

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 37/92

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 Auckland

Broadcaster  
TELEVISION NEW ZEALAND  
LIMITED

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

DECISION

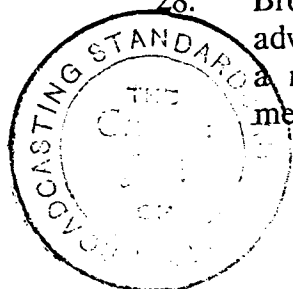
Introduction

On 2 June 1992, the Secretary of the Group Opposed to Advertising of Liquor (GOAL), Mr Cliff Turner, referred to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989 a formal complaint that no advertisements advancing the "no-alcohol option" had been broadcast by Television New Zealand Ltd between 1-29 May 1992. TVNZ had declined to accept the complaint because, it said, it did not refer to one specific programme as required by the Act.

Decision

The members of the Authority have read the correspondence which records that GOAL, in a letter dated 20 May 1992, complained to TVNZ that it had failed to comply with standard 28 of the Television Code of Broadcasting Behaviour. Standard 28 reads:

28. Broadcasters who broadcast liquor promotion messages -- liquor advertisements, sponsorship advertisements or programme credits -- have a responsibility to ensure that credible, appropriate and professional messages concerning moderation in alcohol consumption and/or the no-



alcohol option are broadcast, with a reasonable spread, including prime time.

**Note:** When the Broadcasting Standards Authority gave its approval to these standards and the *Schedule for Radio and Television Liquor Advertising* in November 1991, the previous television *Code for Liquor Advertising*, which prohibited brand and other forms of liquor advertising, was revoked. Those restrictions were removed subject to an agreement with broadcasters that standard 28 be implemented by all broadcasters who broadcast liquor promotion messages. In the event this standard is not adhered to, the Broadcasting Standards Authority may use its powers to review the code for liquor advertising and thereby restrict the right of broadcasters to broadcast advertising programmes which promote liquor.

GOAL maintained that the standard made it compulsory for any broadcaster, which broadcast liquor promotion messages, also to broadcast messages advancing specifically the no-alcohol option. GOAL argued that standard 28 had been breached by TVNZ as no messages promoting the no-alcohol option had been broadcast between 1-20 May 1992.

TVNZ declined to accept GOAL's letter as a formal complaint because, it said, it did not comply with s.6(1)(a) of the Broadcasting Act 1989 under which a broadcaster is required to receive and consider formal complaints. It stated that s.6(1) required that a complaint refer to a specific programme and that GOAL's complaint did not meet that criterion.

The Authority concurred with TVNZ's interpretation of s.6. The Authority would add that that interpretation is confirmed in s.9 where, in reference to a formal complaint, the Act uses the phrase "the day on which the programme to which the complaint related".

The Authority records, nevertheless, that the interpretation of the requirement in standard 28 for messages "concerning moderation in alcohol consumption and/or the no-alcohol option" concerns a number of groups interested in the issue of alcohol advertising on radio and television. Consequently, the interpretation of standard 28 will be considered by the Authority when it undertakes its forthcoming review of the wording and implementation of the broadcasting standards relating to alcohol advertising after six months of their operation.

For the reasons set forth above, as GOAL's complaint under standard 28 of the Television Code of Broadcasting Practice did not refer to a specific programme, the Authority does not have the jurisdiction to deal with the complaint, and, therefore, cannot accept the referral.

Signed for and on behalf of the Authority

*Iain Gallaway*  
Iain Gallaway  
Chairperson  
25 June 1992

