

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 4/91

Dated the 27th day of February 1991

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

CLIFFORD R TURNER

of Hamilton

Broadcaster

TELEVISION NEW ZEALAND
LIMITED

I.W. Gallaway Chairperson

J.B. Fish

J.L. Hardie

J.R. Morris

DECISION

Introduction

This complaint arose from the broadcast of a news item in One Network News on TV1 at 6 pm on 25 July 1989.

The item dealt with a homicide in Blenheim in which a man had died after being pierced by a sword during a gang-related encounter. It ran for 1 minute 20 seconds and coverage included a close-up shot, lasting 2 seconds, of a blood-stain on a road, followed by a wider shot of the same stain.

Mr Turner considered that the broadcast of the close-up shot of the blood-stain breached the responsibility placed on broadcasters by section 4(1)(a) of the Broadcasting Act 1989 to maintain standards consistent with the observance of good taste and decency.

Mr Turner's Complaint to TVNZ Ltd

Mr Turner wrote to TVNZ on 26 July 1990 formally complaining that the broadcast of the close-up of the bloodstain breached s. 4(1)(a) of the Act. In support of his allegation, he suggested that there was a simple test by means of which it could be



established whether or not the broadcast met standards of good taste and decency:

If thousands of New Zealanders had gone to Blenheim for the pleasure of peering at the blood stain, would they have been demonstrating their good taste? I hope you will agree that the answer must be "No"; but, in effect, your organisation took tens of thousands of New Zealanders to Blenheim to gawk at the evidence of the tragedy.

TVNZ's Response to Mr Turner's Complaint

Mr Turner's complaint was not upheld by TVNZ's Complaints Committee.

In a letter dated 4 September, Mr Turner was advised, inter alia, that:

The Committee agreed that while television news broadcasters do have an obligation to shield viewers from the horrifying visuals, they should never sanitise news material to the point where the impression given is not truly representative of the circumstances surrounding the event

The Committee was further reminded that homicide is still, mercifully, a comparatively rare event in New Zealand. Here it qualifies as news. It is unpleasant and it should be seen to be so.

With respect, your test of good taste was found by the Committee to be illusory.

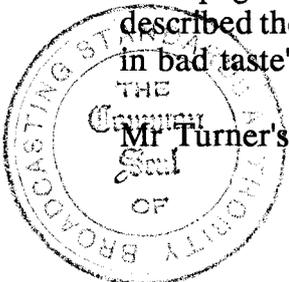
It was noted that had your test been applied television would never have carried pictures of the DC10 wreckage on Mount Erebus, it would shy away from covering the mangled wrecks of cars and buses involved in alcohol-related motor accidents

Referral of Mr Turner's Complaint to the Broadcasting Standards Authority

On 7 September, being dissatisfied with TVNZ's decision, Mr Turner referred his complaint to the Authority for an investigation and review pursuant to s.8(a) of the Broadcasting Act 1989.

In doing so, he commented that he did not consider it necessary or reasonable to give visual details of the incident. A similar visual portrayal prominently portrayed on the front page of a newspaper would provoke an outcry on the grounds of bad taste. He described the item as "sensationalist", adding that "Sensationalism is, almost by definition, in bad taste".

Mr Turner's letter was referred to TVNZ for a response.



TVNZ's Response to the Authority

On 16 November TVNZ responded emphasising that the portrayal of the blood stain was " ... in context with the narrative and served as a very brief pictorial reinforcement of what was being said". TVNZ accepted that the event was horrifying but that the shots were designed to help viewers understand a savage incident in a quiet provincial town. It observed that the complaint was the only one received from an estimated audience of 930,000.

The letter continued:

It must be emphasised that the camera did not dwell on the roadway evidence at undue length. It stayed only long enough for viewers to comprehend what was being depicted and then moved to a longer and distant shot to better establish the perspective.

To suggest or describe such fleeting coverage of blood on the road as being sensationalist is, it is submitted, stretching the definition of the word beyond the bounds of reasonable elasticity. It is cold, hard, unpleasant fact. And to suggest a corollary, that it be deemed to be in bad taste, would also seem to elongate the taste permutation.

Whether a newspaper should publish such an illustration is beside the point, even though the print medium have, over the years, in fact published such grizzly details and worse.

TVNZ's letter was referred to Mr Turner for a brief, final comment.

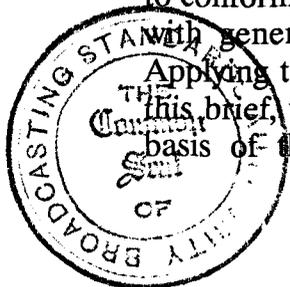
Mr Turner's Final Comment to the Authority

On 25 November, Mr Turner commented briefly as follows:

TVNZ points out that I was the only complainant. I have no doubt, that at some time in history there was only one person in the world willing to raise his or her voice about cockfighting as a public spectacle.

Decision

In arriving at its decision on this complaint, the Authority restates its view (Decision No: 2/90) that the concept of good taste and decency in a given situation or context pertains to conformity with such standards of propriety as the Authority considers to be in accord with generally accepted values, attitudes and expectations in New Zealand society. Applying this to the close-up shot of the blood-stain, the Authority is in no doubt that this brief, visual portrayal of but one of the results of the homicide which formed the basis of the report was in keeping with "generally accepted attitudes, values and



expectations in New Zealand society".

As in all matters involving good taste and decency, degree and context are important considerations. In the present instance, the close-up of the blood-stain met both these criteria: it was a very brief visual portrayal and it formed an integral part of the item. There was nothing gratuitous or sensational about it.

Finally, the Authority notes that Mr Turner, in his final comment, was critical of TVNZ's observation that his was the only complaint received about the item. While not ruling out the possibility that the number of complaints received by a broadcaster may, especially if they are numerous and from diverse complainants, be a factor in determining whether the content of a particular programme was or was not in keeping with "generally accepted values, attitudes and expectations in New Zealand society", the Authority does not consider it necessary to investigate this aspect further in the context of the present Decision.

For the foregoing reasons, the Authority declines to uphold the complaint.

Signed for and on behalf of the Authority


Iain Gallaway
Chairperson



27 February 1991