

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 39/92

Dated the 8th day of July 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

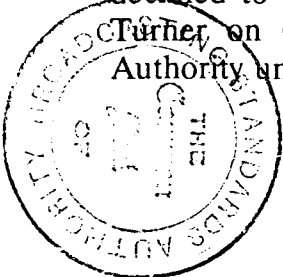
DECISION

Introduction

A Dominion Breweries Young Guns advertisement sponsoring the New Zealand team in the World Cup one-day cricket competition was broadcast by Television New Zealand Ltd on TV1 at about 4.35pm on 21 March 1992. Unlike earlier ones employing the Young Guns theme, this advertisement included captions resembling newspaper headlines containing such comments as "Rampant Greatbatch sets up Kiwi Slaughter".

The Secretary of the Group Opposed to Advertising of Liquor (GOAL), Mr Turner, complained to TVNZ that the addition of that caption meant that the advertisement breached rule A of the Schedule of the Television Liquor Advertising Rules which prohibits sponsorship advertisements with aggressive themes or exaggerated stereotyped masculine images.

TVNZ described the complainant's interpretation of the rule as somewhat extreme and declined to uphold the complaint. As it was dissatisfied with TVNZ's response, 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 item to which the complaint relates and have read the correspondence (summarised in the Appendix). As is its usual practice, the Authority has determined the complaint without a hearing.

Mr Turner, on GOAL's behalf, complained to TVNZ about a Dominion Breweries Young Guns sponsorship advertisement broadcast at about 4.35pm on 21 March 1992. The advertisement's visuals included captions resembling newspaper headlines and one headline read "Rampant Greatbatch sets up Kiwi slaughter". Consequently, Mr Turner wrote, the advertisement breached rule A of the Schedule of the Television 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.

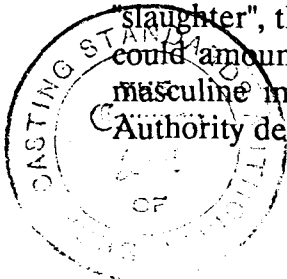
The advertisement breached the rule, Mr Turner continued, first, as the headline employed an aggressive theme, and secondly, the use of the word "slaughter" suggested, in an overly dramatic manner, either competitive behaviour or exaggerated stereotyped masculine images.

TVNZ declined to uphold the complaint, first, as it regarded the headline as fervent and patriotic but not aggressive, and secondly, as it did not portray overly dramatic behaviour or images.

The Authority records that rule A prohibits two distinct types of liquor advertisements - those which employ aggressive themes and those which portray in an overly dramatic manner either competitive behaviour or exaggerated stereotyped masculine images. The comment in the rule requiring sport to emphasise the players' skills rather than the players' aggression applies to both types of advertisements.

The first aspect of GOAL's complaint alleged that the addition of a newspaper caption breached the prohibition on aggressive themes in sponsorship advertisements. The Authority believed that, although the headline did have an aggressive tone, it was shown so briefly that when seen in the context of the rest of the advertisement, the advertisement did not have an aggressive theme.

In regard to the second part of the complaint which focused on the use of the word "slaughter", the Authority, first, had considerable reservations whether one written word could amount to the portrayal of "competitive behaviour" or "exaggerated stereotyped masculine images". Secondly, even if one word could comprise such portrayals, the Authority decided that its brief appearance precluded it from being "overly dramatic" to



the degree that it might breach the rule.


While declining both aspects of the present complaint, the Authority records that the terminology used in the advertisement could, nevertheless in other circumstances, amount to a breach of the rule.

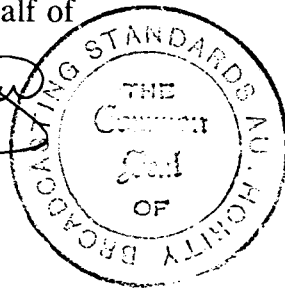
**For the reasons set forth above, the Authority declines to uphold the complaint that the broadcast by TVNZ Ltd of the DB sponsorship advertisement on TV1 at 4.35pm on 21 March 1992 breached rule A of the Schedule of the Television Liquor Advertising Rules.**

TVNZ described GOAL's complaint as "somewhat unreal" and submitted that the Authority should decline to determine it under s.11(a) of the Act on the grounds that it was "frivolous, vexatious or trivial".

It is a submission that the Authority does not intend to accept in regard to complaints about liquor and sponsorship advertisements until the parties with a close interest in the rules for liquor advertising on radio and television, which came into effect on 1 February 1992, have had the opportunity to test their interpretation of the rules before the Authority.

Signed for and on behalf of

  
Iain Gallaway  
Chairperson



8 July 1992

## Appendix

### GOAL's Complaint to Television New Zealand Ltd

In a letter dated 21 March 1992, the Secretary of the Group Opposed to Advertising Liquor (GOAL), Mr Cliff Turner, complained to Television New Zealand Ltd about a Dominion Breweries Young Guns sponsorship advertisement broadcast by TV1 that afternoon.

Unlike earlier ones using the Young Guns theme, this advertisement included captions resembling newspaper headlines and one read "Rampant Greatbatch sets up Kiwi Slaughter". Mr Turner said the entire sentence breached the prohibition of aggressive themes in rule A of the Schedule of the Television Liquor Advertising Rules and the use of the word "slaughter" breached the prohibition in the rule on exaggerated stereotypical male images.

### TVNZ's Response to the Formal Complaint

TVNZ advised GOAL of its Complaints Committee's decision in a letter dated 21 April 1992.

Dealing with the full headline first, TVNZ described it as being typical of the style used by some popular sports writers and did not, in itself, convert the advertisement's theme to one of aggression. TVNZ added that it did not consider that the headline portrayed stereotyped images in an overly dramatic manner.

TVNZ commented that rule A was obviously designed to apply primarily to contact sport while aggression in cricket related to bat on ball. It concluded by describing GOAL's interpretation of the headline as somewhat extreme.

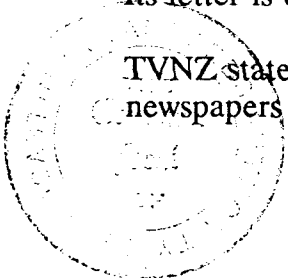
### GOAL's Complaint to the Broadcasting Standards Authority

As it was dissatisfied with TVNZ's response, in a letter dated 3 May 1992, Mr Turner on GOAL's behalf referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989 and he maintained his argument that the advertisement breached rule A.

### TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 7 May 1992 and TVNZ's reply, 26 May.

TVNZ stated that the caption shown on the advertisement reflected what the newspapers were saying at the time about New Zealand batsman Mark Greatbatch.



If the advertisement was considered to be aggressive, TVNZ continued, the result would be an absurd rule. The rule also required emphasis on the players' skills, rather than their aggression, and applied particularly to contact sports and thus did not include cricket.

TVNZ submitted that the complaint should be dismissed as frivolous, vexatious or trivial.

**GOAL's Final Comment to the Authority**

When asked to comment on TVNZ's response, in a letter dated 29 May Mr Turner, on GOAL's behalf, said he had no further comment to make.

