

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 83/92

Dated the 22nd day of October 1992

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

PHILLIP SMITS

of Auckland

Broadcaster

TELEVISION NEW ZEALAND
LIMITED

I.W. Gallaway Chairperson

J.R. Morris

R.A. Barraclough

L.M. Dawson

DECISION

Introduction

Sponsorship of two Auckland sports teams - one by a strip club and the other by a condom manufacturer - was dealt with in an item on TV1's *Holmes* programme on 27 May 1992.

Mr Smits complained to Television New Zealand Ltd, as the broadcaster, that the item breached the standard of good taste and decency because it contained unnecessarily salacious and titillating footage of strippers, and that it lacked balance because the reporter's bias (in favour of those particular sponsors) was evident.

TVNZ declined to uphold Mr Smits' complaint. It responded that it did not consider the item to be unbalanced, and that it was a straightforward account of the way in which two sports teams were being sponsored. Although the item was lighthearted, it was "essentially a factual piece of reporting" and, TVNZ maintained, neither standard had been breached.

As Mr Smits was dissatisfied with TVNZ's decision, he referred his 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 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.

Mr Smits complained to TVNZ that an item on the *Holmes* programme which examined what he described as two controversial sports club sponsorships was in breach of the standard requiring good taste and decency and lacked balance.

TVNZ assessed the complaint against standards 2 and 6 of the Television Code of Broadcasting Practice and declined to uphold it. Standards 2 and 6 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.
- 6 To show balance, impartiality and fairness in dealing with political matters, current affairs and all questions of a controversial nature.

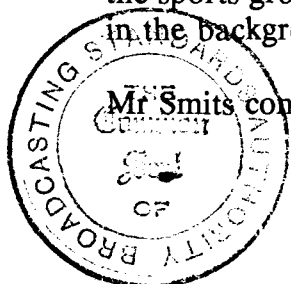
In assessing the complaint under standard 6, TVNZ argued that Mr Smits had not given evidence which supported his contention that the item was unbalanced and, consequently, that it had difficulty in assessing his concerns in this respect. TVNZ emphasised that the item took:

a lighthearted approach, but underlying it was the serious need for teams to find sponsorship if they were to afford such things as new uniforms and the weekly costs of dry-cleaning and so forth. The fact that such "bizarre" sponsors as the "Firecats" nightclub and Ansell condoms were involved were seen as emphasising how far struggling sports clubs need to go to attract money.

It concluded by noting that it believed that the item "was essentially a factual piece of reporting" and that it did not find the item was one-sided or that the voice-over implied support for the particular sponsors.

In his referral of his complaint to the Authority, Mr Smits first clarified that the segment he was complaining about related to the sponsorship by the nightclub, and not by the condom manufacturer. He carefully analysed the script and cited examples which he claimed showed the reporter's bias. He also noted that members of the team were not interviewed to canvass their opinions on the sponsorship. Instead there was an interview with the owner of the night club (Mr Hastie) who, Mr Smits suggested, was simply buying respectability by the sponsorship deal. Mr Smits alleged that the footage shown in the night club was gratuitous and titillating. He compared that segment with the condom sponsorship and noted that in that case the sponsor's representative was interviewed at the sports ground where players were also interviewed. There was no titillating footage in the background.

Mr Smits concluded his analysis of the script with a list of questions and issues that he



believed should have been explored. He wrote:

Clearly, they should have contrasted the healthiness of playing rugby league with the unhealthiness of frequenting "strip-bars". The players should have been contrasted with **themselves**. Hastie's business ie "the flesh-trade" should have been contrasted with the ideals of sport.

In its comments to the Authority in response to Mr Smits, TVNZ maintained its view that the item was a factual account of the lengths sports clubs must go to in order to survive. It stated that the purpose of including the sequences from inside the strip club was that:

There is clearly a contrast to be made with the admittedly sleazy surroundings of a strip club - and the healthy outdoor environment of a rugby field. It was to stress the irony of the sponsorship that the visual contrast was made.


We do not believe the shots used in the sequence breached the rules of good taste and decency - being general and generic in nature.

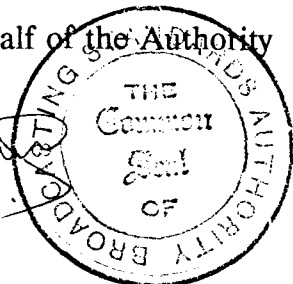
In assessing the complaint under standard 2 referring to good taste and decency, the Authority's view was that while the item may have lingered unnecessarily on the dancers, it did not breach the standard. Although it understood the complainant's concern about the broadcast of the item between 6.30 pm and 7.00 pm, on balance the Authority considered that the standard had not been breached.

