

Media Release

24 May 2018

Freedom of expression and viewers' ability to exercise choice and control critical to BSA's second decision on *Naked Attraction*

In its second decision on the British dating series, *Naked Attraction*, the Broadcasting Standards Authority has found that it was acceptable to broadcast the final three episodes of the programme after 9.30pm with the AO (Adults Only) classification, but that each episode needed a stronger content warning.

The Authority emphasised the importance of the right to freedom of expression in New Zealand. The Authority noted, however, that the right is not absolute and may be restricted in some circumstances, particularly where harm is alleged to have been caused by a broadcast, either to individuals or to society generally.

The Authority identified that the last three episodes of *Naked Attraction* contained more explicit discussion of sexual preferences or activities than in the first two episodes considered in its earlier decision. However, the Authority found that these references did not take the programme beyond what could be expected from an Adults Only programme broadcast at 9.30pm.

In its decision the Authority highlighted that audiences should have the freedom and capacity to make viewing and listening choices.

"We value our ability to exercise choice when it comes to what we watch in the privacy of our own homes, as well as the opportunity to be able to prevent children and young people from viewing certain content that may be inappropriate. The freedom and capacity of an audience to make these choices is a significant factor in determining what is, and what is not, acceptable to broadcast," the Authority said.

It was important for audiences to be presented with sufficient information to make informed choices about what they, and their children, watch. In this case the Authority found that the pre-broadcast warning for "nudity" was "not sufficient to advise viewers about the sexual references made throughout the episodes".

The Authority therefore upheld this aspect of the complaints under the good taste and decency standard, finding the programme required a more explicit warning for sexual references to allow audiences to make informed viewing choices.

The decision provides clear guidance to broadcasters and to the public about the importance of audience advisories and the deficiencies of the warning in this case. The Authority acknowledged that the complaints were challenging and "raised important issues about New Zealand society and the value we place on freedom of expression."

ENDS

For more information contact Catie Murray on 021 623 794.

FURTHER INFORMATION

The episodes were broadcast on 10, 17 and 24 November 2017 on TVNZ 2. The full decision is available at <http://bsa.govt.nz/decisions/latest>. The decision was made under the Free-to-Air Television Code of Broadcasting Practice which is available at <http://bsa.govt.nz/standards/overview>.

ABOUT THE BROADCASTING STANDARDS AUTHORITY

The BSA is an independent Crown entity that oversees the broadcasting standards regime in New Zealand. The BSA determines complaints that broadcasts have breached standards, undertakes research and oversees the development of broadcasting standards in consultation with broadcasters.

The Authority members are Peter Radich (Chair), Te Raumawhitu Kupenga, Paula Rose and Wendy Palmer.

For more information see our website: www.bsa.govt.nz