

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision Nos: 10/93-18/93  
Decision No: 19/93  
Decision No: 20/93  
Decision No: 21/93  
Decision No: 22/93  
Decision No: 23/93  
Decision No: 24/93  
Dated the 11th day of March 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of complaints by

KERRY SHARP (Nine Complaints)  
of Palmerston North

VICKI CUMBER  
of Paihia

KRISTIAN HARANG  
of Auckland

NADYA CORCORAN  
of Pahiatua

DR M.P. PURCHASE  
of Auckland

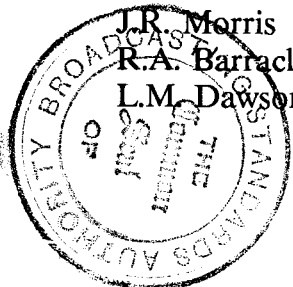
BARBARA HOBDEN  
of Christchurch

S and L THOMAS  
of Putaruru

Broadcaster  
TELEVISION NEW ZEALAND  
LIMITED

I.W. Gallaway Chairperson

J.R. Morris  
R.A. Barraclough  
L.M. Dawson



## DECISION

### Introduction

The ten episode series entitled *Sex* was a production of Australia's Channel 9 and was screened in New Zealand on TVNZ's Channel Two for ten consecutive Tuesdays from 9.30pm - 10.30pm beginning on August 11 1992 and ending on 13 October. On October 20 a composite programme entitled *Sex By Request* which contained segments from the ten episodes, was screened in the same time band.

The ten episodes followed a similar format: each was introduced by the same distinctive theme music and a glimpse of a nude couple through the slats of a venetian blind, followed by an introduction by the presenter, Sophie Lee. Each episode contained cameos which focused on different aspects of sexuality. These segments were introduced by a number of different reporters, including some health professionals who gave expert opinions in their fields of medicine, family therapy and psychology. Each episode also included comments from members of the public about different aspects of sex. The programme *Sex by Request* had a different format. It was a compilation of short items introduced by each of the reporters who worked on the series. The items seemed to be selected on the basis of having been "most talked about" or having been of particular interest to the reporter concerned.

The series focused on sexuality and its many manifestations. It reported on the business of sex, on behaviours and lifestyles and, in its more clinical items, attempted to inform young people about their responsibilities when being or becoming sexually active.

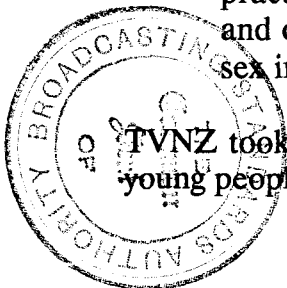
Some of the more serious (and provocative) items included segments on sexually transmitted diseases (STDs), abortion, testicular cancer, male and female prostitutes and homosexuality, while some of the more trivial (but equally provocative) items showed amateur stripping, men's underwear, sex shops, and women learning how to strip. Most of the episodes also included comments (both supportive and critical) on the content of earlier programmes.

A number of both the serious and the trivial items were the subject of complaints to the Broadcasting Standards Authority for being in breach of standards in the Television Code of Broadcasting Practice.

According to TVNZ, the series deliberately took a non-judgmental approach, in order to serve:

an important social function, in providing advice for young adults on safer sex practices, while at the same time dispelling some myths about sex and sexuality, and dispensing constructive information about sexual activity and the worldwide sex industry.

TVNZ took the view that, although promiscuity was common in the community, many young people were ignorant about sexual matters and the series was an appropriate way



to educate them, particularly in light of the increased incidence of STDs and AIDS. It observed that the series was deliberately packaged in a way that would appeal to the target audience of young people and, to keep their interest, the lighter items were interspersed with the more serious ones.

Although the target audience was said to be "young people" or "young adults", at no time did TVNZ define that group in terms of age range. It did point out though that it classified each episode as S2130 and thus they were not broadcast before 9.30pm which is one hour after the beginning of AO (Adults Only) time at 8.30pm.

