

BSA

BROADCASTING STANDARDS AUTHORITY
TE MANA WHANONGA KAIPĀHO

Litmus Test

Public attitudes towards
nudity on screen

Final report

MAY 2019



Agenda

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1

Viewers differentiate between nudity and sex scenes

- There is a higher tolerance for plain nudity, compared with sex scenes.
- Nudity is more acceptable when depicted positively (rather than negatively).

2

While audience advisory warnings form a key component of many standards, there is a risk that many of the warnings have become 'wallpaper'.

- The manner and tone in which they are presented, along with their generic nature, cause many viewers to 'switch off' – meaning they are not properly informed or prepared for the ensuing content.

3

The AO (adults only classification) time band, and corresponding threshold of 8.30 p.m., is a strong point of discussion.

- Many felt it should be later (9.30 p.m.), and/or should take into consideration events when viewing behaviour is distorted (with specific reference to school holidays).

4

All BSA decisions met the KPI of 75% or more of the participants ranking the tested decisions as acceptable, good or very good on a five-point scale:

Shortland
Street
81%

Naked
Attraction
91%

Embarrassing
Bodies
93%

East West
East
75%.

01

Research Approach

The need for research

The **Broadcasting Standard Authority (BSA)** oversees the broadcasting standards regime in New Zealand. One of its functions is to provide the public with a free and independent complaints service with respect to broadcasting standards with which broadcasters must comply.

Every year, members of the public are invited to 'litmus test' up to five BSA decisions on a chosen topic or standard as specified in the BSA's Statement of Performance Expectation. The BSA's target for performance is that 75% or more of the participants rank the tested decisions as acceptable, good or very good on a five-point scale of how well the reasoning is understood by the public and supports the decision outcomes.





The overall objective is to determine whether BSA's decisions reflect community standards and are understood by members of the public.

SPECIFICALLY, BSA WANTS TO:

- 1 Understand current community attitudes towards the particular issue or standard(s) chosen for testing – in this instance, how the standards may apply to nudity on screen
- 2 Evaluate the BSA's:
 - Approach to the relevant standard and/or issue.
 - Clarity of reasoning.
 - Decision outcome.

We used four programmes screened on New Zealand free-to-air TV, and the subsequent BSA decisions on complaints made against those programmes, as a basis for discussion/ point of reference.

➔ **Shortland Street** – a long-running medical drama series
Television New Zealand Ltd – 2017-013 (26 April 2017)

➔ **Naked Attraction** – a British dating show
Television New Zealand Ltd – 2017-101 (4 April 2018)

➔ **Embarrassing Bodies** – a medically based reality television series
Television New Zealand Ltd – 2012-002 (8 June 2012)

➔ **East West East** – an Albanian comedy film
Māori Television Service – 2017-045 (4 September 2017)

The research approach incorporated **qualitative** and **quantitative** methodologies.

FOUR FOCUS GROUP DISCUSSIONS

1. Females 18–39 years South Auckland

2. Males 18–39 years Christchurch

3. Females 40–65 years Gisborne

4. Males 40–65 years Porirua

ACROSS ALL GROUPS

- 1 Spread of ethnicity
 - NZ European, NZ Māori, Samoan, Tongan, Asian
- 2 Spread of life stage and household type
 - Solo parents, two-parent households, blended families, multi-generational households, empty nesters
- 3 Spread of income

Focus groups undertaken during **March 2019**





We spoke to a total of 500 people online. Each person was given the option to review three of the four clips we tested. Respondents were sourced from Colmar Brunton's online consumer panel.



We used pre-survey quotas to ensure results are representative of all New Zealanders by age, gender, and region.

Fieldwork was conducted from Tuesday 23rd – Monday 29th April.



The questionnaire was structured to present a short video clip to each person and then ask for their feedback. We asked for feedback in two ways – first we asked for a gut reaction to the complaint – after viewing the clip each person was immediately asked if they would have upheld the complaint, or not. We then outlined the BSA decision and the relevant standards before asking people how they rated the decision on a five point scale. It is this latter rating that reflects the performance requirement for the BSA.



The maximum margin of error on the total group n=500 is +4.4%.



02

Setting the scene



People accept that explicit content on TV is becoming the norm, but some things (like having kids or parents in the room) can still make them uncomfortable.

Free to air TV is the most popular media choice – 80% of the respondents in the quantitative research spent on average seven hours per week watching it.

In this regard, most feel that TV content has changed and become more explicit over the years. There are greater levels of violence, nudity, and coarse language on TV which to some suggests that this is becoming the norm rather than the exception.

Most are indifferent or comfortable with seeing nudity or other explicit content on screen but there are some things that can significantly influence this. Specifically, discomfort is likely to increase with:

The presence of children

““ *“When my daughter is in the room, I’m much more mindful on what’s on the TV.”*
(Female, 30 years, NZ Euro, Auckland)

The presence of parents/elders

““ *“I’ve sat with my parents and a sex scene comes up, they just have to change the channel.”* (Female, 24 years, Tongan, Auckland)

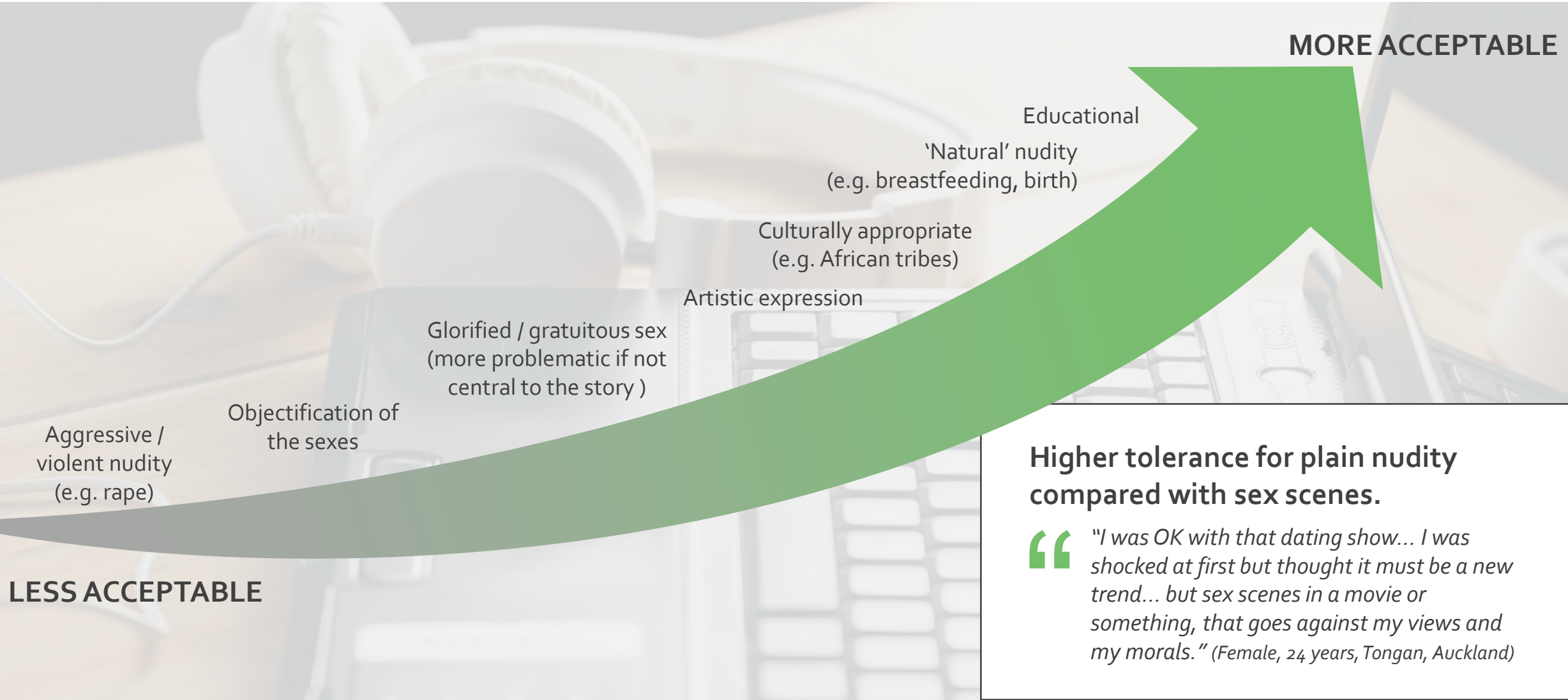
The presence of those with different cultural values and beliefs, along with a desire to respect that

““ *“I’m not really phased, but it would depend on who’s around my husband is Middle-Eastern and my in-laws are Middle-Eastern. If they were around I’d probably be more inclined to change the channel.”* (Female, 29 years, NZ Euro, Auckland)

The type of nudity and contextual factors

““ *“I don’t like watching sex just for the sake of it. It needs to have a meaning or purpose.”*
(Male, 29 years, Asian, Christchurch)

Acceptability of nudity differs, depending on how it's depicted



Higher tolerance for plain nudity compared with sex scenes.

“I was OK with that dating show... I was shocked at first but thought it must be a new trend... but sex scenes in a movie or something, that goes against my views and my morals.” (Female, 24 years, Tongan, Auckland)

...and acceptability is strongly influenced by a number of (unprompted) contextual elements.

Programme ratings

- Specific reference to AO (Adults Only)

The time shown

- Time shown (which is typically after the kids are in bed)
- 8.30pm is the minimum, for some 9.30pm is preferred
- Limited awareness of time bands per se, this was more about whether the children were more likely to be in bed

Different types of shows

- Dating shows, reality TV, shows with a health focus, artistic

Different channels

- Expect to see more conservative programmes/content on TV1
- Some perceive Māori TV as being more family orientated

Type of nudity

- No clothes on, sex scenes
- Extent of nudity – ‘full on’ or just a little bit
- Whether it was positive or negative (lovemaking vs. violent acts like rape)



"If I saw that dating programme [Naked Attraction] on TV3, that wouldn't phase me... but if I saw it on TV One I'd think, that's a bit odd for that channel." (Female, 30 years, NZ Euro, Auckland)

Concerns for younger children focused on mimicking negative actions, while for older children, there was the danger of unrealistic expectations and negative societal norms.

For younger children, potential harm primarily involved copying or re-enacting the behaviour.

