

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 68/92

Dated the 28th day of September 1992

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

KRISTIAN HARANG

of Auckland

Broadcaster

TELEVISION NEW ZEALAND

LIMITED

I.W. Gallaway Chairperson

J.R. Morris

R.A. Barraclough

L.M. Dawson

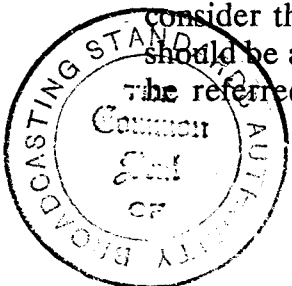
DECISION

Introduction

An advertisement for Pioneer Electronic equipment broadcast by Television New Zealand Ltd on TV1 on 6 June 1992 depicted a scantily-clad young woman listening to music and reading in a garden. As the music increased in volume she began to dance and when the music stopped she sat down. She then used the remote control to produce a sudden loud blast from the stereo, at which point a group of "gorillas" (or "explorers" in the less frequently played version) tumbled out of a nearby tree.

Mr Harang complained to TVNZ that he considered the advertisement totally offensive and indecent and that it denigrated women. He thought it was inappropriate to screen in family viewing time and that the depiction of a woman dressed in bra and panties was totally unrelated to the product.

TVNZ declined to uphold Mr Harang's complaint. It responded that the young woman was wearing a white bikini which was appropriate for sunbathing. It believed that the bikini had to be considered in the context of a brief excerpt in the style of classic comedy and, as the young woman remained in control of the situation, TVNZ did not consider that the advertisement denigrated women and there was no reason why there should be a time restriction on it. As Mr Harang was dissatisfied with TVNZ's decision, he referred his complaint to the Broadcasting Standards Authority under s8(a) of the



Broadcasting Act 1989.

Decision

The members of the Authority have viewed the advertisement 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.

The advertisement for Pioneer Electronic equipment which was complained about featured a young woman in a bikini listening to music in the garden and, the Authority noted, the tempo and rhythm of the music was visually depicted by the stereo's graphic frequency display. As the volume and tempo increased the young woman got up to dance and when the music stopped she sat down. The advertisement then portrayed the woman using the remote control to produce a sudden loud blast from the stereo, at which point a group of "gorillas" (or "explorers" in a less frequently played version) tumbled out of a tree.

Mr Harang complained that the advertisement should not have been shown in family viewing time and that the young woman portrayed was totally unrelated to the electronics product. TVNZ examined his complaint under standard 2 of the Television Code of Broadcasting Practice and standard 4 of the Code for the Portrayal of People in Advertising and decided that no breach had occurred.

Standard 2 of the Television Code states that the broadcaster's obligation is:

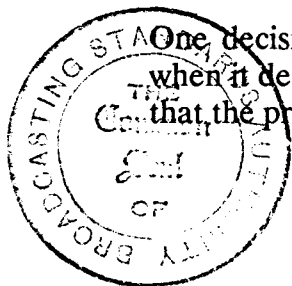
To take into consideration currently accepted norms of decency and taste in language and behaviour, bearing in mind the context in which any language or behaviour occurs.

Mr Harang's principal objection seemed to be grounded in his belief that the woman was dressed in bra and panties which, the Authority agreed with TVNZ, was not correct. Although there was one shot which focused on the top of the woman's legs which the Authority considered gratuitous, it felt that as a whole the advertisement was not offensive or unnecessarily salacious. The Authority decided that there was no breach of standard 2 and no reason for the advertisement to be restricted to screening after 9pm.

Mr Harang also complained that the scantily clad woman was unrelated to the advertised product. TVNZ assessed the advertisement under standard 4 of the Code for the Portrayal of People in Advertising. The relevant part of standard 4 states:

Advertisements should not employ sexual appeal in a manner which is exploitive and degrading of any individual or group of people in society to promote the sale of products or services. In particular, women shall not be portrayed in a manner which uses sexual appeal to draw attention to an unrelated product...

One decision in which the Authority interpreted this standard is Decision No: 34/91 when it determined a complaint about some advertisements for cheese. It decided there that the prohibition in standard 4 applies both to exploitive and degrading uses of sexual



appeal and to contrived uses of women's sexual appeal where the purpose is to draw attention to unrelated products.

In applying this interpretation in the advertisement complained about, a majority of the Authority decided that there was no relationship between the woman and the advertiser's stereo equipment. If, as TVNZ contended, the advertised product was the music, the majority was unable to see the relevance of the bikini-clad woman to that product. Nor did the majority consider that the bikini sequence was integral to the style of "classic comedy" as TVNZ further contended. The majority's view was that the use of the woman's sexual appeal was of such a contrived nature that it fell within the uses of sexual appeal prohibited by standard 4.

Having upheld the complaint that the advertisement used sexual appeal to sell an unrelated product, it was unnecessary for the Authority to decide whether the advertisement also breached the first prohibition in standard 4 which prohibits using sexual appeal in a manner which is exploitive and degrading. The majority was not receptive to TVNZ's argument that the fact that the woman remained in control of the situation and reacted with amusement were mitigating factors. Any "control" that the woman had was contrived and did not in its view, override the fact that her scantily clad figure was not essential to the advertisement. She could have been less scantily clad and dancing. Instead the emphasis was on her body.