A total of 15 complaints were referred to the Authority about particular aspects of all the episodes except for episode 3. Broadly, the complaints focused on lack of truth and accuracy, breach of good taste and decency, lack of balance, denigration of women and the use of deceptive programme practices. The Authority's approach was to assess each of the individual complaints in the context of the series as a whole. At the same time, however, as required by its enabling legislation, it assessed each item individually, particularly the ones alleging a breach of good taste and decency. For clarity and to avoid repetition, its findings are categorised below by standard, then by item and then by complainant.

The Authority noted that several of the complainants, including Mr Sharp, Ms Cumber and Ms Hobden, expressed the view that while particular segments of the series were allegedly in breach of the Television Code of Broadcasting Practice, other parts of the series were helpful and informative.

As part of its background preparation for assessing the series, the Broadcasting Standards Authority acknowledged the study it commissioned from Chris Watson, Senior Lecturer in Media Studies at Massey University. A range of participants viewed and discussed each of the items in episode 10 and their comments were recorded and assessed. The Authority also acknowledged that it consulted Dr Janet Say of the Genitourinary Department, Auckland Area Health Board, and received comment from her on STDs and noted that members had read other background material relating to points raised in the series.

### Decision

The members of the Authority have viewed each of the episodes complained about and have read the correspondence (summarised in the Appendices). As is its practice, the Authority has determined the complaints without a formal hearing.



Three cameos from 4 episodes were the subject of complaints that standard 1 of the Television Code of Broadcasting Practice was breached. Standard 1 requires broadcasters:

1 To be truthful and accurate on points of fact.

Mr Kerry Sharp of Palmerston North claimed that episodes 1 and 4 breached standard 1 because no information was given on the serious risk to health and life of trusting in condoms to provide "safer sex". He said the episodes did not give viewers all of the facts about the consequences of STDs and failed to emphasise that STDs were a serious threat to life and health. Mr Sharp cited studies and statistics which supported his view that, for various reasons (including incorrect usage, slippage, and breakage) condoms were not failsafe. In his view, this fact was not given enough attention and, further, it was socially irresponsible not to give the "safest sex" (chastity and abstinence) message at least as much attention.

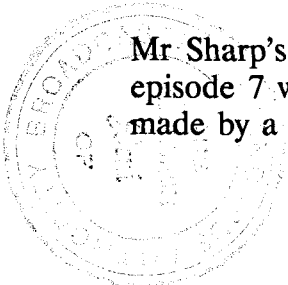
TVNZ's response was that it was unrealistic in the context of the series to push the abstinence/chastity line and pointed out that condoms were advocated in preference to unprotected sex and at no time was it claimed that they were failsafe. The fact that condoms were not failsafe was, according to TVNZ, implicit in several comments made, such as the discussion which mentioned condom failure as a possible reason to use the morning-after pill. The horrific consequences of STDs (heart illness, brain damage, blindness and death) were graphically portrayed in episode 4 in a segment introduced by Dr Kerryn Phelps, a medical advisor who appeared throughout the series.

Abstinence and chastity messages, TVNZ noted, were touched on in episodes 2, 3 and 4; however it maintained that the premise of the series was that extra-marital sex was common in the community and the role of the series was to offer constructive advice. It declined to uphold the complaint.

The Authority accepted that the moral and health arguments espoused by Mr Sharp have relevance in the context of a justified world-wide concern about STDs. It was of the view however, that in a programme which was about sex, it would be unrealistic to expect it to pursue more vigorously the abstinence line. It noted comments in different episodes, in addition to the segment in episode 2 on abstinence, such as a reference to fantasies and abstinence as the only safe sex, an interview with a young woman who valued her virginity and the advice to women to say "No" if their partner would not use a condom.