For older children, greater concerns around:

- Objectification by males, and females being objectified

“It gives our teenage boys a distorted picture...”
(Female, 52 years, NZ Euro, Gisborne)

- Providing (unrealistic) points of comparison

“I’ve got a daughter who is naturally curvy... she sees all these teeny weeny skinny things dancing around in bikinis, and probably thinks that she doesn’t measure up.” (Female, 45 years, NZ Māori, Gisborne)

- Pressure to keep up/look a certain way, especially for younger girls who are (perceived as) dressing more risqué than ever before.

“It puts pressure on the younger girls especially to look and dress a certain way.” (Male, 45 years, NZ Māori, Porirua)

Some expressed concern that exposure to specific content may lead to:

- Desensitisation
- Lowering moral standards
- Norms that were being conveyed did not align with their own views.

“

“Because of the occupation that I’m in [probation officer] ... I see people totally copy what’s on TV...” (Female, 24 years, Tongan, Auckland)

“I see the impact that violence has [as a social worker], whereas there are aspects of nudity that are quite natural.” (Female, 29 years, NZ Euro, Auckland)

Parents/caregivers articulate a number of strategies to manage their children's viewing behaviour:

Mindfulness

- Being alert to what children are exposed to. Although on consideration, many admit it's difficult to control given the multiple devices children often have access to.
- Older children are often put in the position of policing younger children's viewing.

Delayed viewing

- Some try not to watch certain content until the children have gone to bed.

Avoidance

"We totally avoid any of those programmes... like we don't even watch Shortland Street anymore because it's gone that stupid." (Female, 36 years, Samoan, Auckland)

Reinforcing fact vs. fiction – i.e. what happens on TV isn't real (especially with 'reality TV').

Awareness of meanings teens may attribute (e.g. 'show us your crack').

Some expressed a sense of being powerless to control / mitigate exposure to content their children are exposed to, particularly outside of the home.

“I can be as careful as I want but when my girl goes into school I have no idea what she and her friends get up to...and you can't control how her friends' parents act and what their attitude is to this kind of content.” (Male, 43 years, Asian, Porirua)

Note: Nearly three quarters (70%) of people in the quantitative survey don't use any of the tools we asked about to manage viewing in their household (i.e. electronic programme guide, classifications like G/PGR/AO, broadcaster warnings/audience advisories, parental locks on SKY/freeview, timebands).

03

BSA and Standards

Perceptions of the Good Taste and Decency Standard

Standard

Current norms of good taste and decency should be maintained, consistent with the context of the programme and the wider context of the broadcast.

Guidelines

1a The context in which content occurs and the wider context of the broadcast is relevant to assessing whether a broadcast has breached this standard, including:

- the nature of the programme and the channel
- the programme's classification and scheduling
- whether the broadcast was live or pre-recorded
- the use of audience advisories, if any
- the target and likely audience
- audience expectations of the channel and the programme
- the availability of filtering technology
- the level of the broadcaster's editorial control over the content
- the public interest in the broadcast.

1b Where broadcasters take effective steps to inform their audiences of the nature of their programmes and enable viewers to regulate their own and their children's viewing behaviour, they are less likely to breach this standard.

1c If content is likely to offend or disturb a significant section of the audience, an appropriate audience advisory should be broadcast prior to the content.

Overall, the good taste and decency standard is seen to have covered all the necessary bases.

The references to the importance of context is in line with most peoples' thinking; for many context plays a key role in determining the acceptability of nudity on screen (as detailed in the previous section).

However there were some questions primarily around 'good taste' at a conceptual level and its subjective nature:

- Who is the judge of good taste?
- How is it defined? How is it measured?
- Do thresholds change to reflect shifts in societal values?

It is interesting to note that there was some confusion around 'advisory warnings' .

- In some broadcasts there are references to support services following a programme with challenging content (e.g. Lifeline). But this is often a source of confusion as to why the 'warnings' would be at the end of the programme and not during it as well as at regular intervals.

“I've joined programmes halfway and gotten a full blast of something that I didn't expect...there was never a warning when going in or out of ad breaks.” (Male, 39 years, Samoan, Wellington)

Perceptions of Children's Interest Standard

Standard

Broadcasters should ensure children can be protected from broadcasts which might adversely affect them.

Guidelines

3a Material likely to be considered under this standard includes:

- sexual material or themes
- violent content or themes
- offensive language
- social or domestic friction
- dangerous, antisocial or illegal behaviour
- material in which children or animals are humiliated or badly treated
- graphic descriptions of people in extreme pain or distress which are outside the expectations of the programme's classification.

3b Context is an important consideration when assessing complaints under this standard, including the programme's classification, the time of broadcast, the target and likely audience, audience expectations, the public interest in the broadcast and any factors that mitigate the likely harm to children, such as humour or educational benefit.

3c When programmes broadcast during children's normally accepted viewing times contain material which is outside audience expectations and likely to disturb children, an audience advisory should be broadcast. The advisory should be specific in nature to allow parents or guardians to make an informed choice about their children's exposure to the content, while avoiding detail which itself may disturb or alarm children.

3d In news, current affairs and factual programmes, disturbing or alarming material should be justified in the public interest. Broadcasters must use judgement and discretion when deciding the degree of graphic material to be included in news programmes, and should broadcast an audience advisory when appropriate, particularly when children are likely to be viewing.

Most agree with the standard's definition and what it encompasses.

However there is some concern that it doesn't cover programme promos which can often push the boundaries.

“ [The children] can see it in the ads, even if you don't let them watch the show.” (Female, 30 years, NZ Euro, Wellington)

When it comes to the news, parents/caregivers understand the tension between maintaining factual accuracy and protecting children from harm. Hence most treat the news as adults only content.

“ I've started making sure the kids don't watch the news anymore. It's on at 6 p.m. and some of the things on there can be a bit too much.” (Male, 38 years, NZ Euro, Christchurch)

Perceptions of the Programme Information Standard

Standard

Broadcasters should ensure programmes are correctly classified and screened in appropriate timebands and where appropriate, issue an audience advisory [warning] where content of a broadcast may not be suitable for likely viewers

Classifications and timebands:

G – General

Programmes which do not include material unsuitable for children (cannot include material likely to alarm or distress children).

Can be screened any time.

PGR – Parental Guidance Recommended

Programmes with material more suited to mature audiences but not unsuitable for children under the guidance of a parent/caregiver.

Can be screened between 9am – 4pm and after 7pm until 6am.

AO – Adults Only

Programmes containing adult themes and directed primarily at mature audiences.

Can be screened between midday and 3pm (except during school or public holidays) and after 8:30pm until 5am.

Broadcasters should exercise caution when determining the level of AO content to be screened during any transition from G or PGR programming to AO programming and give careful consideration to children's interests.

Audience advisories:

If a programme is likely to disturb or offend a significant number of viewers, or programme content is likely to be outside audience expectations for the programme, an appropriate audience advisory (warning) should be broadcast.

Most are aware of and can easily articulate programme classifications

- TV and movie classifications are often used interchangeably e.g. AO, M, R16.

Some felt the classifications have become less prominent over time, and can be easily missed or difficult to determine if you start viewing mid-way.

While most were aware there was a point in the evening when programmes with adult content screened, many were unsure as to when this kicked in.

- Some were surprised at the 8.30pm threshold, being earlier than they thought. Some felt this was too early, and should be extended to 9-9.30pm.
- Some parents/caregivers expressed a desire for 'goodnight kiwi' to come back, to clearly signal the threshold.

Many were unaware of the rules around time bands during the day

“It's good information for me, I never really understood there were timings around it...” (Female, 24 years, Tongan, Auckland)

While acknowledging the importance of freedom of expression and minimising harm, participants struggled with how they would balance the two

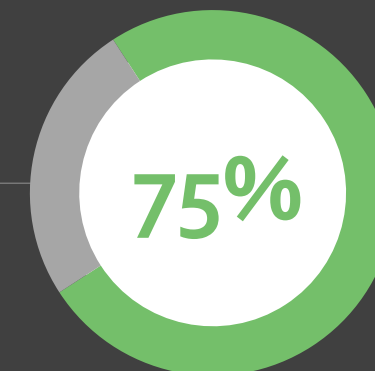
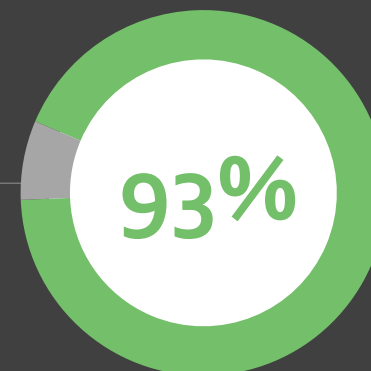
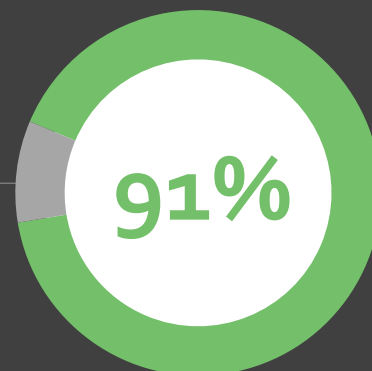
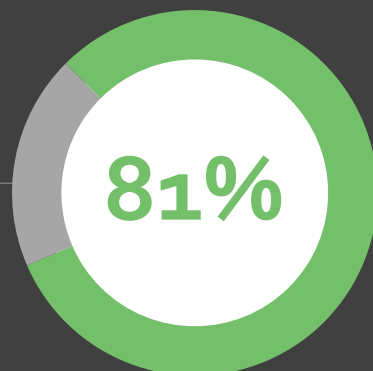
HARM	FREEDOM OF EXPRESSION/ PUBLIC INTEREST	
<p>Actual or potential harm to society</p> <p>e.g. harm to child viewers in New Zealand, undermining community standards, undue widespread offence or distress caused</p>	<p>The Broadcaster's right to offer ideas and information through programmes</p>	<p>Freedom of expression (and thought) were seen as core societal values. Some suggested an element of personal choice was enough with individuals regulating their own viewing behaviour. However, most appreciated that an independent regulator like BSA is essential for protecting others from undue harm (e.g. hate speech, discrimination).</p> <p>“Freedom of expression is a human right.” (Female, 45 years, NZ Māori, Gisborne)</p>
<p>Actual or potential harm to individuals</p> <p>e.g. serious distress or harm to individual viewers</p>	<p>The public's right to receive ideas and information through programmes and to receive a diverse range of programmes</p>	<p>“Sure you need to let people air their views but it can't be all willynilly. Someone like the BSA needs to be there to draw the line over what is and isn't acceptable.” (Male, 57 years, NZ Māori, Porirua)</p>
	<p>Public interest, i.e. content is of legitimate value to society or legitimate public concern</p>	<p>In that sense, participants acknowledged the challenge BSA faces in striking a balance between the two competing priorities. But they also looked to BSA to provide guidance and leadership regarding what should and shouldn't be acceptable.</p> <p>Many were unable to articulate or visualise what achieving the balance between harm vs. freedom of expression would look like in relation to specific standards.</p>

