

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 31/92

Dated the 4th day of June 1992

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

GROUP OPPOSED TO
ADVERTISING OF LIQUOR
of Hamilton

Broadcaster
TELEVISION NEW ZEALAND
LIMITED

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

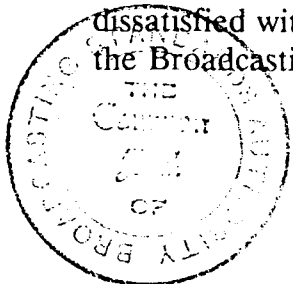
DECISION

Introduction

A "Steinlager" advertisement set in New York was screened by Television New Zealand Ltd on 1 February 1992. It featured a cab driver who took his fare into a bar which, the driver said, was "crawling with women".

The Secretary of the Group Opposed to Advertising of Liquor (GOAL), Mr Cliff Turner, complained to TVNZ that the driver's comment implied that the women would be hoping to be picked up. Accordingly, he continued, it was not in good taste and breached the standard in the Advertising Code of Ethics which prohibits statements which might cause undue offence to sections of the community.

Maintaining that the comment was an offbeat remark made by a jovial character, TVNZ said that it was not in bad taste and did not breach the standard. As GOAL was dissatisfied with the decision Mr Turner, on GOAL's behalf, 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 advertisement 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.

Mr Turner, on GOAL's behalf, complained that the "Steinlager" advertisement featuring a cab driver in New York taking a passenger to a bar breached standard 4 of the Advertising Code of Ethics. It reads:

- 4 **Decency** - Advertisements shall not contain statements or visual presentations which clearly offend against prevailing standards of decency or cause undue offence to the community or to a significant section of the community.

It breached that standard, Mr Turner wrote, as the cab driver commented that the bar "was crawling with women" which implied that they were "hoping to be picked up". That comment, he added, was offensive to many women.

TVNZ described the cab driver as voluble and said that his "home-grown" expression was unlikely to offend a significant section of the community.

When the Authority examined the advertisement against standard 4 of the Advertising Code of Ethics, it did not agree with the complainant's interpretation of the cab driver's comment as it was not at all apparent that the few women portrayed in the bar were waiting to be "picked up". Indeed, the Authority decided that the driver's comment, rather than cast aspersions on the women in the bar, showed that the driver was trying to boost his own importance and, furthermore, the women were unimpressed by the driver's inept overtures.

As a result the Authority, which, it may be noted, has three women amongst its members, decided that the statement and the visual presentations of the advertisement did not cause undue offence to women.

For the reasons set forth above, the Authority declines to uphold the complaint.

Signed for and on behalf of the Authority



Iain Gallaway
Chairperson

4 June 1992

Appendix

GOAL's Complaint to Television New Zealand Ltd

The Secretary of the Group Opposed to Advertising of Liquor (GOAL), Mr Cliff Turner, in a letter dated 14 February 1992 complained to Television New Zealand Ltd about an advertisement for "Steinlager" beer, set in New York, broadcast on TV1 on 1 February 1992.

The cab driver took his fare into a bar which, the driver said, was "crawling with women". Mr Turner wrote:

There was thus an implication that the women were in the bar hoping to be picked-up. I believe that these words were not in good taste and also were in breach of Rule 4 of the Advertising Code of Ethics because they could "cause undue offence to ... a significant part of the community."

TVNZ's Response to the Formal Complaint

TVNZ advised Mr Turner of its Complaints Committee's decisions in a letter dated 16 March 1992. The complaint had been assessed under standard 4 of the Advertising Code of Ethics which reads:

- 4 **Decency** - Advertisements shall not contain statements or visual presentations which clearly offend against prevailing standards of decency or cause undue offence to the community or to a significant section of the community.

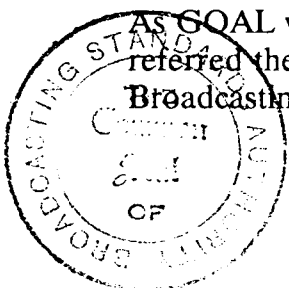
TVNZ said that the advertisement centred on the antics of an ebullient New York taxi driver who was trying to find a bar selling "Steinlager" beer. It continued:

The line relating to the place "crawling with women" was seen as being an offbeat expression as the place had only a few women at a bar compared with men. His joie de vivre bubbled on and he made comment to one of the women.

There was no implication that the women were prostitutes, TVNZ added. Rather the driver was depicted as a friendly nuisance. The complaint was not upheld.

GOAL's Complaint to the Broadcasting Standards Authority

As GOAL was dissatisfied with TVNZ's response, Mr Turner, on GOAL's behalf, referred the complaint to the Authority on 19 March 1992 under s.8(a) of the Broadcasting Act 1989.



He argued that the "crawling with women" phrase was capable of offending many women viewers and that TVNZ had not considered whether a significant section of the community would find the comment offensive.

TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 23 March 1992 and TVNZ's reply, 29 April.

TVNZ argued that the advertisement had to be seen within its total setting which included a voluble and gesticulating New York taxi driver working during the evening. In contrast to Mr Turner's interpretation of the advertisement, TVNZ stressed the taxi driver's gregarious nature and, taking into account his unrefined use of the English language, his uninhibited expression. TVNZ remarked:

In contrast to this cheerful and hospitable scenario, we believe the complainant's interpretation to be somewhat over the top, not nice, and having the appearance of being meanly cynical.

In conclusion, TVNZ observed that the driver's "home-grown" expression was unlikely to offend a significant section of the community. It also pointed out that the complainant had not offered evidence to support his contention to the opposite.

GOAL's Final Comment to the Authority

When asked by the Authority to comment on TVNZ's reply, Mr Turner, as secretary of GOAL, in a letter dated 4 May said that the Group would be happy to accept the Authority's decision.