The Authority also noted that the segment on STDs in episode 4 left no doubt as to the seriousness of sexually transmitted diseases (including AIDS). However, while the information on condom usage was not inaccurate, the Authority was of the view that the series would have been better if more had been said on the risks of failure in condom usage and on the increased incidence of STDs in the community. It agreed with TVNZ that it was laudable to encourage condom usage in preference to unprotected sex but felt that there should have been more emphasis on the potential risks. Nevertheless, as the question of the omission of information was more appropriately considered under standard 6, the Authority declined to uphold the complaint.

Mr Sharp's second complaint under standard 1 was that the segment on abortion in episode 7 was untruthful and inaccurate. Specifically, he claimed that the statement made by a doctor who performed abortions that it was safer for a woman to have an



early abortion than to have a birth was "an outright lie and a dangerous deception". He also claimed that the item failed to give all the facts and information about abortion and that the diagram which showed the mechanics of abortion conveyed "a deceptive lie" by showing a uterus with nothing in it.

Responding to these allegations, TVNZ observed that the subject of abortion was a moral and emotional minefield and that the series attempted to distance itself from the moral debate and instead focused on providing information for people needing to know facts about abortion. It disagreed with Mr Sharp that the information regarding the relative safety of an early abortion compared to a birth was inaccurate, stating that Auckland doctors it had checked with "agreed that the risk to women of an early abortion is virtually nil".

It rejected Mr Sharp's assertion that the item was biased in favour of abortion, commenting that nowhere was that suggested or implied.

In the Authority's view the statement that it was safer to have an early abortion than a birth was not untrue. The context made it clear that the statement was confined to the issue of maternal mortality only.

The Authority noted that the diagram of the mechanics of abortion indeed showed an empty uterus and agreed that it would have been more realistic to show one with the developing foetus. A minority was of the view that by showing an empty uterus, the item tended to gloss over the facts of what happened in an abortion. However, as the majority believed that the total item left the viewer in no doubt about what happened during an abortion, the Authority declined to uphold the complaint that the depiction was untruthful and inaccurate.

Mr Sharp's third complaint was that in episode 10 in the item on "spicing up" a marriage, the discussion suggested that sexual fantasies were normal and harmless and might improve a relationship. Mr Sharp claimed that it was untrue to suggest that because fantasies could easily lead to criminal activity.

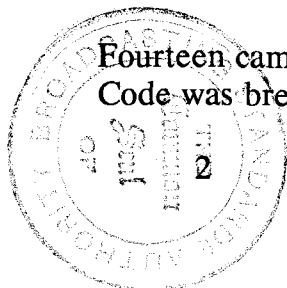
TVNZ declined to uphold his complaint, referring to the discussion in episode 1 where the subject of fantasies was discussed by medical experts who reassured viewers that sexual fantasies were widespread and natural.

The Authority was unconvinced by Mr Sharp's arguments and agreed with TVNZ that the item about sexual fantasies was not untrue or inaccurate. It declined to uphold the complaint.

## Standard 2

Fourteen cameos from 9 episodes were the subject of complaints that standard 2 of the Code was breached. Standard 2 requires the broadcaster:

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.

Ms Vicki Cumber of Paihia complained that items in episodes 1 and 2 such as those which portrayed sexual fantasies, pornographic video clips, condoms in schools and a prostitute with married sailors were in breach of standard 2 because they omitted to provide a moral framework and instead "encouraged promiscuity, a lack of morals and the breakdown of relationships".

TVNZ responded by asserting that the series took "an amoral, non-judgemental approach to the subject". It observed that the items reflected the reality of life today and that it was not the intention of the series to make moral judgments on the behaviours it encountered. Further, in the context of the classification of the programme (not to be screened until 9.30pm), the specific warning advising viewer discretion and the fact that the programme was about sex, TVNZ declined to uphold the complaint.