04

Evaluation of BSA's Decisions

All BSA's decisions achieved the performance measure

All decisions meet BSA's performance measure (of 75% or more of the participants ranking the tested decisions as acceptable, good or very good on a five-point scale):



Shortland Street

Reference: Television New Zealand Ltd – 2017-013 (26 April 2017)



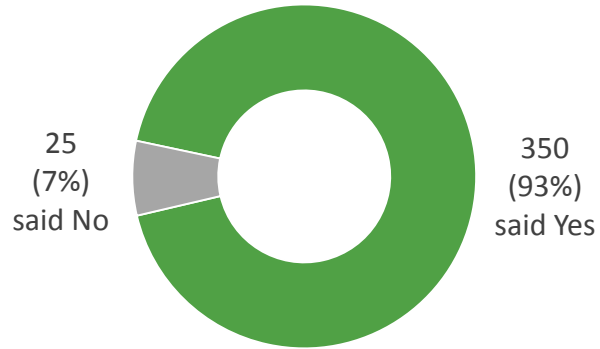
An episode of Shortland Street featured a storyline about the developing relationship of a young same-sex couple. It showed naked male chests and kissing.

Shortland Street is a long-running Parental Guidance Required (PGR) classified medical drama series screened at 7 p.m. It was not preceded by any advisory warning.

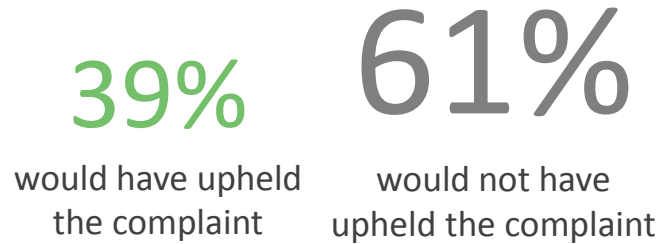
The BSA did not uphold the complaint.

Shortland Street

We invited 375 people to view and comment on the Shortland Street clip.....



...their immediate reactions...



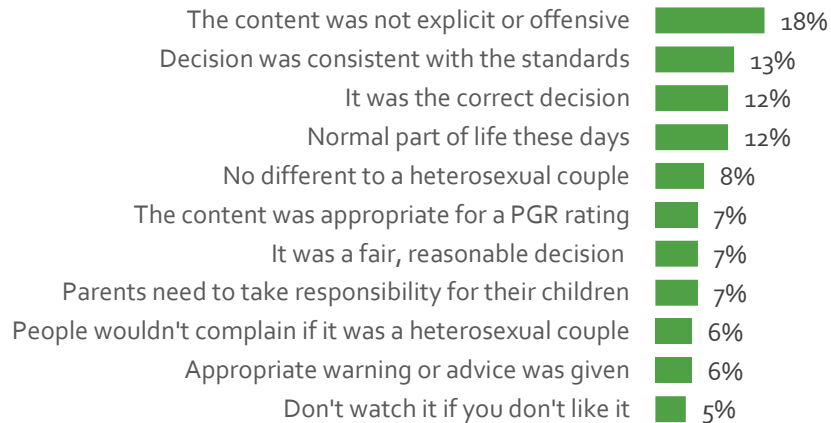
...after reading the BSA's decision...

81%

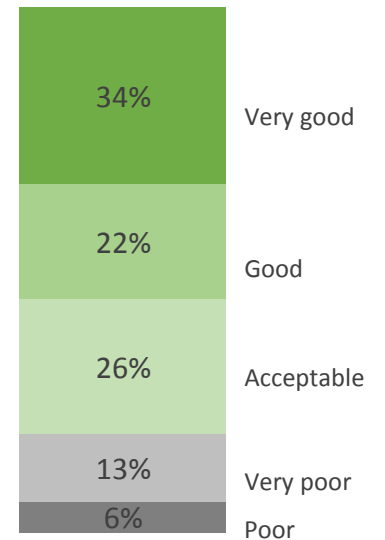
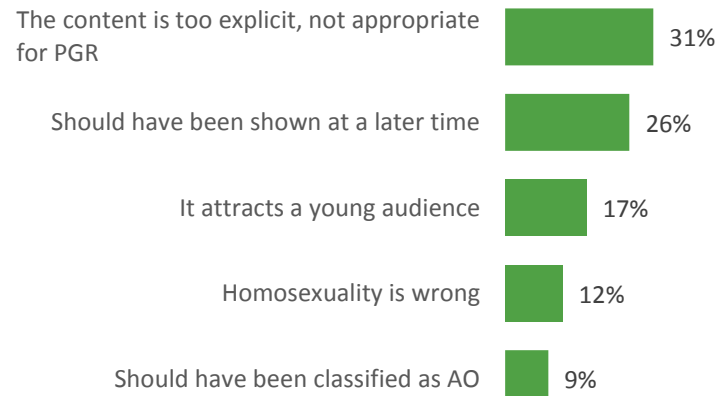
rated the BSA decision as very good, good or acceptable

Why do you think the BSA decision is...
(percentage of people who made each comment)

...very good, good or acceptable...
(n=285)



...very poor or poor...
(n=65)



Note: The performance measure is calculated by adding the raw numbers together and dividing by the total. The percentages in the chart are rounded to a whole number, which may result in discrepancies between the two numbers of up to 1 percentage point.

DECISION OUTCOME

- Most felt the decision outcome was acceptable and the standards were applied appropriately.
- Many appreciated the clarity with which the BSA explained the criteria it used to make its decision; it was well written and easily understood.

APPROACH TO GOOD TASTE & DECENCY STANDARD

- Perceptions of the appropriateness of the physical activity (kissing and cuddling) differed by viewers' point of reference – actual or implied. Those who interpreted the content on 'face value' generally agreed the sexual activity depicted was in line with expectations due to the nature of Shortland Street (drama/adult themes) and the intended adult audience.
- However, those who interpreted the content on the basis of what was implied felt the content was too intimate or explicit for the screening time. Similarly, some struggled to reconcile BSA's decision with their personal values or felt the content was contributing to a loosening of societal standards.
- Most were very positive about BSA being mindful of previous BSA decisions and their consistency with hetero/homo-sexual nudity and sexual content, to ensure human rights for all, are upheld.

APPROACH TO CHILDREN'S INTERESTS STANDARD

- Most agreed with the onus placed on parents/caregivers to supervise their children's viewing behaviour. Given Shortland Street's long history on New Zealand TV, viewers assumed most would know the type of subject matter and content it covers. This, along with the narrative, was seen as giving parents/caregivers adequate opportunity to choose not to view.

CLARITY OF REASONING

Viewers were very positive about the clarity of reasoning in the BSA decision, and felt the decision:

- Separated the standards and clearly referenced each one, as well as providing examples.
- Easily pinpointed all points as to why the complaint was not upheld.
- Conveyed the findings clearly and in layperson terms which helped demonstrate how the standards were interpreted and applied.
- Overall, viewers felt the decision was written in a way that was easy to understand.

Many felt the storyline had potential value in freedom of expression and societal benefit, specifically:

- Helping to normalise same sex relationships in New Zealand.
- Teaching tolerance, “love is love”.
- Acceptance of gay rights in New Zealand.
- Helpful for those who may be exploring their sexuality.
- Empowering for gay rights and freedom to be who you are.
- Provide a point of discussion for parents and their children.

Some (especially older males) were more negative and felt the storyline could negatively impact societal standards

““ That kind of thing shouldn’t be on TV...there is no need for it.” (Male, 43 years, NZ Euro, Porirua)

Some suggest it may cause harm for those whose religious beliefs reject same sex relationships.

““ I feel awkward... it goes against what I believe.” (Female, 36 years, Samoan, Auckland)

““

“It’s important to normalise homosexuality, after all, it’s legal in New Zealand.” (Female, 52 years, NZ Euro, Gisborne)

“It’s valuable in terms of acceptance of gay rights in New Zealand.” (Male, 43 years, Asian, Porirua)

“I guess it’s good for people that may be ashamed of their sexuality, to be more confident.” (Female, 22 years, NZ Māori, Auckland)

“Bringing homosexual relationships into the light, allowing it to be normal.” (Male, 25 years, Asian, Christchurch)

Viewers articulated a number of contextual elements to support the good taste and decency standard being maintained in the programme:

- The nature of the programme incorporating adult themes.
- Additionally, Shortland Street has a reputation for incorporating topical (and sometimes controversial) issues into its storylines – which often reflect reality.
- Some suggest that much of the (sexual) behaviour is 'imagined' by the viewer (rather than actually depicted).
- The programme is targeted towards adults.
- Shortland Street's rating of PGR (which requires parents to monitor their children's viewing).

However some felt it was beyond audience expectations – they found it confronting and felt it pushed boundaries.



"I feel like that episode came out when the whole gay thing was good to go, laws had been passed...I felt it was empowering for gay people." (Female, 24 years, Tongan, Auckland)

"I don't feel like anything really happened... you make it up in your own head, what happened." (Female, 30 years, NZ Euro, Auckland)

"Homosexuality is open in New Zealand and not regarded as taboo. I feel like it is fine to air on TV and consider it the same if it was heterosexual." (Male, 21 years, NZ Māori, Christchurch)

"What the clip showed was only two guys chests, but in the way it was shown, the context of the bed was obvious to the situation. It pushes the boundaries." (Male, 38 years, NZ Euro, Christchurch)

"I have nothing against same sex, but it's just too in your face." (Female, 48 years, Samoan, Gisborne)

While most are accepting of the PGR classification, some feel a more accurate warning should have been issued – to better allow parents/caregivers to make an informed decision.

