

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 22/92
Dated the 7th day of May 1992

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

ROGER COLE
of Nelson

Broadcaster
TELEVISION NEW ZEALAND
LIMITED

I.W. Gallaway Chairperson
J.R. Morris
R.A. Barraclough
L.M. Dawson

DECISION

Introduction

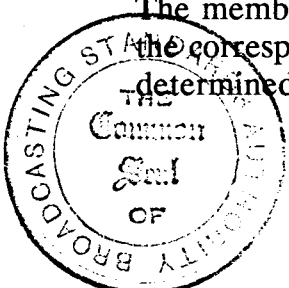
At the conclusion of the final edition of the late *One Network News* for 1991, at about 10.40pm on Friday 20 December, the presenters John Hawkesby and Anita McNaught wished viewers the traditional Christmas greetings. Ms McNaught added the hope that viewers would also enjoy a sexy Christmas and the item included some out-takes from earlier broadcasts which included some brief banter between the presenters including reference to sex shops.

Mr Roger Cole complained to Television New Zealand Ltd that, as the comments were inappropriate at a time of major religious significance, it breached the standard requiring good taste and decency.

As TVNZ declined to uphold the complaint, Mr Cole referred it to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Decision

The members of the Authority have viewed the item complained about and have read the correspondence (summarised in the Appendix). As is its practice, the Authority has determined the complaint without a formal hearing.



In his complaint to TVNZ, Mr Cole said that the language used by the presenters of TV1's late news on Friday 20 December 1991 was inappropriate at the time of a major religious festival and thus breached the standard requiring good taste and decency. He believed that viewers deserved an apology and that the presenters should be disciplined. In his letter to the Authority, he seemed particularly concerned about one presenter's wishing viewers a sexy Christmas and the sexual connotations of much of the subsequent banter between the presenters.

TVNZ assessed the complaint against standard 2 of the Television Code of Broadcasting Practice which requires broadcasters:

- 2 To take into consideration currently accepted norms of decency and taste in language and behaviour, bearing in mind the context in which any language or behaviour occurs.

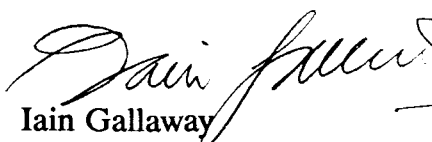
TVNZ regarded the item which consisted of a three minute montage of off-beat items and on-air and off-air bloopers as light-hearted fun. Taking into account the time of broadcast (10.40pm), that it was the final broadcast before the Christmas break, that the comments were made in a general context of goodwill rather than in an environment which emphasised the religious aspect of Christmas, TVNZ maintained that the broadcast had not breached the standard.

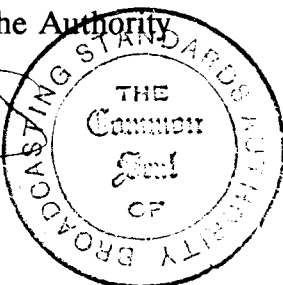
The Authority is required by the standard to consider the context in which the broadcast occurs. The item complained about occurred late in the evening, it provided contrast by showing the light-hearted side of a presenter who is usually formally correct, it happened at the time of the year when the Christmas spirit of goodwill and bonhomie was abroad and it accorded with the TVNZ tradition of relaxing in a final programme of a lengthy series. These considerations would support the case for regarding the item as one which complied with the standards.

The principal argument for the other point of view is that which emphasises the religious nature of Christmas. While the Authority has some sympathy with that perspective, it acknowledges that the religious nature of the occasion whilst important to a great many people, need not dominate totally all programmes and behaviour at that time of the year. Christmas is also regarded as a major commercial event which is accompanied by holidays. The Authority does not intend to denigrate the major religious nature of Christmas to many (including some its own members) with this comment. Instead, it recognises that Christmas is a time of frivolity and celebration to many and, accordingly, it concludes that the broadcast at the end of the late news on 20 December 1991, although clearly contrived and laboured at times, did not breach the standards.

For the above reasons, the Authority declines to uphold the complaint that the broadcast complained about breached standard 2 of the Television Code of Broadcasting Practice.

Signed for and on behalf of the Authority


Iain Gallaway
Chairperson
7 May 1992



Appendix

Mr Cole's Complaint to Television New Zealand Ltd

In a letter dated 22 December 1991, Mr Roger Cole of Nelson complained to Television New Zealand Ltd about the manner in which the late news had been concluded on TV1 at about 10.40pm on Friday 20 December. He said that he had been angered by the incident.