In assessing the complaint under standard 6 the Authority was inclined to agree with Mr Smits that there were some obvious issues which were not pursued by the reporter, such as what the team members, their families, and the club administrators felt about the sponsorship. However, although the Authority felt that this item had tended to be superficial and that questions relating to the above issues would have added interest and balance to the discussion, the broadcast was neither partial nor unfair and the extent of the deficiencies on the balance issue were not of a sufficient magnitude to justify a finding that it breached standard 6 of the Television Code.

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

Signed for and on behalf of the Authority


Iain Gallaway
Chairperson



22 October 1992

Appendix

Mr Phillip Smits' Complaint to Television New Zealand Limited

In a letter dated 28 May 1992, Mr Smits complained to Television New Zealand Ltd about an item on the *Holmes* programme on 27 May which was concerned with the sponsorship of a rugby league team and a rugby team, one by a strip club and the other by a condom manufacturer. He felt that the item breached the standard of good taste and decency and that it lacked balance. He was particularly offended by the part of the programme concerning the strip-club sponsorship which he believed was one-sided and not impartial reporting. He maintained that the subject was controversial, yet the reporter was biased in her comments and implied that she supported the deals. He also objected to the salacious and titillating portrayal of the women shown.

TVNZ's Response to the Formal Complaint

TVNZ advised Mr Smits of its Complaints Committee's decision in a letter dated 14 July 1992. It considered the complaint in the context of standards 2 and 6 of the Television Code of Broadcasting Practice which required 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.
- 6 To show balance, impartiality and fairness in dealing with political matters, current affairs and all questions of a controversial nature.

TVNZ's view was that the item was a straightforward account of the way in which two sports teams were being sponsored and that it was essentially a piece of factual reporting. The Committee was "unable to determine that either code in question had been breached".

It noted that the voice-over did not imply support for the sponsorship - it simply related what the sports club expected to get from it, and what the sponsor hoped for in return.

Mr Smits' Complaint to the Broadcasting Standards Authority

As he was dissatisfied with TVNZ's response, Mr Smits referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989, on 24 July 1992.

Mr Smits clarified that the subject of his complaint was the item on the strip-club sponsorship, and not the condom manufacturer's sponsorship. His principal concern was that there was biased and favourable reporting by the *Holmes* show of the activities of



Mr Hastie, who he referred to as Auckland's so-called "King of Sleaze". He was unhappy with the reporting, the film footage (dancers in the background while the owner of the club was being interviewed), and the double entendres. He also described TVNZ's response as "selective, deliberately evasive...and essentially dishonest."

In comparison, he said, the item on the condom manufacturer had an interview with the sales representative of the condom manufacturer at the rugby ground (no titillating footage of dancers) and the players were interviewed (whereas in the strip club footage, only the owner was interviewed). He suggested that there was a difference in the presentation of the two items.

He suggested that the item should have included questions put to the team members about how they felt about the sponsorship, how their wives or girlfriends felt, what the Navy thought about the image created, the opinions of sports administrators and what women's groups thought. Mr Smits was very critical of the free promotion this item gave to Mr Hastie's night club business.

TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its request is dated 27 July 1992 and TVNZ's response 12 August.

TVNZ responded that the item was a straightforward account of the way in which two of Auckland's smaller sports clubs had acquired sponsorship, and that it believed that the item left it to the viewer to decide whether or not the sponsorship was a good thing.

TVNZ stated that the footage taken of the dancers inside the club was to contrast the "admittedly sleazy surroundings" with the healthy outdoor environment of a rugby field, and to stress the irony of the particular sponsorship. It did not believe that the shots breached the standard of good taste and decency.

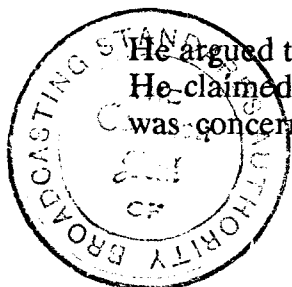
TVNZ concluded by noting that the issue of sports sponsorship was in the public interest and that because of their unconventional nature, these two were worth drawing to the attention of viewers.

Mr Smits' Final Comment to the Authority

When asked to comment on TVNZ's reply, Mr Smits in a letter dated 17 August replied that the item was a virtual promotion for the strip club. He maintained that the reporters comments were biased in favour of the sponsor and

...everything that Kerry Anne Evans said (that I quoted) could have been said by supporters of the sponsorship - she had no business saying any of those things...

He argued that filming of the dancers was deliberate titillation at the expense of balance. He claimed that the reporter was not impartial and that there was no objectivity. He was concerned that the reporter failed to follow what he felt were obvious lines of



questioning to determine what Mr Rainton Hastie's real motives were in establishing the sponsorship.

Mr Smits was also unhappy with TVNZ's attitude to his complaint, which he felt it did not take seriously. With his letter he forwarded several appendices which included a suggested script for an item such as this, newspaper articles and an advertisement for the

strip club