Similarly, some felt the scenes were too explicit for the time the programme aired.

“

“Doesn’t bother me personally as a clip, but in viewing context I think it is inappropriate for 7pm.” (Male, 38 years, NZ Euro, Christchurch)

“It was really intimate... it wasn’t just a normal kiss.” (Female, 22 years, NZ Māori, Auckland)

“Should have had an accurate warning – same sex scenes, physical contact, may be disturbing for some viewers – elderly, religious.” (Female, 52 years, NZ Euro, Gisborne)

“Too explicit for the time of viewing.” (Female, 45 years, NZ Māori, Gisborne)

THOSE MORE POSITIVE RATIONALISE THAT:

- Children are not the target audience.
- It has an appropriate classification and provides opportunity for parents/caregivers to make an informed choice.
- Should children happen to be watching, it may help to educate them that relationships come in all forms in today's society.
- May even reflect some children's realities – who are raised in same sex families.
- Comparisons drawn with heterosexual relationships and whether the same heterosexual scene would have drawn a complaint.

THOSE LESS POSITIVE RATIONALISE THAT:

- The strong sexual theme was too intimate/explicit, and went on for too long.
- Viewers place strong reliance on the time the programme aired, and there was lack of adequate warning.
- It 'promotes' gay behaviour and may unduly influence impressionable children.
- It has the potential to confuse young children.
- Parents may feel ill-prepared to answer questions that may arise.



"I don't feel it warrants a complaint. This is life and reality in 2019. This should be our norm. It should be widely expected that we have gay people, and children need to know that too."
(Female, 45 years, NZ Māori, Gisborne)

"More children these days are from same-sex families. It's a familiar sight. No breach." (Male, 51 years, Samoan, Porirua)

"What if my son sees that and comes and asks me about it? What am I supposed to say?" (Male, 52 years, NZ Māori, Porirua)

"Children don't have the emotional capacity to be able to deal with that kind of stuff. It shouldn't be on TV that early." (Male, 49 years, NZ Euro, Porirua)

"Promotes gay behaviour amongst children watching it. Influences their view towards opposite/same sex." (Male, 43 years, Asian, Porirua)

Naked Attraction

Reference: Television New Zealand Ltd – 2017-101 (4 April 2018)



Naked Attraction is a British dating game show in which a person selects a date from six naked individuals, who are gradually revealed in stages from the feet up (without any pixilation of nudity).

The episodes in question were classified Adults Only (AO) and broadcast at 9:45 p.m. and 9:30 p.m. on two Friday evenings.

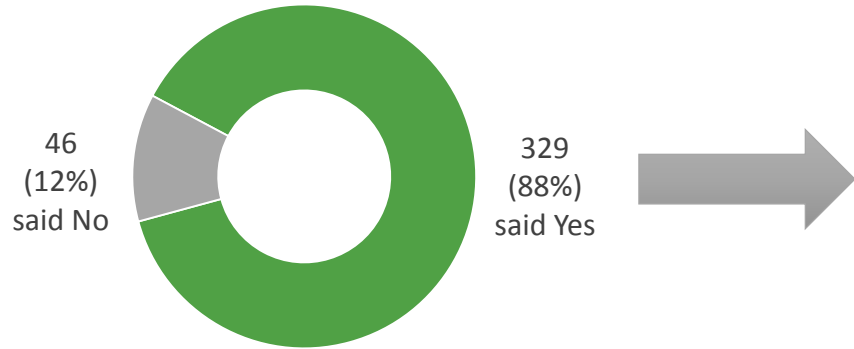
The programme was preceded by the warning:

"This programme is rated adults only. It contains nudity."

The BSA did not uphold the complaint in full. It said the programme was able to be aired at the relevant time but a stronger warning was needed.

Naked Attraction

We invited 375 people to view and comment on the Naked Attraction clip.....



...their immediate reactions...



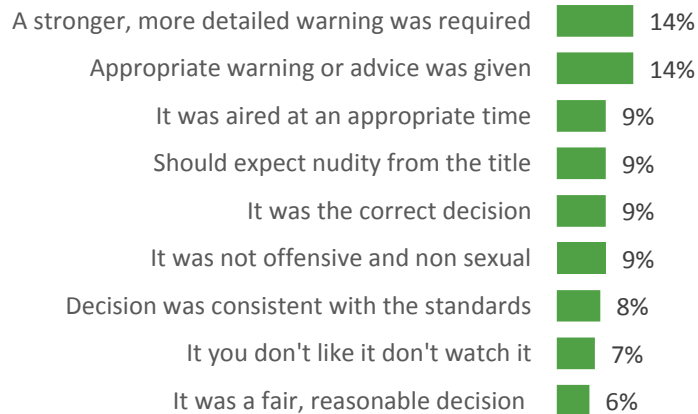
...after reading the BSA's decision...



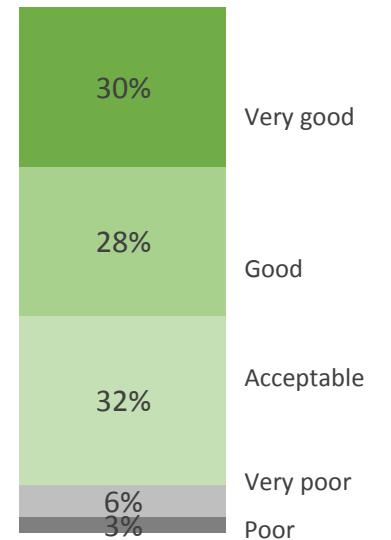
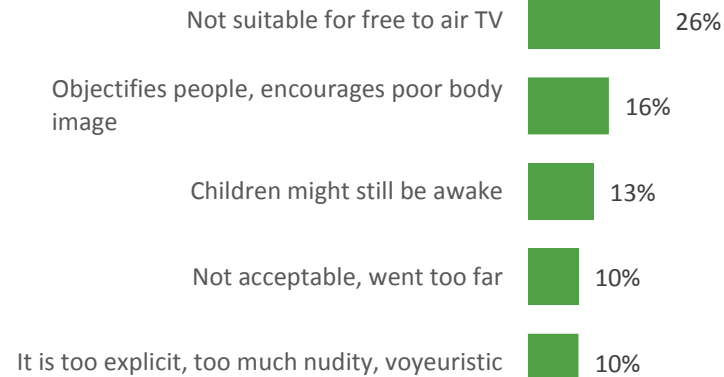
rated the BSA decision as very good, good or acceptable

Why do you think the BSA decision is....
(percentage of people who made each comment)

...very good, good or acceptable...
(n=298)



...very poor or poor.
(n=31)



Note: The performance measure is calculated by adding the raw numbers together and dividing by the total. The percentages in the chart are rounded to a whole number, which may result in discrepancies between the two numbers of up to 1 percentage point.



Qualitative insights regarding BSA's Decision

DECISION OUTCOME

- While many reject the premise of the programme, they felt the decision was fair in accordance with the standards.

APPROACH TO GOOD TASTE & DECENCY STANDARD

- Most felt the contextual elements were appropriate, with particular reference to the AO rating, the time the programme was broadcast, and the warning given. Some suggest the name of the programme would also serve to establish expectations.
- Many agree that a stronger warning was required (in the context of this standard). However, they attribute this to the full frontal nudity aspect – which provided a 'shock' element. Few referenced the rationale of the discussions about sexual material.

APPROACH TO CHILDREN'S INTERESTS STANDARD

- Strong agreement that parental supervision is required, should children be watching TV at this hour.
- The show had sufficient warnings which, alongside its overt adult themes, ensured parents/caregivers could make an informed decision.

CLARITY OF REASONING

- A well thought out and considered decision, taking into account multiple facets of the content in the context of the standards. Points are well defined and presented in a logical manner.
- Viewers felt the decision was balanced, as evidenced by upholding an aspect of the complaint. They felt it was clear about what was and wasn't breached. Similarly, the remedial actions for aspects of the complaint that were upheld, were clearly articulated.
- Overall, viewers felt the decision was well explained. It was easy to understand in clear and simple language.

SOME FELT THE PROGRAMME OFFERED VALUE IN TERMS OF:

Providing a new concept which had not seen before (and was congruent with recent dating trends of judging potential partners online).

Assisting with helping people feel more comfortable in their own bodies.

Providing a point of comparison for themselves (especially for young males).

THOSE WHO WERE LESS POSITIVE, FELT THE PROGRAMME:

Included gratuitous and unnecessary sexual/explicit content – was effectively pornography.

May normalise negative behaviours and stereotyping, such as judging others based on their genitals.

Had potential to allow undue influence from overseas to affect New Zealand society, effectively undermining our own values.

Many felt it was over and above expectations in terms of freedom of expression.

“It’s reality porn!” (Male, 38 years, NZ Euro, Christchurch)

“As a male, you would be more interested as it’s a comparison thing between males.” (Male, 21 years, NZ Māori, Christchurch)

“This is taking freedom of expression to another level. Beyond, over the top freedom of expression.” (Female, 45 years, NZ Māori, Gisborne)



Good Taste And Decency Standard/Programme Information Standard

While many reject the premise of the programme, and state it is not something they would choose watch, the general consensus is that it did not breach the good taste and decency standard. This was mainly because of:

- The adult only (AO) classification.
- The time the programme aired (9.30pm onwards).
- The warning indicating nudity that was provided.

In saying that, consistent with the BSA's decision, some felt the advisory warning was not strong or specific enough. Some suggest the warning should have included reference to the fact that programme 'includes full frontal nudity'.

It is interesting to note that there was little (unprompted) reference to the discussion around sexual preferences and activity, and few raised this as an issue.



"Despite the content, it gave fair warning, then kai te pai. Most people would intentionally watch that. Perhaps the person who complained stumbled on it." (Female, 45 years, NZ Māori, Gisborne)

"No breach. They have done all the correct warnings before the show aired, at a relevant timeslot. The way the nudity is shown is in a decent manner for short periods at a time." (Female, 30 years, NZ Euro, Auckland)

"People are well warned...you can't complain at that." (Male, 39 years, Samoan, Porirua)

"Given the time slot, I don't feel it's an issue. People have other options, change the channels or turn off." (Male, 38 years, NZ Euro, Christchurch)

There is general agreement that the content is unsuitable for children.