In one of the Authority's earlier decisions involving standard 2 (No: 2/90), it said:

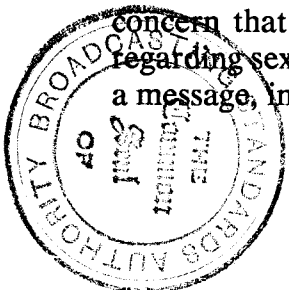
The concept of good taste and decency in a given situation or context pertains to conformity with such standards of propriety as the Authority considers to be in accord with the generally accepted attitudes, values and expectations in New Zealand society.

Taking into account first that the material portrayed was relevant to the issue being discussed and was not presented gratuitously, and secondly, the contextual issues noted by TVNZ, the Authority concluded that standard 2 had not been breached.

Ms Nadya Corcoran of Pahiatua complained that items in episode 5 on female orgasm, and those which displayed animals engaged in sex, human nudity and simulated intercourse were in breach of standard 2. She felt that they were giving the wrong messages to teenagers by encouraging them to experiment with sexual behaviours. Although she agreed that the programme was informative, she felt that these items contained material that was unnecessarily titillating and which adolescents did not need to see or hear.

TVNZ responded that the item on female orgasm was but a small part of an informational piece designed to dispel myths and overcome ignorance about sex; that the item on animals and sex was informative because it drew parallels between animal and human behaviour and that the starting point for the series was that young people were sexually active anyway and that it was acting responsibly in trying to make it safer for them.

Overall, a majority of the Authority agreed with TVNZ that because of the lateness of the hour and the warning prior to the programme, the specific items referred to by Ms Corcoran were not in breach of standard 2. However, a minority shared Ms Corcoran's concern that the message which the series as a whole seemed to convey to teenagers regarding sex was "Everybody is doing it; you're OK if you have a condom" and that such a message, in the minority's view, was a breach of good taste and decency because it was



contrary to accepted standards and values.

The Authority acknowledged that human sexuality, the series' theme, was an important area because it challenged each individual's morality and preconceptions, and that the lack of a strong moral view in the series might have been disturbing to many people. On balance and while appreciating the points made by Ms Corcoran, the Authority declined to uphold the complaint.

Mr Kerry Sharp of Palmerston North and Mr Kristian Harang of Auckland both complained that the item which portrayed masturbation in episode 6 (repeated in *Sex by Request*) was indecent and offensive.

Mr Sharp said that the item was objectionable because it portrayed masturbation as normal and acceptable when, in his view, the majority of people would find it unacceptable. Mr Harang described the item as injurious to the public good and indecent.

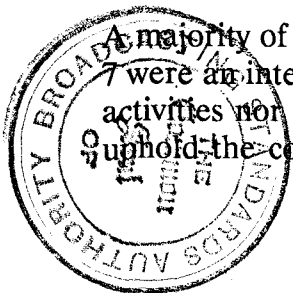
In declining to uphold either of the complaints, TVNZ explained that the subject of masturbation was treated in an educational and informative way and was intended to alleviate feelings of guilt about that aspect of sexuality. It observed that an opposing viewpoint was offered by a proponent of the Festival of Light who expressed his strongly-held view that masturbation was never an acceptable practice.

The Authority was of the view that the subject of masturbation was appropriately included in a series on sex. However, it did observe that the scene of a woman applying body oil to her breasts and caressing herself all over went on longer than was necessary. It could empathise with the complainants when they found this offensive. However, in the context of the timing of the item and the pre-screening warnings, it declined to uphold the complaint.

Mr Sharp and Mr Harang also complained that the items on the wet t-shirt and jocks competition and an amateur strip show portrayed in episode 7 and repeated in *Sex by Request* were indecent and offensive. Mr Sharp objected to the wet t-shirt competition and to showing women stripping and parading around naked in the amateur strip show. He said these items were objectionable and offensive. Mr Harang described the items as "totally indecent, salacious and offensive".

TVNZ responded to both complainants by observing that the items had a more serious side to them in that they tried to determine what compelled people to become exhibitionists. According to the psychologist who was interviewed, the motives appeared to relate to low self-esteem and the need for peer group approval. While acknowledging that the two items were "lighter", TVNZ justified their inclusion in the series which looked at all aspects of sexuality.

