

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 24/92

Dated the 26th day of May 1992

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

KERRY SHARP

of Palmerston North

Broadcaster

TELEVISION NEW ZEALAND  
LIMITED

I.W. Gallaway Chairperson

J.R. Morris

R.A. Barraclough

L.M. Dawson

DECISION

Introduction

The practices of some anti-abortion groups in the United States were the subject of an item called "Abortion Alternatives" screened on Television New Zealand's *Frontline* programme on Sunday 10 November 1991. The item came from the ABC's *PrimeTime Live* programme in the United States.

Mr Sharp complained to TVNZ that the item was biased in favour of the pro-abortion viewpoint. It had been unbalanced, he added, in accusing the pro-life movement of using deceptive information when the use of such information was "overwhelmingly" the practice of pro-abortion groups.

TVNZ said that the item did not deal with abortion but with the deceptive practices and unethical methods used by some clinics to try to persuade women not to have an abortion. It had not, it added, breached the broadcasting standard requiring balance.

As Mr Sharp was dissatisfied with TVNZ'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 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. The programme "Abortion Alternatives" was also the subject of a complaint to the Authority from the Society for the Protection of the Unborn Child (SPUC). The grounds of the complaints overlapped to some extent but because of the differing emphases on the issues raised, the Authority decided to issue separate decisions.

In view of the allegations about bias made by Mr Sharp in his complaint, TVNZ assessed the programme against standard 6 of the Television Code of Broadcasting Practice. It requires broadcasters:

- 6 To show balance, impartiality and fairness in dealing with political matters, current affairs and all questions of a controversial nature.

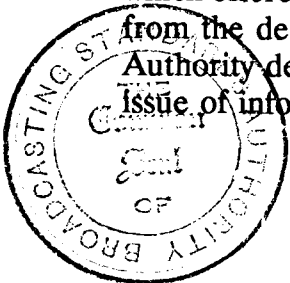
Mr Sharp alleged that the item was biased principally as, although it claimed to deal with some deceptive practices used by pro-life groups, it omitted to deal with the deceptive practices used by the pro-choice groups and the gruesome activities which occurred in some abortion clinics. The item, he said, displayed the pro-abortion bias generally apparent in the American media. He argued that such material should be balanced by programmes about alternatives to abortion.

TVNZ responded by stating that Mr Sharp had misunderstood the programme's theme. It was not, it continued, about abortion but about deceit. The programme had investigated some clinics which, although suggesting that they offered abortion services, tried to persuade women not to have an abortion. Moreover, some of the information given to the women by such clinics was incorrect. It also described the American programme which dealt with false pretences rather than abortion as well-researched. It concluded by stating that the item had not been unbalanced.

Having viewed the item, the Authority agreed with TVNZ that the item's theme was the procedures operating in clinics apparently offering abortion services, not the procedures in the clinics actually offering abortions nor the abortion process itself. Nevertheless, it examined the issues raised by Mr Sharp to ascertain whether the item achieved balance.

Contrary to Mr Sharp's claim, the Authority decided that the use of the word "abortion" in the item's title, although it referred to a highly controversial subject, did not require a summary of the competing views on that issue. It will be recalled that procedures in some particular clinics, not abortion, was the item's focus.

Mr Sharp expressed a concern about the possible absence of "informed consent" in clinics which offered abortions. However, as "informed consent" is a separate and distinct issue from the deceit allegedly practised by what the item called "fake abortion clinics", the Authority decided that it was not necessary in the interests of balance to deal with the issue of informed consent.



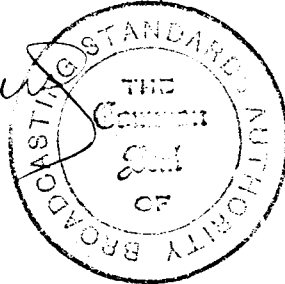
When examining the item to decide whether it had dealt with the deceitful procedures in a balanced way, the Authority noted that some of the interviews had been conducted in a challenging manner. However, although the questions were forthright, the respondents were also given the opportunity to put their points of view.

The Authority recognises that abortion is a highly-charged issue both in New Zealand and the United States. The Authority is not in a position to judge Mr Sharp's allegation about bias in the American media. Its responsibility concerns the standard of programmes broadcast in New Zealand and whether the broadcasts comply with the standards laid down in the Broadcasting Act 1989 and the Codes of Broadcasting Practice. On this occasion the Authority concluded that although abortion was the topic to which the programme related, it was not a programme about abortion. It was a programme about the deceitful approach adopted in some particular clinics apparently offering abortions and that issue, although dealt with forcefully at times, was not covered in an unbalanced way.

**For the reasons set forth above, the Authority declines to uphold the complaint that the broadcast by Television New Zealand Limited of the item "Abortion Alternatives" on 10 November 1991 breached standard 6 of the Television Code of Broadcasting Practice.**

Signed for and on behalf of the Authority

  
Iain Gallaway  
Chairperson



26 May 1992

## Appendix

### Mr Sharp's Complaint to Television New Zealand Ltd

In a letter dated 16 November 1991, Mr Sharp complained to Television New Zealand Ltd about the item titled "Abortion Alternatives" broadcast on TV1's *Frontline* programme on 10 November 1991.

