*

*Discuss as group – any questions?*

Does everyone understand?

## 5. INDIVIDUAL JUDGEMENTS (60 min)

For the rest of our discussion tonight/today, I am going to show you clips of broadcasts that people have made complaints to the BSA about. Some of the complaints were upheld (which means that the BSA agreed with the complainant and took action) and some were not upheld (which means the BSA did not agree that there had been a breach of the Accuracy standard).

There will be 5 clips that we will show you one at a time. As we go through, I'd like you to jot down your gut feelings and thoughts. Please don't discuss them at this stage. *Hand out sheet 1.*

*Show each of the five clips (rotated order) and leave time for them to write down their thoughts on each. Provide information regarding channel, programme, time.*

*Hand out sheets 2-6 with the following questions*

- Write down your top of mind thoughts about this broadcast.
- Have a look at Guideline 5a and the 'Fact and Comment' sheet.
- Please place the clip on a spectrum from 1-5, 1 being that you think it is clear that the statement complained about was a fact and 5 being that you feel it is clear that the statement was opinion.
- Why did you put the clip there on the spectrum?

*Then give each person a copy of the decision summary to read individually.*

Here we have a summary of the final decision made by the BSA in regard to the complaint.

Can you please take a few minutes to read it individually and write down your comments?

- What are your thoughts?
- Now that you have read the decision made by the BSA and how they came to that decision, do you agree with the decision that they made regarding fact and opinion?

Let's discuss it as a wider group. Remember we don't have to agree with each other or reach a consensus (5 min).

So, what were everyone's thoughts for clip 1?

- Who agreed with the BSA's decision regarding whether this was fact or opinion? Why/why not?
- What were some of the factors you considered when making a decision? (*Probe opinion, type of programme, person speaking, whether comment effectively signposted as opinion etc.*)

*Repeat for Clips 2-5*

## 6. ACCURACY – GENERAL DISCUSSION

Let's take some time now to talk broadly about some of the things we have seen and heard today.

- What were some of the observations you have made?
- What cues do we use to determine what is fact and what is opinion?
- Do particular programmes or presenters help 'signpost' or signal to us that what we are hearing is fact or opinion? How come?
- *Probe* - What role does signposting play in terms of the programme e.g. our expectations of a programme like Seven Sharp or Campbell Live vs. Radio Live or talkback?
- *Probe* - what about when it comes to WHO is speaking? Do we have different expectations of accuracy depending on whether the 'facts' are coming from a newsreader, a commentator (for example a political commentator) interviewed as part of a news programme, a subject expert interviewed as part of a current affairs programme etc.?
- How important is it that there is a standard regarding 'accuracy'? How come?
- ***Ensure the following is explored –how do people clearly distinguish analysis, comment or opinion from fact?***

We're nearing the end of our discussion now. To wrap up, thinking about the decisions made by the BSA and the way they were communicated, what is the one thing you'd like to say to them?

- The standard around accuracy itself – does it go far enough? Is there anything missing?
- Do you think it is right that opinions do not have to be accurate?

Thanks and Koha

## FACT AND OPINION (1)

A fact is verifiable: something that can be proved right or wrong. So:

*“National has 60 seats in the Parliament”* is a statement of fact.

An opinion is someone’s view. It is contestable, and others may hold a different view. So:

*“This decision is disastrous”* is an opinion. It expresses a value judgement by the speaker.

*“The Minister always declines to be interviewed on this topic. I think he must have something to hide.”* The second sentence is an opinion, although a different sort of opinion. It is a conclusion drawn by the speaker from the facts in the first sentence.

News analysis usually contains both sorts of opinion. It interprets news, offers criticism, provides possible reasons, and predicts possible consequences.

However it is not always so clear whether a statement is an assertion of fact or an opinion. If I say that certain health professionals are promoting “bogus treatments” am I stating a fact or simply giving my opinion? It all depends on context and presentation. It is crucial how a reasonable viewer or listener would perceive it.

