

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 7/93

Dated the 15th day of February 1993

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

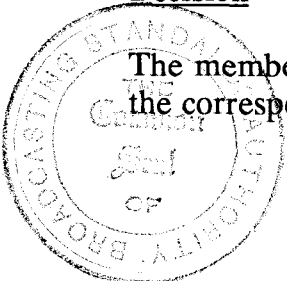
The strip performance of the "Penthouse Pets", a live nightclub act about which the group Women Against Pornography was protesting, was dealt with in an item on the *Holmes* programme broadcast on TV1 between 6.30 - 7.00pm on 24 September 1992.

Mr Harang complained to Television New Zealand Ltd, as the broadcaster, that the item was in bad taste especially at that hour. He said that it showed gyrating semi-naked women who were portrayed as objects of desire rather than as people.

TVNZ maintained that the item raised the question whether such acts denigrated women and, arguing that the complaint confused the broadcaster's role as the messenger with that of the message, declined to uphold it. Dissatisfied with TVNZ's decision, Mr Harang 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 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 Harang complained that an item on TV1's *Holmes* programme on 24 September 1992, dealing with the demonstrations against the nightclub performance of the "Penthouse Pets" strip show, portrayed women as objects of desire rather than people. The item, he said, was in bad taste, especially in family viewing time.

TVNZ considered the complaint under standards 2 and 26 of the Television Code of Broadcasting Practice. Standard 2 requires 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.

Standard 26 reads (omitting the exceptions which are not relevant to this complaint):

- 26 The portrayal of people in a way which is likely to encourage denigration or discrimination against any section of the community on account of sex, race, age, disability, occupational status, sexual orientation or the holding of any religious, cultural or political belief shall be avoided.

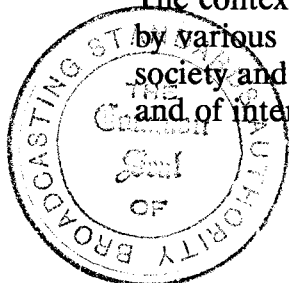
Pointing out that the item dealt with the controversy raised by strip acts and that the performers were shown at all times wearing bikinis, TVNZ declined to uphold the complaint under both standards.

When he referred his complaint to the Authority, Mr Harang emphasised that it was inappropriate to broadcast the item in family viewing time. TVNZ said that focus raised standard 18 which, as it had not been raised in the initial complaint, could not be introduced when the complaint was referred to the Broadcasting Standards Authority. Nevertheless, TVNZ continued, as the item had dealt with an important issue which had been handled with delicacy, standard 18 had not been breached. Standard 18 requires broadcasters:

- 18 To be mindful of the effect any programme may have on children during their generally accepted viewing times.

The Authority disagrees with TVNZ that standard 18 was first raised when Mr Harang referred his complaint to the Authority. As the broadcast of the item in family viewing time at 6.30pm, rather than after 9.00pm, was an aspect of Mr Harang's original complaint to TVNZ, the Authority intends to assess the referral of his complaint to the Authority under standard 18 as well as standards 2 and 26.

Standard 2 requires the context in which an item is broadcast to be considered before deciding whether the broadcast breached the requirement for good taste and decency. The context of the item about the "Penthouse Pets" included the articulate presentation by various involved people of different perspectives about the effect of strip shows on society and on the participants. The Authority believed that the issue, which is relevant and of interest to many, was raised in an acceptable rather than salacious manner. The



accompanying visuals, which showed the strippers preparing for and, briefly, performing, were relevant to the discussion. Moreover, the shots of the performance showed the strippers wearing bikinis and could not be described as unduly titillating.

In the past the Authority has received complaints about items on *Holmes* which have dealt with some aspects of stripping where either or both the commentary and the visuals have been of questionable taste. On this occasion, however, the item depicted some informed people concerned about the social impact of strip shows and reported aspects of both sides of the debate. It involved the legitimate interchange of views which, the Authority decided, did not contravene standard 2.


In considering the standard 26 complaint, the Authority observed that a strip performance was not the item's focus. Rather, the focus was the issue of stripping. The item presented arguments for and against and, as TVNZ pointed out, left it to viewers to make up their own minds whether striptease, among other matters, denigrated women. The Authority decided that the item in itself did not encourage the denigration of women and thus did not breach standard 26.