A majority of the Authority agreed with TVNZ that the items when screened in episode 7 were an interesting look at a social trend and because the series neither condoned the activities nor made them attractive there was no breach of standard 2. In declining to uphold the complaint, the majority also took account of the time the programme was



screened, the warning advising viewer discretion and the title of the series. A minority of the Authority was of the view that the items were offensive, unnecessarily titillating and that the nudity portrayed was gratuitous and voyeuristic. It rejected, as irrelevant to the issue of standards, TVNZ's argument that items such as these were necessary to keep the audience's attention.

When a short extract from the item on amateur stripping was repeated in *Sex by Request*, a minority was of the view that it too was in breach of standard 2 because it was a gratuitous display of nudity and exhibitionism. The majority declined to uphold the complaint that the edited version was in breach of standard 2.

A sequence on some diseases of the male genitals broadcast in episode 8 and repeated in an abbreviated version in *Sex by Request* was the subject of complaints by Mr Sharp, Mr Harang and Dr M. Purchase of Auckland.

The full item demonstrated how symptoms of cancer of the penis and of the testicles could be identified and showed uncircumcised men how to keep the area under their foreskins clean. Mr Sharp, Mr Harang and Dr Purchase found the item objectionable and disgusting; Dr Purchase claimed that the display of male genitals was "similar to hardcore pornography".

TVNZ explained to each of the complainants that the clinical explanation of a potentially life-saving practice provided important and useful information to viewers. It declined to uphold the complaint.

The Authority concurred: in its view the information would have been useful. For instance it knows of two men who, because of information learned through the programme, have identified testicular cancer and have sought treatment. The Authority declined to uphold the complaint.

A discussion of Tantric sex in episode 8 (repeated in *Sex by Request*) was the subject of complaints from Mr Sharp and Mr Harang. The item portrayed a group of naked couples who were learning the art of Tantric lovemaking which, according to the dialogue, would enable them to experience love and union in a new way. The complainants described the item as group sex and claimed it was indecent and objectionable.

In its response to the complainants, TVNZ pointed out that the accompanying dialogue in episode 8 made it clear that no intercourse was taking place, and that the item was both instructive and useful. It added that in Australia, it was the most commented upon item in the series.

A majority of the Authority was inclined to the view that while the item dealt with an unusual approach to sex which was explicitly portrayed, it was relevant in the context of a programme which set out to report on sexual trends in the 1990s. A minority disagreed. It decided that the visual depiction of a number of naked couples entwined in various sensuous poses was titillating and forced the viewer to become a voyeur in a very intimate moment. The assurance that no intercourse actually took place during the



training on Tantric sex had little relevance to the impact of the scene on the minority.

When the item was repeated in *Sex by Request*, however, a majority was of the view that because some of the explanatory dialogue was omitted, particularly the explanation that sexual intercourse was not occurring between the couples, a person viewing it for the first time in that episode would gain little understanding of the different approach to sexual relationships in the Tantric philosophy. When taken out of context it seemed to be a gratuitous display of group sex. The minority disagreed. Accordingly, the majority upheld the complaint that in *Sex by Request* the item was in breach of standard 2.

The theme of homosexuality throughout the series and in particular in an item in episode 8, was the subject of a complaint by Mr Sharp. He described as objectionable and offensive "the active promotion of homosexuality as normal and natural".

TVNZ denied that the series had promoted homosexuality as either normal or abnormal, observing that it merely acknowledged that male and female homosexuals are part of the community. The series had taken, it continued, a compassionate look at the stresses that had arisen for many when they first confronted their families with their homosexuality.

In the Authority's view, the series, and in particular the item in episode 8, served a useful role in revealing the pressures faced by individuals and their families when confronted by the fact of homosexuality. It agreed with TVNZ that the series did not promote homosexuality, but simply reported on it. It declined to uphold the complaint.

