

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 60/91

Dated the 10th day of December 1991

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

BILL ROUT

of Hamilton

Broadcaster

TV3 NETWORK SERVICES  
LIMITED

I.W. Gallaway Chairperson

J.R. Morris

R.A. Barraclough

L.M. Dawson

DECISION

Introduction

A promo for *The Ralston Group*, broadcast by TV3 Network Services Ltd at 5.59pm on 29 July 1991, included an extract from a fist fight on an Australian television talkshow. It stated that one of the fight's participants, Ron Casey "Australia's heavyweight debating champ", would "step into the ring with the Ralston Group" on its forthcoming programme.

Mr Rout complained that the extract from the fist fight breached the standards in the Television Code of Broadcasting Practice in that its use was not justified by the context and the violence had been portrayed for the purposes of heightened impact. He also argued that the excerpt trivialised the horror of violence.

TV3 declined to uphold the complaint as, it said, the context was justified as the extract had been used to identify clearly a guest who was scheduled to appear on *The Ralston Group*. As Mr Rout was dissatisfied with TV3's decision, he referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.



## Decision

The members of the Authority have read the correspondence (summarised in the Appendix) and have viewed a tape of the programme to which the complaint relates. Mr Rout complained because a promo for the programme *The Ralston Group* included an excerpt from a fist fight on an Australian television talkshow. The promo, he said, breached standards 21 and 22 of the Television Code of Broadcasting Practice which read:

- 21 Broadcasters have a responsibility to ensure that when violence forms an integral part of drama or news coverage the context can be justified.
- 22 The gratuitous use of violence for the purposes of heightened impact is to be avoided.

From the contents of Mr Rout's original letter of complaint to TV3, it appears that he did not appreciate that the fight was shown because one of the pugilists, Ron Casey, had agreed to participate on *The Ralston Group*. In making this point on the promo, TV3 accentuated the violence portrayed by stating that "Australia's heavyweight debating champ" would "step into the ring with the Ralston Group".

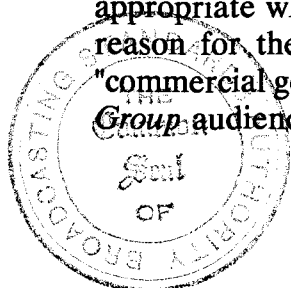
Mr Rout later acknowledged explicitly that the Australian item was shown in order to highlight Mr Casey's forthcoming guest appearance but continued to maintain that the portrayal of violence breached the standards.

Standard 21 applies to drama and news coverage. Although the item promoted a current affairs programme, it was not a news item in itself. Neither was it part of a drama. Thus standard 21 is not relevant to the item to which the complaint relates and the Authority declines to uphold the complaint under that standard.

Standard 22 requires TV3 to avoid the use of gratuitous violence for the purposes of heightened impact. The Authority quickly reached the conclusion that the promo for Mr Casey's appearance on *The Ralston Group*, which showed some footage of his involvement in a fist fight while using boxing jargon, was used for the purposes of attracting and fostering the viewers' interest. Indeed, the violence was portrayed to heighten the impact of the item which promoted *The Ralston Group*.

However, the standard also refers to the gratuitous use of violence. In its response to Mr Rout, TV3 described the gratuitous use of violence idiomatically as "violence for the sake of violence". The Authority considered that definition to be unduly restrictive and preferred the dictionary definition of "gratuitous" as uncalled for, unwarranted or lacking good reason (Concise Oxford).

Having decided that the definition of "lacking good reason" seemed to be the most appropriate when applying the standard, the Authority was then required to assess the reason for the portrayal of the fist fight. It accepted that if "good" was defined as "commercial good", then, as the promo could well have increased the size of *The Ralston Group* audience, the violence would probably have been portrayed for a "good reason".




However, the Authority was not prepared to accept the narrow proposition that a "commercial good" satisfied the requirement for a good reason when examining the meaning of gratuitous.

