

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 66/92

Dated the 17th day of September 1992

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

GRANT ROTHVILLE
of Auckland

Broadcaster
TV3 NETWORK SERVICES
LIMITED

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

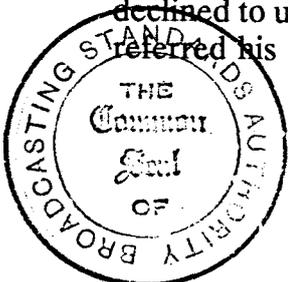
DECISION

Introduction

On Sunday 5 April 1992, TV3 Network Services Ltd screened trailers for two films. The trailers were broadcast between 6.30 - 7.30pm during the programme "World Around Us" and showed, respectively, a murder scene and sexual behaviour contained in the films which were each scheduled for a later hour during the following week.

Mr Rothville complained to TV3 that the trailers breached eight standards in the Television Code of Broadcasting Practice including the standards requiring good taste and decency, those designed to protect children and those designed to control the broadcast of violence.

Explaining that the trailers were broadcast after 7.00pm at which time "PGR" programmes are permitted and that they complied with the "PGR" criterion, TV3 declined to uphold the complaint. As he was dissatisfied with that decision, Mr Rothville referred his complaint to the Authority under s.8(a) of the Broadcasting Act 1989.



Decision

The members of the Authority have viewed a tape of the items 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.

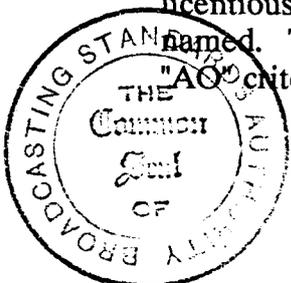
Mr Rothville complained that the broadcast of promos for the films "Valley Girls" and "Eye of the Needle" between 6.30-7.30pm during the programme "World Around Us" breached the following eight standards of the Television Code of Broadcasting Practice. The first three require broadcasters:

2. To take into consideration currently accepted norms of decency and taste in language and behaviour, bearing in mind the context in which any language or behaviour occurs.
8. To abide by the classification codes and their appropriate time bands as outlined in the agreed criteria for programme classifications.
18. To be mindful of the effect any programme may have on children during their generally accepted viewing periods.

The other five state:

19. Themes and scenes dealing with disturbing social and domestic friction or sequences in which children or animals may be humiliated or badly treated are to be avoided.
20. Violence is unacceptable if it is presented in a manner which will necessarily disturb, alarm or distress children during their generally accepted viewing times, as determined by the censorship classification criteria.
21. Broadcasters have a responsibility to ensure that when violence forms an integral part of drama or news coverage the context can be justified.
22. The gratuitous use of violence for the purposes of heightened impact is to be avoided.
24. The combination of violence and sexuality in a way designed to titillate is not sanctioned.

TV3 declined to uphold the complaint. It explained that the programme "World Around Us", at 7.00pm, crossed the time zone from "G" to "PGR" and both promos were broadcast after 7.00pm. It maintained that, as neither promo depicted unduly violent or licentious behaviour as alleged by Mr Rothville, they did not breach the standards named. The criteria for the classifications for "G" and "PGR" are recorded, as is the "AO" criterion which was the classification of both the films promoted in the trailers.



General

Programmes which exclude material likely to be unsuitable for children under 14 years although they may not necessarily be designed for child viewers.

"G" programmes may be screened at any time.

Parental Guidance Recommended

Programmes containing material more suited to adult audiences but not necessarily unsuitable for child viewers when subject to the guidance of a parent or adult.

"PGR" programmes are recommended for screening between 9am and 4pm on weekdays and after 7pm until 6am.

Adults Only

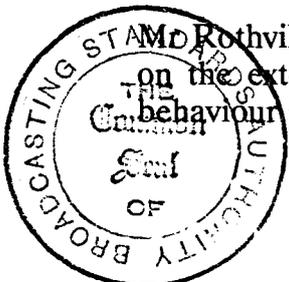
Programmes containing adult themes or those which, because of the way the material is handled, would be unsuitable for persons under 18 years.

"AO" programmes are recommended for screening between midday and 3pm on weekdays (except during school and public holidays) and after 8.30pm until 5am.

Mr Rothville expressed particular concern that the promos were shown during a "World Around Us" programme about Antarctica which was the type of broadcast which many young viewers were encouraged to watch. The Authority sympathises with Mr Rothville on this point. However, it also notes that the classifications refer to explicit time zones - not the type of programme being shown. Nevertheless, it believes that the point raised by Mr Rothville should be taken into account in a case where the decision to screen in an earlier time band was a marginal one. When considering the complaint, the Authority also took into account the point that the unannounced broadcast of a promo seldom allows an adult to exercise control about an item which is seen by children.