A minority of the Authority considered that the advertisement did not breach standard 4 of the Code for the Portrayal of People in Advertising. Its view was that the advertisement's humorous approach was inoffensive, and its focus was on the fun and pleasure to be had from listening to music. Because the camera did not linger on the woman's body, the minority concluded it was not exploitive of her sexual appeal, and not in breach of standard 4.

For the above reasons, a majority of the Authority upholds the complaint that the broadcast of the Pioneer Electronic advertisement breached standard 4 of the Code for the Portrayal of People in Advertising in that it used a woman's sexual appeal simply to draw attention to an unrelated product.

The Authority unanimously declines to uphold the complaint that the broadcast of the advertisement breached standard 2 of the Television Code of Broadcasting Practice.

Having upheld a complaint, the Authority may impose an order under s13(1) of the Broadcasting Act 1989. It does not intend to do so on this occasion as the breach was not a blatant one and the decision is a majority one.

Signed for and on behalf of the Authority


Iain Gallaway
Chairperson
28 September 1992



AppendixMr Kristian Harang's Complaint to Television New Zealand Limited

In a letter dated 7 June 1992, Mr Harang complained to Television New Zealand Ltd about an advertisement which he saw on TV1 on Saturday 6 June at 5.30pm. The advertisement, he wrote, featured a young woman in bra and panties. He felt that this was totally unrelated to the product and found it offensive and indecent. Further, he felt it was inappropriate to show it in family viewing time and that it denigrated women.

TVNZ's Response to the Formal Complaint

TVNZ advised Mr Harang of its Complaints Committee's decision in a letter dated 14 July 1992. It considered the complaint in the context of standard 2 of the Television Code of Broadcasting Practice and standard 4 of the Code for the Portrayal of People in Advertising. TVNZ's response to the points made by Mr Harang (quoted below) was as follows:

1. "Two thirds of the advertisement showed a girl in bra and panties."

TVNZ stated that she was dressed in a white bikini which was appropriate for sunbathing.

2. "It was family viewing time."

TVNZ found no reason to restrict the time this advertisement was shown.

3. "The girl sequence was totally unrelated to the sale of the electronics product."

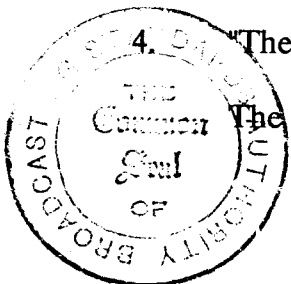
TVNZ held that the sole purpose of the stereo system was to reproduce music as perfectly as possible. It said that the "product" was the music and that music was fundamentally related to dance and dancers. It noted:

The real question, it seemed, which you posed was whether the fact that the girl was dressed in a bikini swimsuit meant that she was "portrayed in a manner which uses sexual appeal simply to draw attention to an unrelated product" in terms of the Code for People in Advertising.

On balance the Committee did not think so. The "unrelated product" aspect is dealt with above, and the bikini had to be considered in the context of a brief excerpt in the style of classic comedy.

"The advert also denigrated the woman's sex."

The Committee did not believe so, given the entertaining style of the



advertisement and the fact that the woman remained in control of the situation.

TVNZ stated that the bikini dance sequence was not unrelated to the stereo system. It said that the "product" was high quality music which was

...visually depicted superimposed over the scene in a representation of the stereo's graphic frequency display.

The music increased in volume and excitement, and she was seen dancing rapturously around the garden entranced by the power of the music. When the music stopped she sat down and sensed that she might not be alone. She used the remote control to produce a sudden loud blast of music from the stereo, whereupon a group of tubby "gorillas," (or skinny "explorers", who looked rather like boy scouts, in a much less frequently played version) tumbled from an adjacent tree. She reacted with surprise and high amusement.

TVNZ concluded that the advertisement did not go against accepted attitudes, values and expectations of New Zealand society. It believed its view was reinforced by the fact that this was the only letter of complaint about the advertisement.

Mr Harang's Complaint to the Broadcasting Standards Authority

As he was dissatisfied with TVNZ's response, on 17 July 1992, Mr Harang referred his complaint to the Broadcasting Standards Authority under s8(a) of the Broadcasting Act 1989. He wrote:

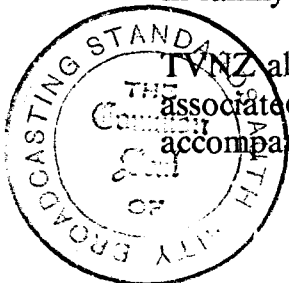
They try to smother my complaint with airy fairy words to cover up a blatantly disgusting advert which denigrates women and uses sex to promote a product.

TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its request is dated 20 July 1992 and TVNZ's response 23 July.

TVNZ responded that its decision and the reasons for it were thoroughly outlined in its letter to Mr Harang. It argued that the woman was shown in a perfectly respectable two-piece bathing suit and that the commercial was clearly presented as light comedy. It also noted that the setting in which the young woman was listening to music seemed in no way to denigrate women nor could it be regarded as offensive in family viewing time.

TVNZ also pointed out that the vision of the young woman was throughout associated with the product - that link being emphasised by the company logo and the accompanying pulses rising and falling to the beat.



Mr Harang's Final Comment to the Authority

When asked to comment on TVNZ's response, in a letter dated 4 August, Mr Harang repeated his concerns about the advertisement, in particular that the dress was definitely bra and pants, not a bikini, and that the use of underclothing was particularly distasteful especially in family viewing time.

He also repeated his objection to the use of a woman "gyrating about using blatantly the female image to promote a product" and that the woman was seen as a thing to be exploited and not as a person.