The issue of strip shows was discussed from a variety of approaches and the emphasis in the item was placed upon the debate rather than upon visuals of the performance. Although the issue of stripping is one which may be of limited interest to younger viewers and one which some parents may prefer not to be covered in family viewing time, the way it was presented on the *Holmes* programme on 24 September was not such that it breached the standard 18 requirement that broadcasters be mindful of the effect a programme may have on children.

Taking into account the context of the item on the "Penthouse Pets" and the way the issue was presented, the Authority concluded that the standards had not been breached by the broadcast.

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

Signed for and on behalf of the Authority

  
Iain Gallaway  
Chairperson



15 February 1992

## Appendix

### Mr Harang's Complaint to Television New Zealand Limited

In a letter dated 29 September 1992, Mr Kristian Harang of Auckland complained to Television New Zealand Ltd about an item broadcast on TV1's *Holmes* programme between 6.30 - 7.00pm on 24 September.

The item had featured the "Penthouse Pets" strip show and, Mr Harang complained, the film of gyrating and semi-naked women portrayed them, not as people, but as objects of desire. It was, he added, in very bad taste and should have been shown only after 9.00pm.

### TVNZ's Response to the Formal Complaint

TVNZ advised Mr Harang of its Complaints Committee's decision in a letter dated 4 November 1992 in which it reported that the complaint had been assessed under standards 2 and 26 of the Television Code of Broadcasting Practice. Those standards require broadcasters to take accepted norms of decency and taste into account and not to portray women in a way which is likely to encourage denigration of or discrimination against them.

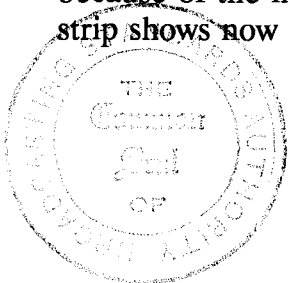
TVNZ argued that Mr Harang had confused the broadcaster's role as the messenger with that of the message. It reported that the item dealt with the controversy raised by strip acts as to whether such shows lead to the denigration of and discrimination against women in the community. Viewpoints from both sides of that argument were heard in the item, and viewers were left to make up their own minds.

Referring to standard 2, TVNZ noted that footage showing the dancers was discreet and that they were at all times clothed in bikinis. It considered that the material screened was appropriate to the issue. In regard to standard 26, TVNZ explained that it had reported the reality of the "Penthouse Pets" and left the viewers to decide if it involved denigration. The complaint was not upheld.

### Mr Harang's Complaint to the Broadcasting Standards Authority

In a letter dated 5 November 1992, Mr Harang referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Maintaining that the item showed half naked women in distasteful poses, Mr Harang argued that the item should not have been shown in family viewing time. Only because of the news media's actions, he continued, were such matters as the effect of strip shows now public issues.



### TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's comments about the complaint. Its letter is dated 9 November 1992 and TVNZ's response of 8 December stated that it had little to add to the comments in its 4 November letter to Mr Harang. It observed:

We believe the item took a responsible approach to what is an important subject for New Zealanders to address, namely the extent to which performances by semi-naked women lead to the denigration generally of women in the community. All sides of the argument were included in the item - and sufficient material from the show was intercut to give viewers an indication of its nature without transcending the bounds of taste and decency.

It argued that Mr Harang's complaint to the Authority had changed its emphasis. Whereas it had been considered by TVNZ as allegations of breaches of standards 2 and 26, it now referred to material which related to the standard 18 requirement that broadcasters be mindful of the effect of programmes on children during their generally accepted viewing times. Maintaining that the complaints procedure did not allow for later introduction of new standards, TVNZ expressed the belief nevertheless that the item was not inappropriate at the hour it had been screened. It continued:

This is an important issue, and an appropriate one for an investigative news programme like "*Holmes*" to tackle. We submit that the item was handled with delicacy and served the public good by succinctly outlining the arguments for and against shows such as the "*Penthouse Pets*".

TVNZ also explained that the strip show was not reported gratuitously but as part of the question of whether such acts denigrated women and that the performers, during the relatively brief broadcast sequences of their act, were wearing bikinis. It concluded by arguing that such issues should not only be covered during the later hours but in an appropriate manner (as occurred on this occasion) for viewers during the early evening.

### Mr Harang's Final Comment to the Authority

When asked to comment on TVNZ's response, in a letter dated 15 December 1992 Mr Harang maintained that TVNZ had not addressed his complaint that the item, in family viewing time, had shown some of the "indecencies of the actual strip show".