The Authority first considered whether the behaviour portrayed in the promo for the film "Valley Girls" breached the standards. Despite the fact that the film had an "AO" classification, it seemed from the trailer that it was made for teenagers and dealt with the relationship between the sexes while growing up. The excerpts from the film shown were fleeting and, although sufficient to show the nature of the film and to include one brief extract which used a questionable phrase, the Authority did not accept that it was of sufficiently bad taste to breach the standards. Although the decision was borderline, the Authority concluded that it did not breach the classification requirements although it believed that it was insensitive to screen that kind of promo during a programme which would appeal to young children.

Mr Rothville's objection to the promo for "Eye of the Needle" was substantially based on the extent of the violence portrayed, although he again objected to some of the behaviour shown as not being in good taste. Dealing with the good taste aspect of the



complaint first, the Authority concluded that the fleeting excerpts did not show activities which breached the standards relating to taste.

The aspect of the promo showing violent excerpts, however, was of concern to the Authority. It noted that the promo showed a person being stabbed and a person being thrown over the edge of a cliff. Taking into account that the violence portrayed, although brief, was graphic and that it was broadcast during "PGR", not "AO", time, the Authority decided that the broadcast of the promo breached standards 18 and 20 of the Television Code. That conclusion was reinforced by the point noted above that the broadcast of a promo usually does not allow an adult to control a young person's viewing. Standard 18 requires broadcasters to be mindful of the effect that a programme may have on children during their generally accepted viewing periods and standard 20 prohibits the portrayal of violence in a way which might disturb or alarm children during their generally accepted viewing times.

By upholding the complaint under these standards, the Authority is acknowledging that 7.20pm, the time of the broadcast, is a generally accepted viewing time for children. While not being prepared to accept that any time after 8.30 in the evening is a generally accepted viewing time for children (although many children may indeed be watching), the Authority accepts that any time up to 8.30pm must be recognised realistically as a generally accepted viewing time for many primary school children.

The Authority concluded that its concerns about the promo for "Eye of the Needle" were captured in standards 18 and 20 and decided that the broadcast did not breach standards 8, 19, 21, 22 and 24.

For the reasons set forth above, the Authority upholds the complaint that the broadcast by TV3 Network Services Ltd of the promo for "Eye of the Needle" on Sunday evening 5 April 1992 breached standards 18 and 20 of the Television Code of Broadcasting Practice.

The Authority declines to uphold the complaint that the same broadcast breached other standards of the Code or that the broadcast of the promo for "Valley Girls" breached the named standards.

Having upheld a complaint, the Authority may issue an order under s.13(1) of the Broadcasting Act 1989. It does not intend to do so on this occasion in view of the action taken by the broadcaster when, although declining to uphold the complaint, it noted the complainant's concern and discussed the matter internally. The Authority trusts that those discussions will result in care being taken to ensure that the broadcast of further promos in the "G" and "PGR" time zones, especially for "AO" films, do not again breach the standards.

Signed for and on behalf of the Authority

Gavin Gallaway
Gavin Gallaway
Chairperson

17 September 1992



Appendix

Mr Grant Rothville's Complaint to TV3 Network Services Ltd

In a letter dated 22 April 1992, Mr Rothville complained to TV3 Network Services Ltd about two trailers shown during "World Around Us" between 6.30 - 7.30pm on Sunday 5 April. The trailers showed, respectively, he said, a murder scene and some scantily clad people participating in licentious behaviour.

The broadcasts, he wrote, breached eight standards in the Television Code of Broadcasting Practice including the standards requiring good taste and decency, those designed to protect children and those designed to control the broadcast of violence.

TV3's Response to the Formal Complaint

TV3 advised Mr Rothville of its Complaints Committee's decision in a letter dated 25 May 1992.

It explained that "World Around Us" crossed the "G" and "PGR" time zones as the latter began at 7.00pm. Adding that both trailers were screened after 7.00pm, TV3 denied that either had depicted a murder scene or unduly licentious behaviour. It acknowledged that both trailers came from films to be broadcast at a later hour but, while the timing of the trailers might be regarded by some as insensitive, TV3 believed that both the trailers:

could well forewarn parents of the PGR classification that the programme attracted.

TV3 noted that the complaint had been discussed with its promotions department but, on balance, the standards had not been breached.

Mr Rothville's Complaint to the Broadcasting Standards Authority

As he was dissatisfied with TV3's decision, in a letter dated 19 June Mr Rothville referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

He said that the violent scene involved a person being stabbed and the sexual scene involved some scantily clad people participating in foreplay and that neither of the films to which they related should have been advertised during a family programme. He disagreed that TV3 could classify the programme advertising an AO item as PGR and thus broadcast it during the PGR time-slot. Moreover, he said, in view of their content, the trailers did not warrant a PGR rating.

He commented:



I do not feel I can let our preschoolers watch a TV3 programme without putting innocence at risk.

TV3's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter containing the papers is dated 30 June and TV3 in its response of 6 July, at said that it did not want to comment further.

Mr Rothville's Final Comment to the Authority

When asked whether he wished to comment further, in a letter dated 29 July Mr Rothville described TV3's short reply as superficial, if not patronising.