However most feel it did not breach the children's interest standard given the steps that were put in place, with particular reference to the time the programme aired.

Viewers suggest parents/caregivers need to take some responsibility for ensuring children aren't viewing inappropriate content at this time of the night.

“

"No breach. All relevant actions were taken to have the best interests of children in mind." (Female, 30 years, NZ Euro, Auckland)

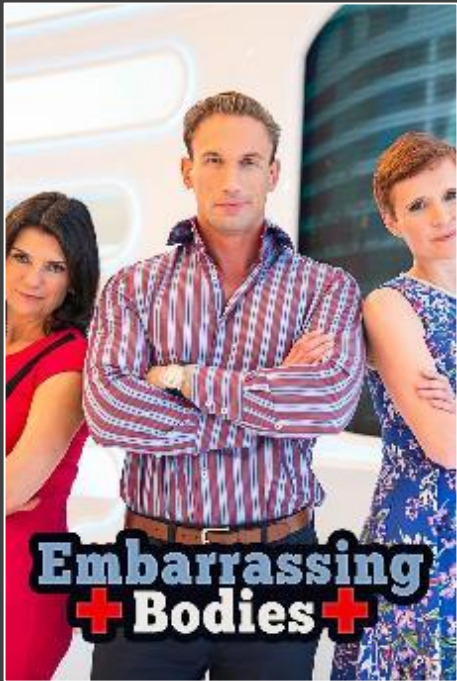
"Children's interest taken into consideration with the time it was aired and rating it was given." (Female, 24 years, Tongan, Auckland)

"It's on so late at night that I don't know any kids would see it. If they do, it's the parents fault for letting them be near the TV at that hour, isn't it?" (Male, 49 years, NZ Euro, Porirua)

"If it came up with children in the room and I felt it was inappropriate, I would change the channel, but for 9:30pm+ then no young children are generally watching." (Male, 38 years, NZ Euro, Christchurch)

Embarrassing Bodies

Reference: Television New Zealand Ltd – 2012-002 (8 June 2012)



Embarrassing Bodies is a reality television series in which doctors encourage people to come forward for treatment of embarrassing medical conditions.

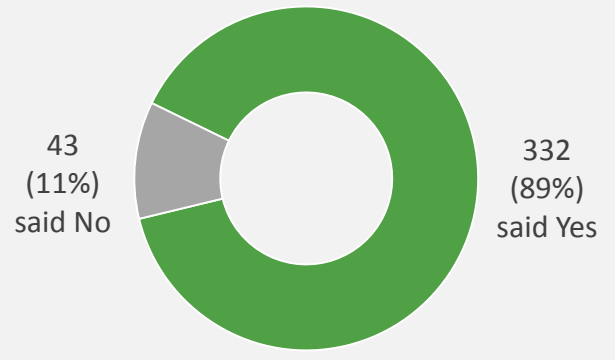
This episode was classified Adults Only (AO), broadcast at 8:30 p.m. and focussed on health problems with the vulva.

The programme was preceded by the warning:

"This programme contains medical and surgical scenes that may disturb, and nudity that may offend some people."

The BSA did not uphold the complaint.

We invited 375 people to view and comment on the Embarrassing Bodies clip.....



...their immediate reactions...

20% would have upheld the complaint

80% would not have upheld the complaint

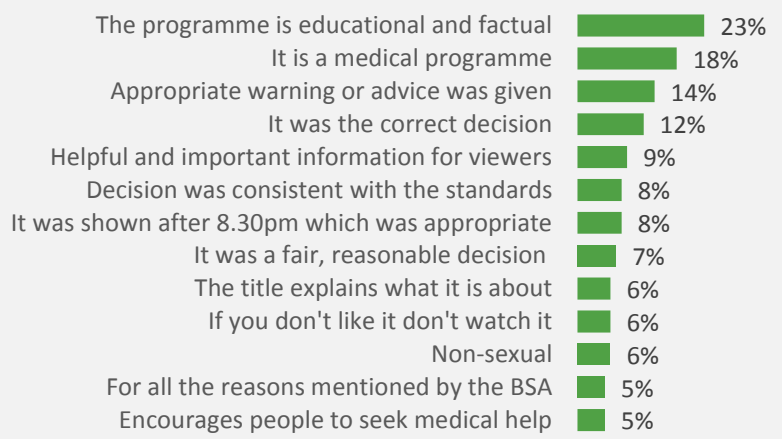
...after reading the BSA's decision...

93%

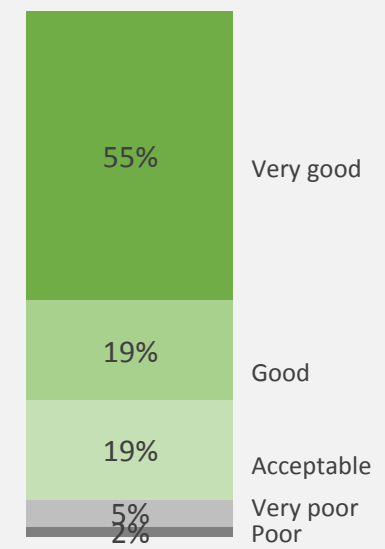
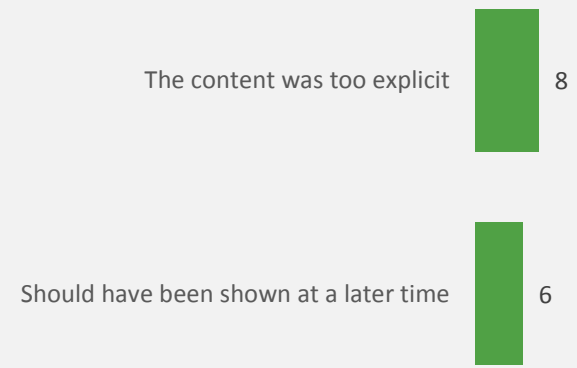
rated the BSA decision as very good, good or acceptable

Why do you think the BSA decision is...
(percentage of people who made each comment)

...very good, good or acceptable...
(n=309)



...very poor or poor.*
(n=23)



*Caution: Small base size, results are shown as the number of people who made each comment not percentages.

Note: The performance measure is calculated by adding the raw numbers together and dividing by the total. The percentages in the chart are rounded to a whole number, which may result in discrepancies between the two numbers of up to 1 percentage point.



DECISION OUTCOME

- There was strong agreement with BSA's decision.
- Many felt there was clear alignment with the decision criteria and their own assessment of the application of standards.

APPROACH TO FREEDOM OF EXPRESSION STANDARD

- There was strong agreement that the programme provides value to society, through educating about a medical issue and encouraging people to seek help.

APPROACH TO GOOD TASTE & DECENCY STANDARD

- The AO rating, time shown and warning given prior, provided strong indicators of the content and gave viewers the opportunity to make a decision as to whether to continue watching.

APPROACH TO CHILDREN'S INTERESTS STANDARD

- Most agree it is the responsibility of parents/caregivers to monitor what their children are exposed to.
- The time shown provides an indication of appropriateness for children.

CLARITY OF REASONING

Viewers were positive about the clarity of reasoning, and felt the decisions:

- Separated the standards and clearly referenced each one, giving precise reasoning behind each standard.
- It was felt to be easy to understand.

There was a slight suggestion that the reasoning could be more tailored, specifically referencing the programme and using examples to illustrate points (especially when compared with other decisions).

“The other decisions felt a little more specific to the programme, this one felt like it was copy and pasted.” (Female, 30 years, NZ Euro, Auckland)

There is general consensus that the medical/educational focus has potential to be of significant value for women:

- Raising awareness of cancer of the vulva.
- Communicated in a manner that is relatable.
- May encourage viewers to get check ups/seek help.
- May be useful for women and their families who are experiencing similar issues and needing help.
- Overall, potentially saving lives.

Any concerns about potential harm, tend to centre around the graphic nature of the surgical scenes. Some found them difficult to watch, others reported feeling 'queasy'. However, whilst the imagery was explicit in nature, most indicated it was also expected.

Overall, viewers felt any potential harm is outweighed by public interest and value to society.

“

"Totally valuable to help women. Clearly cancer of the vulva is a particular problem in women that we are not addressing." (Female, 52 years, NZ Euro, Gisborne)

"If it gets someone to the doctor to get themselves checked out, then I'm all for it, to be honest." (Male, 52 years, NZ Māori, Porirua)

"I am certain it is important to raise awareness for this issue...however...the extent of what was shown was too much." (Female, 45 years, NZ Māori, Gisborne)

"The surgical scenes may impact some viewers. But the medical information may be valuable." (Female, 30 years, NZ Euro, Auckland)

Viewers easily reference a number of contextual elements to support the good taste and decency standard, specifically:

- The nature of the programme – being medically based, educational and informative.
- Expectations of programme (for those familiar with it).
- The rating of AO and time shown indicates the intended audience.
- The advisory warning, making specific reference to nudity and surgical scenes.

However, some raise issue with whether the warning adequately conveyed the content having such a strong focus on female genitalia (as this is not something viewers may be used to). Others suggest there is no difference between this, and any other type of surgery.

Overall, viewers felt the many contextual elements provided a platform to ensure viewers could make an informed decision as to whether to watch the programme.

“

"If people know what Embarrassing Bodies is, they should know what to expect." (Female, 45 years, NZ Māori, Gisborne)

"You are warned of the content so are able to choose to stay tuned or not." (Female, 29 years, NZ Euro, Auckland)

"If all attempts were made to inform people what would be shown on screen, I think this would be OK. Perhaps be more explicit and say 'a vagina/vulva will be seen'. New Zealanders aren't used to seeing vulvas on TV." (Female, 52 years, NZ Euro, Gisborne)

"People would know watching the show that you may see surgical scenes. It would be no different if it was surgery on a brain." (Male, 38 years, NZ Euro, Christchurch)

Most agree with the adult only programme classification and feel the programme was broadcast at the right time.

A few felt that a more specific advisory warning was needed.