*(Adapted from Professor John Burrows’ advice to the BSA, “Fact and Comment”)*

## FACT AND OPINION (2)

The following matters are relevant although not decisive in determining whether a statement is fact or opinion:

- *The language used.* “I think” usually means it is an opinion.
- *The language used in the rest of the item.* If most of the statements in the item are opinions, it is likely this one is too. However, that will not always be the case – there could be a statement of fact within an opinion piece or surrounded by opinions.
- *The type of programme.* For example a statement made in a panel discussion, a film review, or a programme hosted by a person of known outspoken views, is more likely to be opinion.
- *The subject matter.* Some subjects are notoriously controversial – climate change and alternative medicine, for instance. Statements about them could well be opinion.
- *Whether reasons are given.* A bald assertion (“He is unfit to hold public office”) is less likely to be treated as an opinion than a statement supported by reasons. (“He has a conviction for fraud. He is unfit to hold public office.” However you would need to be very sure of your facts about the conviction.)
- *Whether the statement is attributed to someone.* “Mr. Jones, a resident in the area, said the flooding is due to the earthquakes” is more likely to be treated as an opinion than a bare unattributed assertion to the same effect.

However none of these factors is conclusive. Every case must be assessed on its merits.

*(Adapted from Professor John Burrows’ advice to the BSA, “Fact and Comment”)*

**FREE-TO-AIR TELEVISION CODE****STANDARD 5 – Accuracy**

Broadcasters should make reasonable efforts to ensure that news, current affairs and factual programming:

- is accurate in relation to all material points of fact and/or
- does not mislead.

**Guidelines**

- 5a** The accuracy standard does not apply to statements which are clearly distinguishable as analysis, comment or opinion.

**RADIO CODE****STANDARD 5 – Accuracy**

Broadcasters should make reasonable efforts to ensure that news, current affairs and factual programming:

- is accurate in relation to all material points of fact; and/or
- does not mislead.

**Guidelines**

- 5a** The accuracy standard does not apply to statements which are clearly distinguishable as analysis, comment or opinion.
- 5b** Talkback radio will not usually be subject to the accuracy standard, except where the presenter makes an unqualified statement of fact.



## APPENDIX II – NIELSEN QUALITY ASSURANCE

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### Quality Assurance

Nielsen is committed to the principles of Total Quality Management, and in 1995 achieved certification under the International Standards Organisation ISO 9001 code.

The company maintains rigorous standards of quality control in all areas of operation. We believe no other commercial research organisation in New Zealand can provide clients with the level of confidence in survey data that we are able to. Furthermore, Nielsen is routinely and regularly subjected to **independent external auditing** of all aspects of its survey operations.

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### ISO 9001

Nielsen is committed to the principles of Total Quality Management, and in 1995 achieved certification under the International Standards Organisation ISO 9001 code. In March 2007 Nielsen also adopted the standards specified in AS20252.

In terms of this project, all processes involved are covered by our ISO 9001 procedures. As part of these procedures, all stages of this research project (including all inputs/ outputs) are to be approved by the Project Leader.

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### Code of Ethics

All research conducted by Nielsen conforms to the Code of Professional Behaviour of the Market Research Society of New Zealand.

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## APPENDIX III – COMPANY INFORMATION

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**Company Profile** Nielsen Corporation is the world's leading provider of market research, information and analysis to the consumer products and service industries. More than 9,000 clients in over 90 countries rely on Nielsen's dedicated professionals to measure competitive marketplace dynamics, to understand consumer attitudes and behaviour, and to develop advanced analytical insights that generate increased sales and profits.

The company provides four principal market research services:

### **Retail measurement**

Includes continuous tracking of consumer purchases at the point of sale through scanning technology and in-store audits. Nielsen delivers detailed information on actual purchases, market shares, distribution, pricing and merchandising and promotional activities.

### **Consumer panel research**

Includes detailed information on purchases made by household members, as well as their retail shopping patterns and demographic profiles.

### **Consumer Research**

Includes quantitative and qualitative studies that generate information and insights into consumers' attitudes and purchasing behaviour, customer satisfaction, brand awareness and advertising effectiveness.

### **Media measurement**

Includes information on international television and radio audience ratings, advertising expenditure measurement and print readership measurement that serves as the essential currency for negotiating advertising placement and rates.

In addition, Nielsen markets a broad range of advanced software and modelling & analytical services. These products help clients integrate large volumes of information, evaluate it, make judgements about their growth opportunities and plan future marketing and sales campaigns.

As the industry leader, we constantly work to set the highest standards in the quality and value of our services, and the passion and integrity of our people bring to helping clients succeed.

Our professionals worldwide are committed to giving each of our clients the exact blend of information and service they need to create competitive advantage: The right information, covering the right markets, with the most valuable information management tools, all supported by the expertise and professionalism of the best market research teams in the industry.