

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 65/92

Dated the 17th day of September 1992

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

DON J BOSCOTT
of Paraparaumu

Broadcaster
RADIO NEW ZEALAND LIMITED

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

DECISION

Introduction

The small size of a driver's penis was advanced as a reason for poor driving behaviour by the 2ZB talkback host (Ms Sharon Crosbie) on 9 March 1992.

Mr Boscott complained to Radio New Zealand Ltd, as the broadcaster, that the remark demeaned a serious subject, that it was extremely indecent and that it was blatantly sexist.

Taking the context of the talkback discussion into account and the detached manner in which a widely held opinion had been aired, RNZ declined to uphold the complaint that the broadcast breached the good taste and decency standard. As he was dissatisfied with that decision, Mr Boscott referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Decision

The members of the Authority have listened to a tape of the talkback discussion 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.



Appendix

Mr Don J Boscott's Complaint to Radio New Zealand Ltd

In a letter dated 10 March 1992, Mr Boscott complained to Radio New Zealand Ltd about a remark made by the 2ZB talkback host (Ms Sharon Crosbie) on Monday morning 9 March.

The topic, he said, had been the high incidence of motor accidents and the host had suggested that the small size of a driver's penis could be a factor.

Describing himself as neither a religious extremist nor a prude and noting that broadcasting standards were declining, nevertheless, he considered that the comment should be complained about as it demeaned a serious subject, was extremely indecent and blatantly sexist.

RNZ's Response to the Formal Complaint

Following some correspondence between RNZ and Mr Boscott, in a letter dated 7 May 1992 RNZ advised him of its Complaints Committee's decision. As the Radio Code of Broadcasting Practice does not refer specifically to sexism and demeaning comments, the complaint had been assessed under standard 1.1(b) of the Code which requires broadcasters:

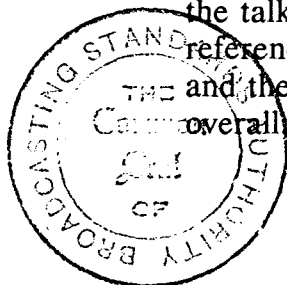
- (b) To take into consideration currently accepted norms of decency and good taste in language and behaviour, bearing in mind the context in which any language or behaviour occurs.

RNZ said it was a talkback host's role to be robust, sometimes controversial and deliberately provocative when stimulating the exchange of opinions.

It noted that the broadcast in question had occurred at about 10.00am on a school day and that the exchange had good-humouredly discussed an important topic seriously. The host had asked about dangerous drivers, "Do you think it's 'cos they've actually got very small penises?" and had linked the question to some popular hypotheses. The caller, by his comments, had considered the comment to be neither sexist nor obscene.

RNZ concluded:

In view of the detached manner in which the word complained of was used; of the talkback context; of the non-emotive character of the terminology; of the reference to widely held opinion and theory; of the context of the reference and the time of the broadcast; and the nature of the episode with the caller overall, the Committee found itself unable to uphold your complaint that the



broadcast breached the requirement to observe the standards of good taste and decency current within the community, having regard to the context in which the language occurred.

Mr Boscott's Complaint to the Broadcasting Standards Authority

As he was dissatisfied with RNZ's response, in a letter dated 18 May 1992 Mr Boscott referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989. He contested five of the points made by RNZ.

- 1) While there might be evidence that aggressive driving was related to sexuality, the host referred specifically to the size of penises. He added, apparently facetiously, that if the assertion was correct, it justified a campaign along the lines of a drink-driving one.
- 2) He disagreed that a comment about the size of male sexual organs could be described as not sexist and said that the standards should deal with sexist remarks.
- 3) RNZ, he said, had no evidence for its assertion that the caller was not offended.
- 4) He disagreed that the discussion was a joke.
- 5) He referred to some of RNZ's conclusions with which he disagreed and concluded that the remark was "blatantly sexist and indecent in the extreme".

RNZ's Response to the Broadcasting Standards Authority

As is its practice, the Authority referred the complaint to the broadcaster for comment. Its request is dated 23 May 1992 and RNZ's reply, 3 June.

Referring specifically to Mr Boscott's complaint to the Authority, RNZ:

- 1) denied that the broadcast made "repeated" references to the words complained about;
- 2) contested Mr Boscott's interpretation that penis size by itself was a reason for accidents;
- 3) disputed that the comment was sexist and questioned the relevance of that description as the standard referred to good taste and decency; and
- 4) drew the Authority's attention to the light-hearted nature of the exchange which used unemotional terms to deal with a serious issue.



RNZ then dealt with the original complaint as Mr Boscott had elaborated on some of his arguments when referring the complaint to the Authority. It argued with Mr Boscott's interpretation of some of the points and concluded that the comment was a reference "to psychological theories of compensating behaviour" and was a factual reference to a serious subject. RNZ maintained that the comment was neither indecent nor sexist.

Mr Boscott's Final Comment to the Authority

When asked to comment on RNZ's response, in a letter dated 8 June Mr Boscott argued that it did respond to his complaint. He repeated that his complaint concerned the reference to the size of penises - not just the reference to penises. Secondly, he argued that the driver displaying poor driving behaviour was assumed to be a male and that assumption, contrary to RNZ's assertion, was sexist.

