

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 44/92  
Dated the 23rd day of July 1992

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

MARGARET JACKSON  
of Cambridge

Broadcaster  
TELEVISION NEW ZEALAND  
LIMITED

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

DECISION

Introduction

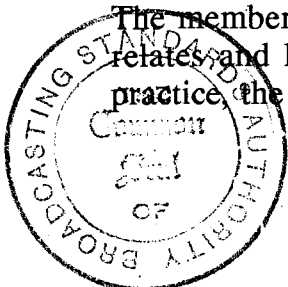
A "Steinlager" beer advertisement set in New York city was screened by Television New Zealand Ltd on various occasions in March 1992. It featured a cab driver who took his fare into a bar which, the driver said, was "crawling with women".

Mrs Jackson complained to TVNZ that the driver's comment breached the standard in the Advertising Code of Ethics which prohibits statements which 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 she was dissatisfied with the decision, Mrs Jackson 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 to which the complaint relates and have read the correspondence (summarised in the Appendix). As is its practice, the Authority has determined the complaint without a formal hearing.



Mrs Jackson complained that the "Steinlager" beer advertisement featuring a cab driver in New York city 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.

Mrs Jackson complained that the advertisement breached that standard as the cab driver's comment that the bar "was crawling with women" was offensive to many women. She added later that TVNZ needed to be informed that attitudes to women were changing and that women were no longer prepared to be harassed or discriminated against.

TVNZ emphasised the contents of the total advertisement and argued that the standard had not been breached by portraying a gregarious, enthusiastic and uninhibited, if unrefined, person looking for a good night out.

The present complaint is very similar to one from the Group Opposed to Advertising of Liquor on which the Authority issued a decision recently (No: 31/92, 4 June 1992).

In that decision, the Authority recorded:


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.

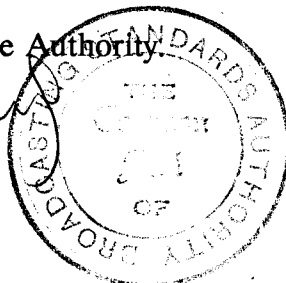
As a result the Authority, which, it may be noted, has three women amongst its members, decided that the statement and the visual presentations of the advertisement did not cause undue offence to women.

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

Although the complaints from Mrs Jackson and GOAL both referred to the same standard, on this occasion the Authority has issued separate decisions as the complaints were received some weeks apart. The Authority records, however, that in similar situations in the future, it intends to send the second (and subsequent) complainants a copy of the decision made in regard to the first complaint and decline to determine the second and subsequent complaints.

Signed for and on behalf of the Authority.

  
Iain Gallaway  
Chairperson  
23 July 1992



## Appendix

### Mrs Jackson's Complaint to Television New Zealand Ltd

In a letter dated 20 March 1992, Mrs Margaret Jackson complained to Television New Zealand Ltd about an advertisement for "Steinlager" beer, set in New York city broadcast on TV1 at various times.

The advertisement showed a cab driver who took his fare into a bar which, the driver said, was crawling with women. Mrs Jackson expressed her belief that such a comment would cause offence to a significant section of the community contrary to standard 4 of the Advertising Code of Ethics.

### TVNZ's Response to the Formal Complaint

TVNZ advised Mrs Jackson of its Complaints Committee's decision in a letter dated 23 April 1992, noting that the complaint had been assessed under standard 4 of the Advertising Code of Ethics.

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

The reference to the place 'crawling with women' was, in the view of the Committee, clearly an offbeat expression as the place was seen to have only a few women at a bar compared with men. However, his joie de vivre bubbled through and he made his way to a bar and he spoke to a woman.

Taking that context into account and the fact that the advertisement, as a liquor advertisement, was broadcast only after 9.00pm, TVNZ argued that it was a misunderstanding of the advertisement to suggest that the driver's remarks were offensive to women.

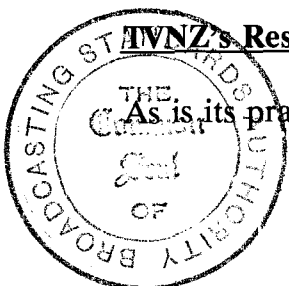
### Mrs Jackson's Complaint to the Broadcasting Standards Authority

As she was dissatisfied with TVNZ's decision, on 18 May Mrs Jackson referred it to the Authority under s.8(a) of the Broadcasting Act 1989.

She maintained that the driver's comment was offensive to many women and that the words "should be changed to something that is non-sexist".

### TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint.



The request is dated 21 May and TVNZ's reply, 16 June.

When assessing the complaint, TVNZ argued it was necessary to see the advertisement in context which included an evening setting in Manhattan with a cab driver displaying character quirks. The bar portrayed was not, as the complainant apparently alleged, a "pick-up joint" and, TVNZ continued, it showed a gregarious, enthusiastic and uninhibited, if unrefined, person looking for a good night out.

Taking the wording of the standard into account which required undue offence to a significant section of the community, TVNZ argued that the complainant's interpretation of a cheerful and hospitable scenario was astray.

**Mrs Jackson's Final Comment to the Authority**

When asked to comment on TVNZ's reply, in a letter dated 22 June Mrs Jackson said that women were constantly being discriminated against and harassed. Attitudes were changing, she continued, and TVNZ needed to understand that point and to stop using such terms as "crawling" and to acknowledge that a late night bar in the Bronx was probably a pick-up joint.