- While viewers acknowledge a warning was given, some felt it is too generic in nature and did not adequately convey the graphic nature of the imagery.
- As such, there may be a risk that some viewers 'switch off' due to generic warnings.

Similarly, although there was recognition of the 8.30pm time slot for AO (which is in line with the standard), some felt this was too early for this content.

- Some suggest a more appropriate threshold for AO classified programmes is 9.30pm (which is outside the bounds of the current standard).

“

"People who are queasy may struggle to watch, but I feel like its screening under AO is relevant." (Male, 26 years, NZ Euro, Christchurch)

"If someone said to me that I was going to get full frontal of a woman's area, I know what that would mean... but the nudity warning, I just switch off a bit." (Female, 52 years, NZ Euro, Gisborne)

All agree the programme's content is not suitable for children.

- The graphic nature of the surgical scenes could be distressing.
- Children may be unable to comprehend the context of the clip.
- Parents would need to provide further explanation and may lack the tools to do this competently.

Similarly, most agree that appropriate measures were implemented to seek to prevent harm to children, with specific reference to the advisory warning given and the time the programme aired. Both being strong indicators that the content is not suitable for children.

“

"If it was aired within the times children are watching, and no warnings were given, then yes [it would breach the standard]. But they gave fair warning...parents need to show discretion too and just make sure kids aren't watching." (Female, 45 years, NZ Māori, Gisborne)

"Depending on age of children... young children should be in bed by 8.30pm anyway." (Female, 45 years, NZ Māori, Gisborne)

East West East

Reference: Māori Television Service – 2017-045 (4 September 2017)



The Final Sprint is an Albanian comedy film about an amateur Albanian cycling team (who make their way to a race in France then decide to return when they discover a revolution is underway in Albania).

It was classified Adults Only (AO) and broadcast on Māori Television at 8:30 p.m. during the school holidays.

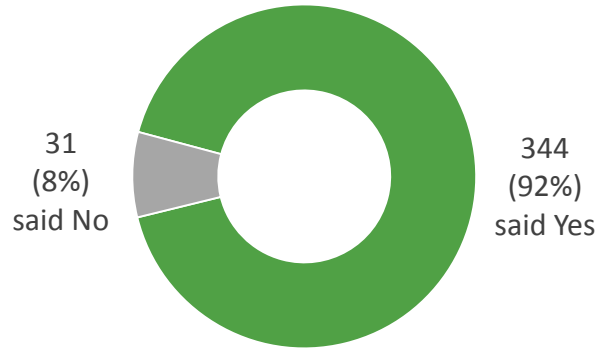
The film was preceded by the warning:

"This programme is recommended for adults only viewing. Certain scenes and language may offend."

The BSA did not uphold the complaint.

East West East

We invited 375 people to view and comment on the East West East clip.....



...their immediate reactions...

51%
would have upheld the complaint

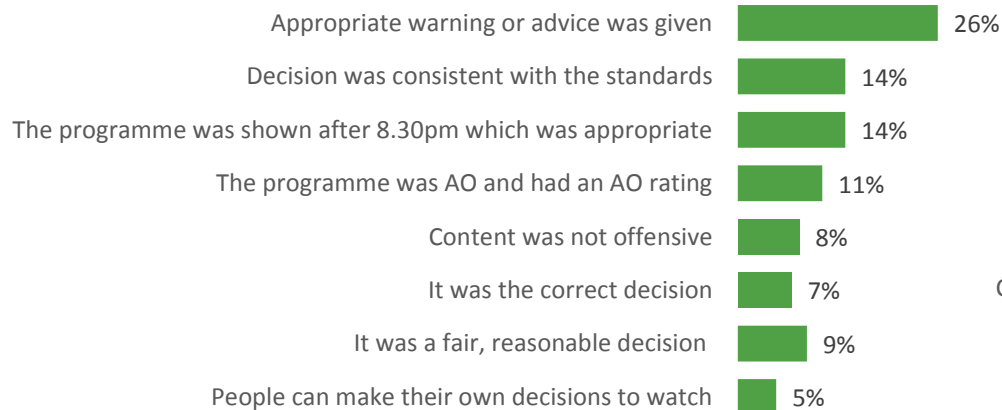
49%
would not have upheld the complaint

...after reading the BSA's decision...

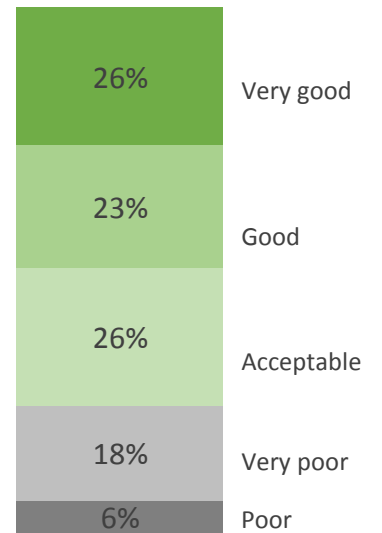
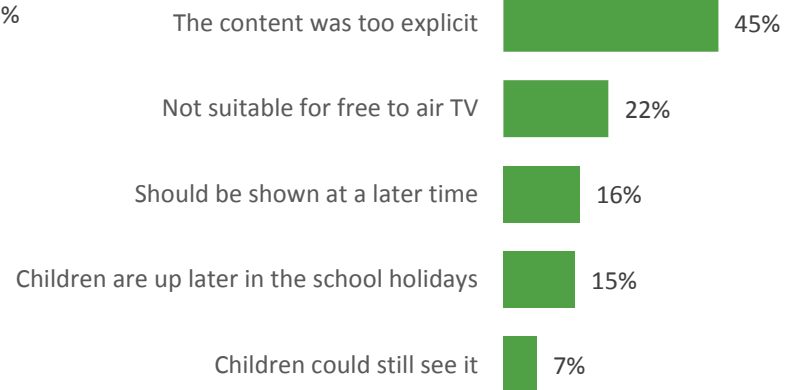
75%
rated the BSA decision as very good, good or acceptable

Why do you think the BSA decision is....
(percentage of people who made each comment)

...very good, good or acceptable...
(n=259)



...very poor or poor...
(n=85)



Note: The performance measure is calculated by adding the raw numbers together and dividing by the total. The percentages in the chart are rounded to a whole number, which may result in discrepancies between the two numbers of up to 1 percentage point.

DECISION OUTCOME

- Overall, the decision was somewhat polarising.

APPROACH TO FREEDOM OF EXPRESSION STANDARD

- Viewers agree that it is clear the intended audience was adults with it being a foreign subtitled film, the AO classification and corresponding broadcast time. However, many felt consideration should be given to later broadcasting times during the school holidays as children tend to stay up later (despite the explicit content coming later in the film).
- Viewers acknowledge that the warning provided an indication of adult only content, many felt the warning to be too generic and would be of greater value allowing viewers to make informed choices, if it specifically referenced 'sexual content'.
- Viewers differed in their perceptions of the value of freedom of expression. Some perceived merit in the artistic nature of the movie. But others expressed concern of the potential harm given what they perceived to be aggressive sexual behaviour.

CLARITY OF REASONING

- Many were torn, because whilst they could understand the reasoning behind the decision, some weren't convinced.
- *"It felt like it could have been wrong for reasons perhaps not expressed. I am in part in agreement. But in part not."* (Female, 45 years, NZ Māori, Gisborne)
- Viewers felt the reasoning to be clear and concise, albeit a bit brief for some.



Viewer perceptions of freedom of expression varied greatly, particularly with reference to whether they interpreted the movie to be a comedy and found it funny or not.

Those who found the movie to be comedic or satirical felt the sexual content was acceptable. Others disagreed that the sexual content was used for comedic effect, and found it to be aggressive – with potential to cause distress or harm. References were drawn with aggressive sexual behaviour towards women, inciting violence, objectifying women – especially breastfeeding and fetish behaviour.

Similarly, some suggest that the 'artistic' nature of the movie, might reflect higher levels of tolerance in terms of sexual content. However others felt the reference to 'freedom of expression' was a 'cop out', meaning anything goes.

"It was saying, kill me, kill me, and I wondered what possible benefit that would have... it seemed like a pretty flimsy defence. Freedom of expression just seems to be thrown out there if they just want to do whatever they want to do." (Female, 45 years, NZ Māori, Gisborne)

“

"Sexually explicit nude scenes but done in a satirical way. Personally found it funny." (Male, 25 years, Asian, Christchurch)

"I thought it was aggressive sexual content towards women. It was almost rape really." (Female, 59 years, NZ Euro, Auckland)

"Not tasteful and most definitely indecent. Aggressive, inciting violence...saying kill me, racial slurs, all sorts of wrong." (Female, 45 years, NZ Māori, Gisborne)

"Some sexual scenes are borderline, where they become more fetish induced kinks." (Male, 21 years, NZ Māori, Christchurch)

"You should expect art morals might be different in terms of sexual content." (Female, 52 years, NZ Euro, Gisborne)

Viewers acknowledge the movie was targeted to an adult audience, with an AO classification and relative time of screening as appropriate. The likely audience was also reinforced by being a foreign language film, unlikely to hold the interest of the children.

However, many felt greater consideration should be given to screening times during school holidays, as children tend to stay up later.

Viewers acknowledge that a warning was given prior to the movie. Some felt that the pre-programme warning was adequate and managed expectations in a relevant meaningful way. However, others felt the warning was too generic – only stating ‘certain scenes... may offend’. They suggest it should make specific reference to sexual content.