The language used by the presenters, he continued, breached the standard requiring good taste and decency and was inappropriate at a time of major religious significance. He believed that viewers deserved an apology and that the presenters should be disciplined to stress the point that appropriate decorum must be maintained at all times.

TVNZ's Response to the Formal Complaint

TVNZ advised Mr Cole of its Complaints Committee's decision in a letter dated 12 February 1992. The complaint, it said, had been assessed under standard 2 of the Television Code of Broadcasting Practice which requires broadcasters to take account of currently accepted norms of decency and taste in language and behaviour, bearing the context in mind.

TVNZ said that at the conclusion of the final edition of the late *One Network News* for 1991, at about 10.40pm on Friday 20 December, the presenters John Hawkesby and Anita McNaught wished viewers the traditional Christmas greetings. Ms McNaught added the hope that viewers would also enjoy a "sexy" Christmas.

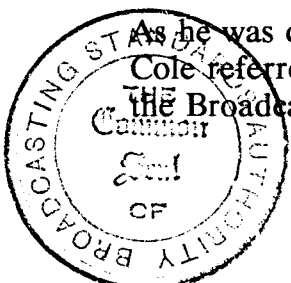
TVNZ noted:

The [Complaints] Committee observed that the item itself was presented and edited in a light-hearted and good fun spirit. Given the time of night at which it was broadcast it was not considered to be offensive. If anything it was in the frivolous category and constituted a harmless piece of fun, delivered in good humour which, it appeared, was recognised as such by a majority of viewers.

Adding that the meaning of the word "sexy" had expanded in recent times to include fashionable or exciting, TVNZ concluded that the standard had not been breached.

Mr Cole's Complaint to the Broadcasting Standards Authority

As he was dissatisfied with TVNZ's decision, in a letter dated 23 February 1992 Mr Cole referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989. He pointed out that the comments complained about did



not stop with the reference to a "sexy" Christmas, but that Mr Hawkesby had said, in effect, that Ms McNaught's place was the "best sex shop" in Auckland.

He rejected TVNZ's response for the following reasons:

- a) He did not accept that the comments were a "harmless bit of fun" when made in connection to a major religious event.
- b) Because of the extent of the comments and the reference to it during the preceding news stories, he was not convinced that the remarks were "ad-libbed".
- c) Because of the extent of the interplay between the presenters after the reference to a "sexy Christmas", he maintained that the word "sexy" was given its traditional meaning.

TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint and TVNZ's reply is dated 13 March 1992.

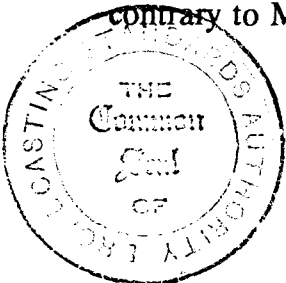
It was necessary, TVNZ remarked, to understand the nature and context of the broadcast. It continued:

There was the 42 seconds of off-the-cuff banter between Anita McNaught and John Hawkesby which preceded a 2 minute 58 seconds montage of off-beat nonsensical extracts and bloopers recorded both on and off-air at stages during the year. They included off-beat comment between the two presenters when off-air that would normally have no place in a live broadcast.

Because Mr Cole had not been explicit in his original complaint as to the language complained about, TVNZ had confined its comments to the reference to a "sexy" Christmas. Now, taking into account that comment and subsequent banter, TVNZ pointed to the tradition for programmes to mark the end of their annual run in some way. Further, it noted that the remarks were late in the evening when children were unlikely to be viewing and reported:

The company believes that the overwhelming majority of viewers saw this sequence for what it was - a seasonally, good spirited, letting down of the hair which so happened to embrace a light-hearted "sexy" theme.

The comments, it added, were in the general context of goodwill, not in the context of the Christian observance of the religious festival of Christmas. Moreover and contrary to Mr Cole's assertions, TVNZ said, the entire comments were "ad-libbed".



Mr Cole's Final Comment to the Authority

When asked to comment on TVNZ's response, in a letter dated 25 March 1992 Mr Cole stated that Ms McNaught's use of the words, "Dare I say it", before wishing viewers a sexy Christmas, indicated that she was aware that making the comment involved an element of risk. Her comment, he added, overstepped the mark. The broadcast of the final edition of a programme, he argued, was not a licence to use questionable material. The material used, he said, was offensive in the context of Christmas. He concluded by emphasising that the broadcast had occurred in the context of Christmas - a time, he added, which was sacred to many viewers.