A controversial woman artist whose works featured women discovering their sexuality was shown in episode 9 and was the subject of a complaint by Mr Sharp. He described the artist's work as "outright pornography under the 'art' umbrella".

In its response to this complaint, TVNZ observed that the paintings "reflect a new awareness among women of their bodies and their capacity to enjoy them". It declined to uphold the complaint.

The Authority agreed that many of the images in the paintings were disturbing and challenging, but believed that in the context they were not in breach of standard 2. It accepted the argument that the artist was exploring the theme of sexuality in her art, and decided that the paintings were not pornographic. It declined to uphold the complaint.

A scene in episode 10, repeated in *Sex by Request*, showed simulated sexual intercourse and was the subject of complaints from Mr Sharp, Mr Harang and Mr and Mrs Thomas of Putaruru who all alleged that the item was indecent and distasteful.

According to TVNZ, the scene of the couple engaged in "simulated intercourse" was simply a background scene and was in the context of a discussion on how a couple could improve their relationship. It stated that in the context and because it was near the end of the episode, the lateness of the hour it was shown, it was not indecent, and declined to uphold any of the complaints.

On viewing the item, the Authority observed that the sequence was borderline and that



the harsh lighting and wooden acting made it appear tawdry. However, because in the context of an item about improving a couple's sexual life it had some relevance, a majority of the Authority declined to uphold the complaint. A minority disagreed, stating that the fact that a caption told the viewers they were watching "simulated intercourse" was irrelevant when confronted by the explicit love-making scene.

Although it was one of the most visually confronting scenes, the majority believed that when it was shown in episode 10, it was saved from being gratuitous by being in the context of a couple exploring ways to improve their marriage. This was not so when it was repeated in *Sex by Request*. Accordingly the majority was of the view that because of its lack of context, this scene of a couple engaged in "simulated sexual intercourse" in *Sex by Request* was in breach of standard 2.

A brief comment made in the item on prostitutes in episode 10 was the subject of a complaint by Mr and Mrs Thomas. They considered in bad taste and indecent the prostitute's answer to the question "What is the worst thing you have ever been asked to do?"

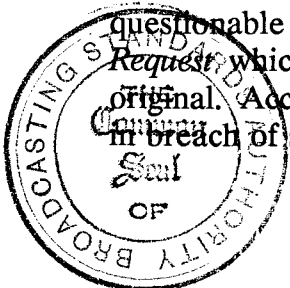
While agreeing that what the woman described was revolting, TVNZ maintained that a graphic message was conveyed to young people about the degradation of the prostitution and drugs cycle. It believed that the item contained a salutary message and was in keeping with the overall objective of the series which was to advise young people about potentially dangerous sex practices. It declined to uphold the complaint.

Observing that the segment of the item complained about was brief and screened near the end of the episode and was therefore at a late hour, the Authority agreed that it was a very powerful and poignant comment on the unsavoury and degrading world of prostitution. The Authority's views were in accordance with those of participants in a Qualitative Study it commissioned from Chris Watson, Senior Lecturer in Media Studies at Massey University, who saw the comments and language in this particular item as acceptable in the context. The Authority declined to uphold the complaint.

An item on a strip show in the Tennants Creek pub was screened in episode 4 and was the subject of a complaint by Mr Harang that it breached standard 2 when it was repeated in *Sex by Request*.

TVNZ's response was that the items in *Sex by Request* were those which generated the most interest or were the most important in the context of the series as a whole. It noted that the series reported on aspects of human behaviour as it found them, and had refrained from making a comment about them.

The Authority was of the view that the item when shown in episode 4 was of questionable taste. However the complaint was about the edited version in *Sex by Request* which omitted much of the offensive material which was contained in the original. Accordingly, the Authority declined to uphold the complaint that the item was in breach of standard 2 when it was included in its edited form in *Sex by Request*.



## Standard 6

Twelve cameos were the subject of complaints for allegedly breaching standard 6 of the Television Code of Broadcasting Practice.