“

"It's not in English so I doubt [the kids] would watch it for more than 30 seconds." (Male, 57 years, NZ Māori, Porirua)

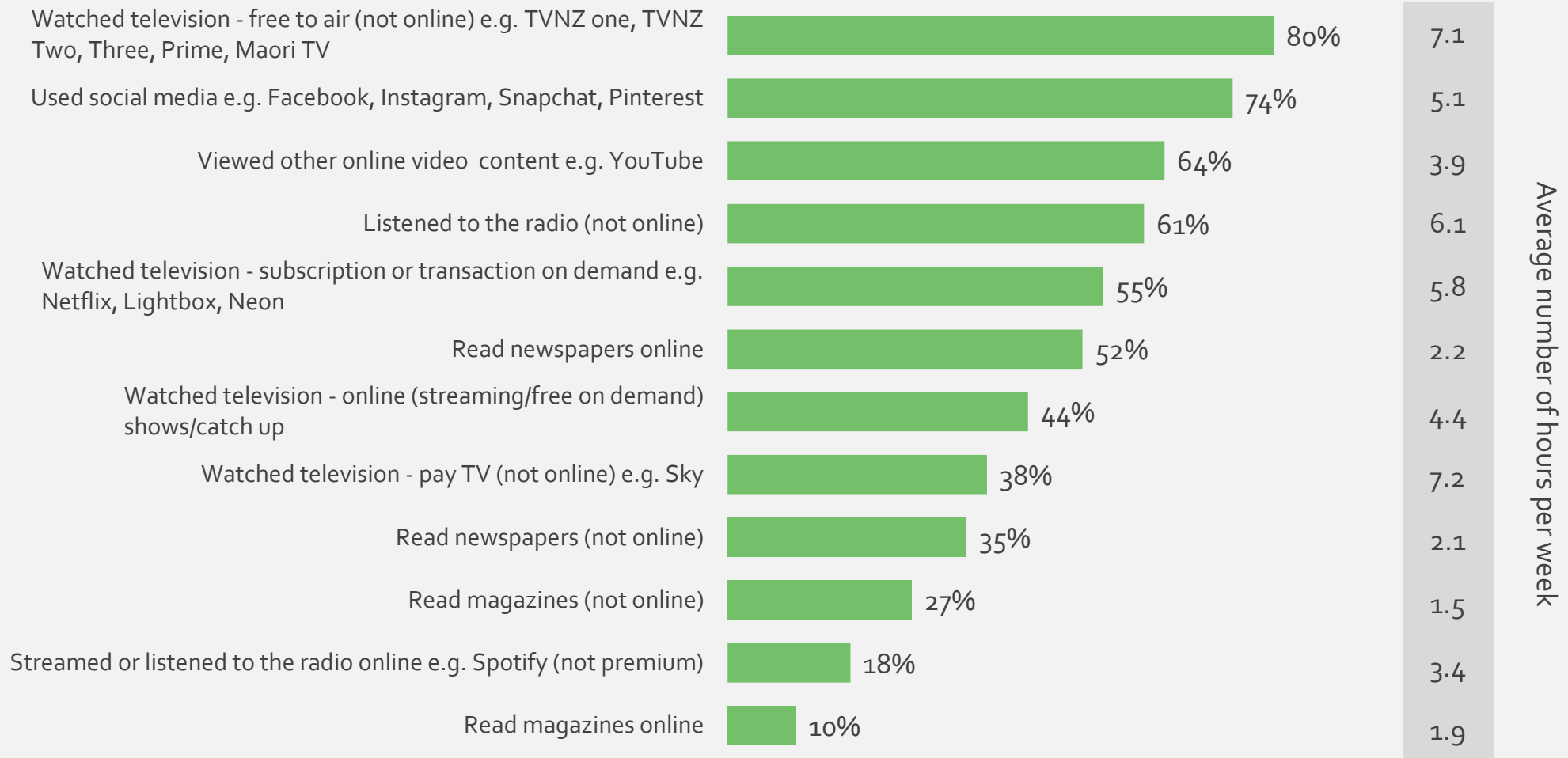
"Although it screened at 8.30pm, generally children stay up later in school holidays." (Female, 29 years, NZ Euro, Auckland)



05

Appendix

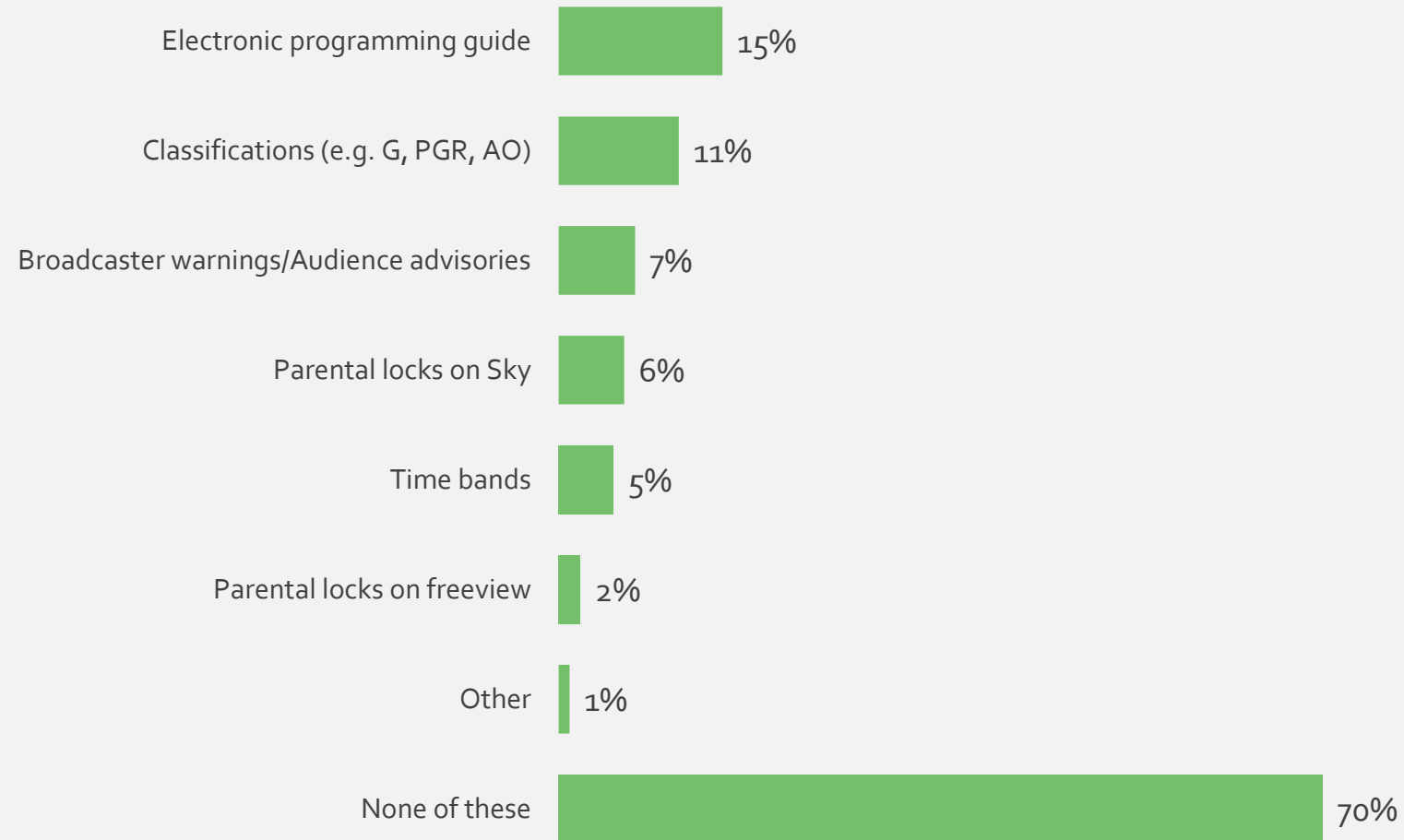
For participants, free to air TV is the most watched media (80%), followed by interaction with social media (74%). Free to air TV and Pay TV are the media that people spend the most hours per week on – over 7 hours a week on average.



Q1. In the last week which of the following did you do?

Base: Q1 All respondents quantitative survey n=500; Q2 Respondents who watched each media

However nearly three quarters of people don't use any of the tools we asked about to manage their viewing



Q3. Do you currently use any of the below tools to manage viewing in your household?
Base: All respondents quantitative survey n=500

When it comes to the BSA, people associate it with TV and radio broadcasting but often don't know the specifics of what it does.

From the qualitative research, most were aware of the BSA in the context of free to air television but there was some confusion with regard to its role.

TOP OF MIND ASSOCIATIONS INCLUDE:

- 1** The role of censor
 - Deciding what's appropriate or not, for broadcast.
- 2** The rule setter
 - The entity that sets the rules regarding what can or cannot be broadcasted.
 - The ratings maker – those who attribute programme classifications [AO, PGR etc.].
- 3** A 'disclaimer'
 - 'Ticking a box'.
 - Someone to contact, if you are not happy.
- 4** The rule enforcer
 - Who to complain to/follow up with, if the rules have been breached.
- 5** 'Just another government department'
 - With associated (negative) attributions.
 - Faceless, 'old fogies', going through the motions.



*"I know it [BSA] exists, but I don't understand what they do."
(Female, 36 years, Samoan, Auckland)*

*"They [BSA] make sure stuff is of a certain standard, and it can't be broadcast unless it meets the standard."
(Female, 52 years, NZ Euro, Gisborne)*

*"I think they're off in a room somewhere, not taking this too seriously."
(Female, 45 years, NZ Māori, Gisborne)*

Broadcasters in New Zealand have codes of practice and are responsible for maintaining standards in their programmes.

The Broadcasting Standards Authority (BSA) is an independent crown entity that oversees New Zealand's broadcasting standards and provides the public with a free, independent complaints service.

The way the complaints process works is that (generally) a person must complain to the broadcaster first, and then if they're not happy with the broadcaster's decision they can have it reviewed by the BSA.



Most appreciate that the BSA fulfils a necessary and important function in ensuring there are independent checks and balances on broadcasters in New Zealand.

“ [The BSA] is absolutely crucial...it is so important that someone is keeping an eye on what is being shown on our TVs...so that it aligns with our societal values.” (Male, 57 years, NZ Māori, Porirua)

However when presented with a definition of the BSA, some were surprised with reference to the need to complain to the broadcaster in the first instance.

