

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 35/92

Dated the 25th 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

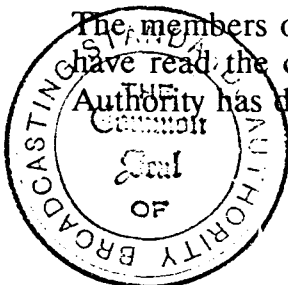
A sponsorship advertisement for Dominion Breweries describing the New Zealand cricket team as the "Young Guns" was broadcast by Television New Zealand Limited on the afternoon of Sunday 2 February 1992 during TV1's coverage of cricket.

The Secretary of the Group Opposed to Advertising of Liquor (GOAL), Mr Turner, complained to TVNZ that the advertisement's aggressive theme breached rule A in the Schedule of the Liquor Advertising Rules for Radio and Television. Describing the advertisement as vigorous at the most, TVNZ declined to uphold the complaint.

As it was dissatisfied with TVNZ's decision, GOAL 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 to the broadcaster about the aggressive theme of Dominion Breweries' sponsorship advertisement which described the New Zealand cricket team as the "Young Guns". TVNZ considered the complaint under rule A of the Schedule of the Liquor Advertising Rules which reads:

- A Liquor advertisements and sponsorship advertisements by liquor advertisers (individuals or companies which make, market or sell liquor) shall not (i) employ aggressive themes; and (ii) shall not portray either competitive behaviour or exaggerated stereotyped masculine images in an overly dramatic manner. In particular, advertisements which feature sport shall place emphasis on scenes typical of the sport and within the rules of the sport rather than the aggression of the participants. This applies particularly to contact sports.

TVNZ described the advertisement's theme as vigorous at the most. It later added that the visuals portrayed emphasised skills and that the term "Young Guns" was becoming part of the sporting vernacular for new players in many sports. Moreover, it expressed the opinion that it was absurd to describe cricket as a contact sport. It submitted that the Authority should decline to determine the complaint on the grounds that it was frivolous, vexatious or trivial.

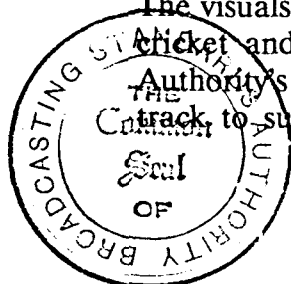
The Authority rejected that final request. This is one of its first decisions on the new rules for liquor advertising which came into effect on 1 February 1992 and the many interested parties - including TVNZ and GOAL - will be affected by the Authority's interpretation of them. Accordingly, it intends to deal with all complaints which may require an explanation or elaboration of the rules.

GOAL complained that the advertisement breached Rule A (i) by employing an aggressive theme. It argued that the "Young Guns" refrain was aggressive in itself and that the aggression was increased by the way in which the term was intoned.

While acknowledging that the term "Young Guns" may now have acquired a popular usage removed from its advertising origins, the Authority accepted that the term does, and the manner of its intonation in the advertisement did, include an element of aggression. Aggression may be defined to include and cover the range of behaviour from self-assertiveness, forcefulness, destructive tendencies to the practice of attacking (beginning a war) without provocation. (Concise Oxford 8th ed.)

More issues need to be taken into account than just the theme song when judging whether an advertisement's theme is aggressive. The Authority, therefore, examined the visuals to see whether they reinforced or detracted from the element of aggression evident in the theme song.

The visuals of the advertisement comprised a montage of action typical of limited-over cricket and did not feature the aggressiveness on the part of any players. In the Authority's view, the visuals reduced the aggressive impact of the advertisement's audio track to such a degree that it could not be said that the advertisement as a whole



employed an aggressive theme in terms of the Liquor Advertising Rules.

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

Signed for and on behalf of the Authority

*Iain Gallaway*  
Iain Gallaway  
Chairperson



25 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, wrote to Television New Zealand Ltd on 3 February 1992 about an advertisement broadcast during TV1's cricket coverage on the afternoon of 2 February.

Referring to the Rule in the Schedule of the Liquor Advertising Rules for Radio and Television which prohibits the use of aggressive themes in sponsorship advertisements by liquor companies, he argued that the aggressiveness of the refrain of Dominion Breweries' "Young Guns" advertisement, and the way it was intoned, breached the rule.

### TVNZ's Response to the Formal Complaint

TVNZ advised Mr Turner of its Complaints Committee's decision in a letter dated 16 March 1992. The complaint had been considered under rule A of the Schedule of the Liquor Advertising Rules which reads:

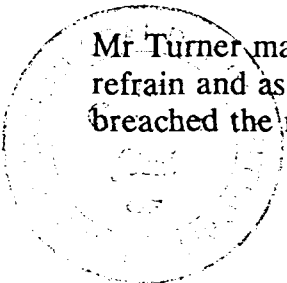
- A. Liquor advertisements and sponsorship advertisements by liquor advertisers (individuals or companies which make, market or sell liquor) shall not (i) employ aggressive themes; and (ii) shall not portray either competitive behaviour or exaggerated stereotyped masculine images in an overly dramatic manner. In particular, advertisements which feature sport shall place emphasis on scenes typical of the sport and within the rules of the sport rather than the aggression of the participants. This applies particularly to contact sports.

Having considered whether the advertisement's theme involved unacceptable aggression or the inspiration of patriotism, together with the advertisement's lyrics, TVNZ concluded the advertisement's sentiment could, at the most, be described as vigorous. That was not, TVNZ added, synonymous with aggression and it declined to uphold the complaint.

### 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 1992.

Mr Turner maintained that the words "Young Guns" were used in the advertisement's refrain and as those words amounted to an "aggressive theme", the advertisement breached the rule. He added that the aggressiveness of the theme was increased by



the way the words were pronounced.

### 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 and TVNZ's reply, 29 April.

TVNZ said that it had little to add to its reply to GOAL. It disputed the association of "Young Guns", as firearms, with young cricketers. The term "Young Guns" was used to identify heroes in many sports and was in fact becoming part of the sporting vernacular.

Referring to the wording of rule A, TVNZ submitted that it had been misconstrued by GOAL. The rule's intention, it continued, was to ensure that advertisements which focused on sport featured scenes typical of the sport rather than the aggression of the participants. TVNZ observed that the "Young Guns" advertisement focused on the sport, that it was absurd to describe cricket as a contact sport, and, as it believed that as the complaint was out of line with the expectations of most viewers, it submitted that it should be dismissed as trivial.

### GOAL's Final Comment to the Authority

When asked by the Authority to comment on TVNZ's reply, Mr Turner, on GOAL's behalf, in a letter dated 4 May 1992 disagreed that the association of firearms with cricketers was strange as it was one made by the advertiser, not by GOAL. The fact that the term Young Guns was in common use, he wrote, was testimony to the power of a liquor advertisement. He argued that TVNZ had not addressed the aspect of the complaint that the words, Young Guns, were repeatedly intoned.