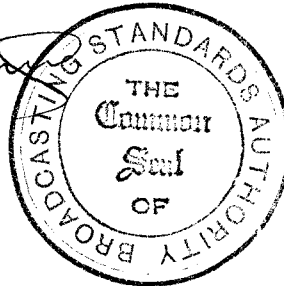
The Authority considered that Mr Rout advanced a telling point when he argued that the violence shown raised the possibility for viewers that a similar event might occur on *The Ralston Group*. The Authority acknowledges sadly but realistically that this possibility may well increase viewer audience, and thus the programme's rating. However, the Authority believes that this justification for the promo does not meet the requirement of standard 22. Having decided that the violence was used for the purposes of heightened impact, the Authority also concludes that, as TV3 had no "good" reason for the portrayal of the fist fight, its use of the extract was gratuitous and could easily have been avoided.

**For the reasons set forth above, the Authority upholds the complaint that the promo for *The Ralston Group* broadcast by TV3 Network Services Ltd on 29 July 1991 breached standard 22 of the Television Code of Broadcasting Practice.**

**The Authority declines to uphold the complaint that the same broadcast breached standard 21 of the Code.**

Signed for and on behalf of the Authority

  
Iain Gallaway  
Chairperson



10 December 1991

## Appendix

### Bill Rout's Formal Complaint to TV3 Network Services Ltd

In a letter dated 31 July 1991, Mr Rout complained formally to TV3 Network Services Ltd about a promo for *The Ralston Group* broadcast at 5.59pm on Monday 29 July. The promo, he said, included extracts from previous *The Ralston Group* broadcasts but also included an extract showing a fist fight between two men from an Australian television talkshow.

As the fight had nothing to do with *The Ralston Group*, he argued that it had been used not only to draw attention to that programme but also to raise the possibility that there might be violence on it. That, he added, breached standards 21 and 22 of the Television Code of Broadcasting Practice.

He also complained that the extract trivialised the horror of violence. He continued:

The use of the excerpt in the "promo" tells viewers that it is acceptable to assault another person when one gets angry. This is against the law and such action should not be used or presented in a light-hearted way - either as a "promo" or made fun of.

### TV3's Response to the Formal Complaint

TV3, in a letter dated 28 August 1991, advised Mr Rout:

The use of the Channel Nine incident for promotional purpose used footage screened extensively by news bulletins at the time of the incident. In the context of the promo, it clearly identified to viewers who the guest was that was scheduled to appear on the programme. While you quite correctly point out that the footage was not part of the programme, it was not intended to give that impression, as "The Ralston Group" is broadcast live.

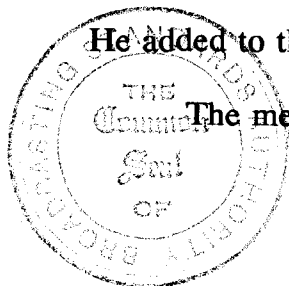
It was not considered to be gratuitous use of violence, (violence for the sake of violence) - but use of an incident for which a person had gained some notoriety to introduce that person's appearance on TV3.

### Bill Rout's Complaint to the Broadcasting Standards Authority

As Mr Rout was dissatisfied with TV3's reply, he referred the complaint to the Broadcasting Standards Authority on 27 September 1991 under s.8(a) of the Broadcasting Act 1989.

He added to the concerns expressed in his letter to TV3 when he wrote:

The message from the promo is quite clear - one of the men involved in the



fist fight will be on *The Ralston Group* therefore watch and hope there will be another fight.

He argued that TV3's definition of "gratuitous" was very narrow and that TV3 had not responded to the reference to standard 22 nor to his comment about trivialising violence.

### **TV3's Response to the Broadcasting Standards Authority**

When asked for its comments on the referral of the complaint to the Authority, in a letter dated 7 October TV3 replied briefly noting that the use of the material was relevant to Mr Casey's appearance on *The Ralston Group*.

### **Bill Rout's Final Comment to the Authority**

In a letter dated 26 October, in reply to TV3's comment, Mr Rout stated:

1) My complaint is not against the appearance of Mr Casey. It was about using his violence to promote the programme "The Ralston Group".

2) Yes the material was "relevant" to Mr Casey's appearance, but I argued that using the fist fight as a "promo" was not an appropriate way to portray violence. There is a difference. It thinks that is vital that TV3 learn to realise that.