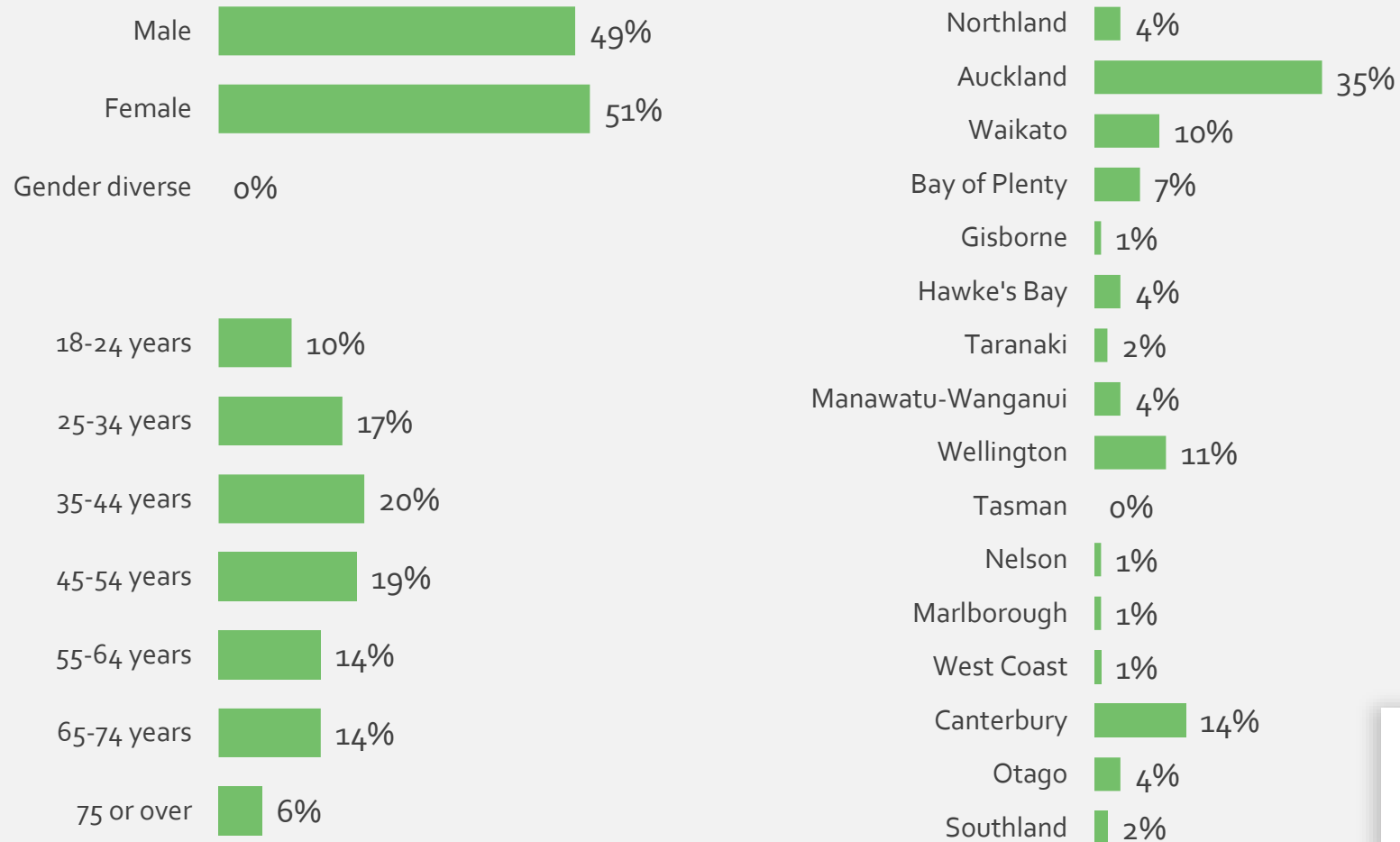
- It was perceived to be contrary to the messaging viewers are exposed to on TV.

“ So why does it say to call the BSA after a show, if you should really be going to the channel first?” (Female, 30 years, NZ Euro, Auckland)

Some referenced 'switching off' when hearing the BSA announcement on TV (along with other advisory warnings) as they have little cut through.

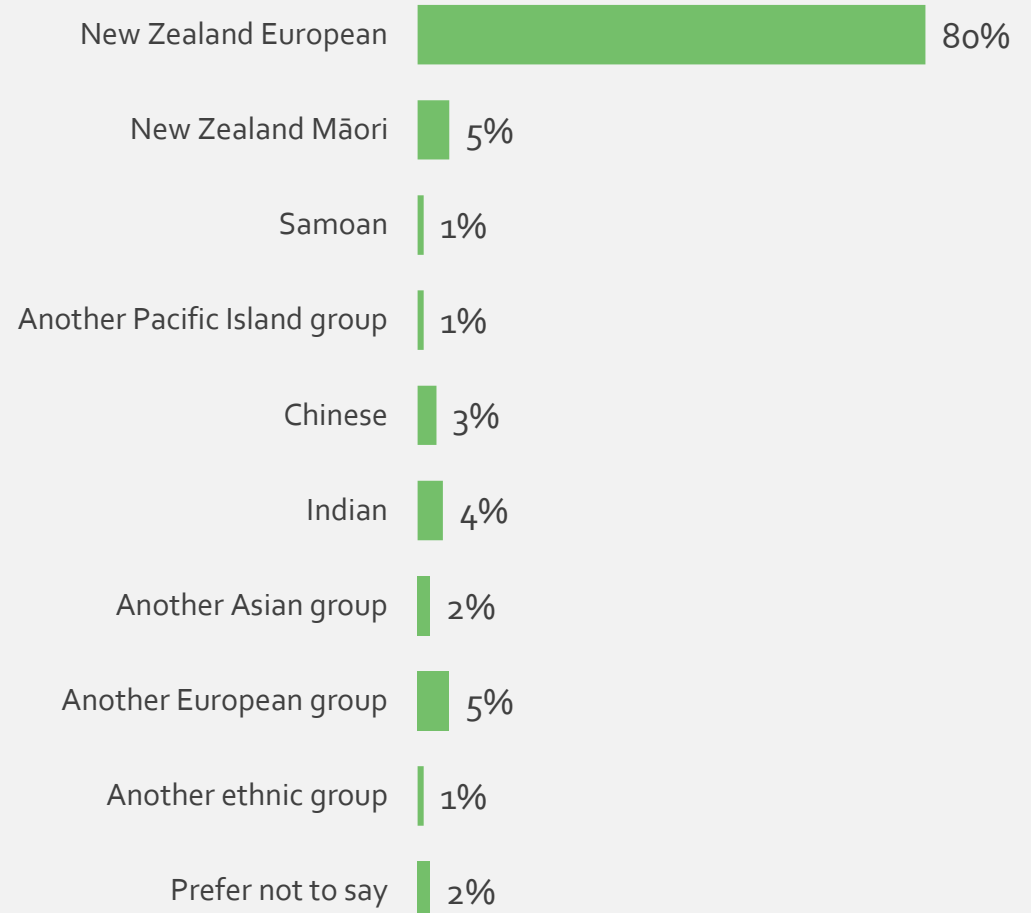
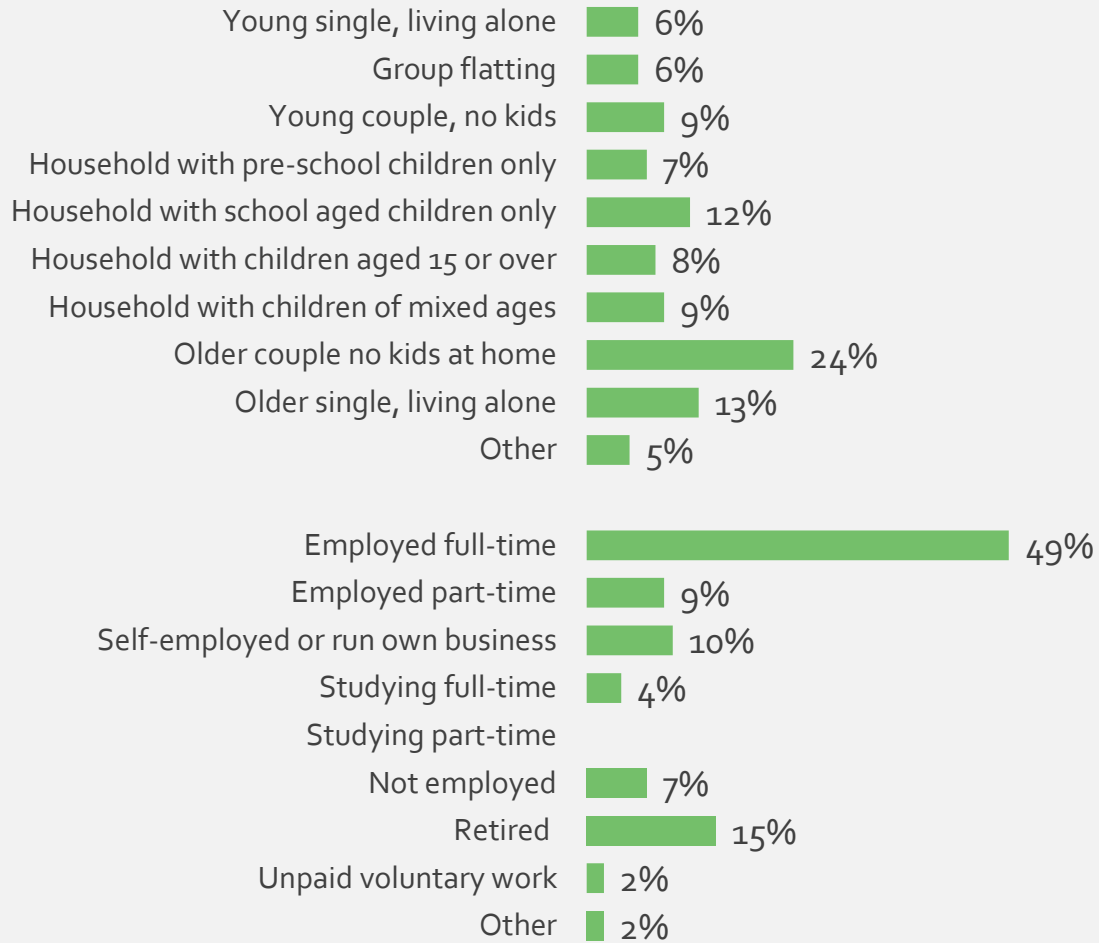
“ They use a certain voice and a way of showing the BSA announcement...it sounds so official you put it out of your mind straightaway.” (Male, 21 years, NZ Euro, Christchurch)

Demographics – Quantitative survey



Note: We used pre-survey quotas to ensure results are representative of all New Zealanders by age, gender, and region.

Demographics – Quantitative survey





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