Describing the item as biased and one-sided, he argued that the use of deceptive information about abortion was "overwhelmingly" the responsibility of "pro-abortionists" rather than "pro-life" groups.

He noted that considerable information was now available to women contemplating abortion but that what he described as the "Abortion Industry" and the media kept women ignorant of some of the possible consequences of an abortion. After providing some information about the consequences of abortion, he wrote:

It is time Television New Zealand screened more information and more balanced programmes on the important issue of abortion. **When will TVNZ screen a programme to balance this biased *Frontline* programme on "abortion alternatives"?**

### TVNZ's Response to the Formal Complaint

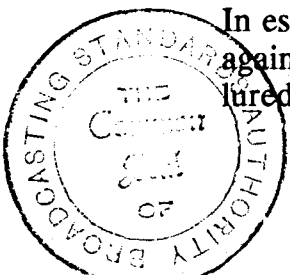
TVNZ advised Mr Sharp of its Complaints Committee's decision in a letter dated 8 January 1992. It recorded that the complaint had been considered under standard 6 of the Television Code of Broadcasting Practice which requires broadcasters to show balance, impartiality and fairness when dealing with controversial issues.

Noting that the item originated with ABC's *PrimeTime Live* programme in the United States and that the letter of complaint dealt with a number of issues which did not concern broadcasting standards, TVNZ said that the complaint seemed to be based on Mr Sharp's concern that the programme presented only one side of the abortion issue. That approach, TVNZ observed, displayed a misunderstanding about the programme which was not a review of the arguments about abortion but a programme about deceit.

It continued by explaining that the programme, after investigating clinics apparently offering abortion services, uncovered a deceitful practice where the clinics, some of which used unethical methods, tried to persuade women not to have an abortion.

TVNZ concluded:

In essence it was accepted by the Committee that the item was about deceit against women who, in good faith, sought abortion services but instead were lured into "clinics" intended to frighten and/or persuade them into keeping



their babies. It was difficult to see in what way the item breached the code in question. Accordingly, your complaint was not upheld.

### Mr Sharp's Complaint to the Broadcasting Standards Authority

As Mr Sharp was dissatisfied with TVNZ's response, on 15 January 1992 he referred his complaint to the Authority under s.8(a) of the Broadcasting Act 1989.

Referring specifically to standard 6 of the Television Code, he argued that the item carried a pro-abortion bias. He also quoted research which suggested that leaders in the television industry in the United States held pro-abortion views and repeated his question as to why an actual abortion had not been shown on television. He argued that, in view of the coverage given to other medical procedures on television, it was TVNZ's legal obligation to show one of the videos which gave both sides of the abortion debate.

In regard to TVNZ's response to his complaint, he disputed the description of the clinics as "false" as they offered important services and supplied factual information.

On several occasions, he asked when would TVNZ show material, such as the positive work done by the abortion alternative services, to balance the pro-abortion bias apparent in the item broadcast on *Frontline*.

### TVNZ's Response to the Authority

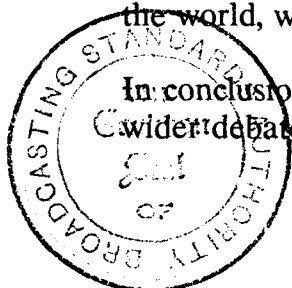
As is its practice, the Authority referred the complaint to the broadcaster. Its letter is dated 21 January and TVNZ's reply, 13 March 1992.

Pointing out that Mr Sharp's referral dealt with a number of issues which did not raise broadcasting standards matters, TVNZ repeated the point that the "well-researched" item which had been broadcast dealt with "the proliferation of false abortion clinics in the United States". Interviewing women who had changed their minds as a result of visiting one of these clinics, which Mr Sharp suggested the item should have covered, raised the issue of whether the ends justified the means. TVNZ observed:

It should be emphasised that the item was about the ethics of false pretences - not the ethics of abortion.

Another issue raised by Mr Sharp dealt with the ethical behaviour of staff at abortion clinics. That was "irrelevant" to the programme, TVNZ remarked, as it dealt with fake abortion clinics. TVNZ also noted that ABC journalists, like journalists all over the world, were bound by the ethics of impartiality and objectivity.

In conclusion, TVNZ said that the broadcast of the item was justified because of the wider debate about abortion. It dealt with one of the many facets of the topic in a



self-contained way and, as it did not involve the extension of the debate in New Zealand into other areas, it did not breach standard 6.

**Mr Sharp's Final Comment to the Authority**

When asked for his comments on TVNZ's response, in a letter dated 18 March 1992 Mr Sharp repeated his allegation that the item displayed an American pro-abortion bias. In view of the activities carried out in the pregnancy clinics featured, such as offering "alternatives to the irreversible action of killing an unborn child", he disputed the item's description of them as "false abortion clinics". Genuine abortion clinics, he continued, might not be fake but they operated unethically in an atmosphere of patient ignorance.

He provided examples of some gruesome actions in American abortion clinics and reiterated his opinion that the *Frontline* programme was biased. He maintained that TVNZ should show a more balanced selection of programmes about abortion and the alternatives to abortion.