Standard 6 requires broadcasters:

- 6 To show balance, impartiality and fairness in dealing with political matters, current affairs and all questions of a controversial nature.

From the outset, the Authority agreed that standard 6 was relevant because a question of a controversial nature was raised. Mr Sharp complained that episodes 1 and 4 conveyed what he described as the myth that sex was safer if a condom was used and, moreover, that the programmes lacked balance because they omitted to give information about the failure rate of condoms. He quoted figures which showed that the incidence of STDs was increasing dramatically and suggested that it was irresponsible not to emphasise the risks in relying on a condom to protect against STDs and the consequences of acquiring them.

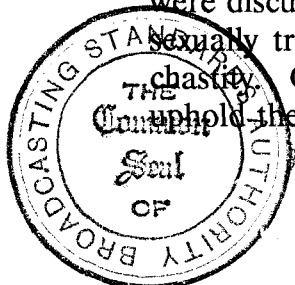
TVNZ maintained that although no specific reference was made to the failure rate of condoms, at no time was it suggested that condoms would protect against all sexually transmitted diseases. The message repeated throughout the episodes was that sex with a condom was safer than sex without.

In the context of the series as a whole, the Authority was inclined to the view that balance was achieved, because, for example, in the discussion of STDs in episode 4, the consequences of contracting such diseases were made abundantly clear. It also noted that condoms were advocated in preference to unprotected sex, implicitly recognising that for many viewers, abstinence was not a preferred option. While, as it was observed above on page 4, more could have been said on the failure rate of condoms which could be caused by incorrect use, slippage and breakage, the Authority declined to uphold the complaint. It noted that programmes such as the *Sex* series, by demystifying sexual relations could well reduce the risk of failure resulting from incorrect use of condoms.

With reference to the same two episodes and the theme of safer sex, Mr Sharp complained that balance was not achieved because equal attention was not given to the themes of chastity and abstinence.

TVNZ observed that the values of chastity and abstinence were discussed in episodes 2, 3 and 4 although it emphasised that the focus of the series was to offer guidance and information to those who were already sexually active.

The Authority found, in the context of the series as a whole, that abstinence and chastity were discussed and that the information given, for example in episode 4 in the item on sexually transmitted diseases, alerted young people to at least the health benefits of chastity. On the whole it agreed that balance had been achieved and it declined to uphold the complaint.



Mr Sharp also complained that an item on an amateur strip show in episode 7 was unbalanced because only women were shown and because it portrayed people parading around naked as normal, acceptable behaviour. He argued that not only was it neither normal nor natural but it was unbalanced to imply that it was.

In its response TVNZ rejected his argument that it was unbalanced because it did not show fully naked men, observing that it did not show fully naked women either but only "bits" of bodies of both sexes. It disagreed that the item implied that stripping was a normal behaviour, pointing out that comment was made by a psychologist that such behaviour was probably caused by low self-esteem.

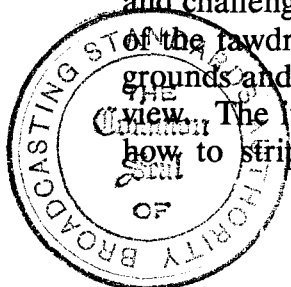
While accepting that the item portrayed a tawdry and indeed, a pitiful side of life, the Authority was of the view that the psychologist's comments on the reasons why people chose to become exhibitionists, including the influence of alcohol and low self-esteem, provided the required balance and that accordingly the standard was not breached. It declined to uphold the complaint.

With reference to an item on abortion in episode 7, Mr Sharp complained that it was unbalanced and biased in favour of abortion because it gave just a token mention of the pro-life view. He claimed that the item failed to give all the facts about the irreversible consequences of abortion.

While acknowledging that the issue of abortion was an emotionally-charged one, as noted in the discussion under standard 1, TVNZ denied that the item had taken a particular stance, observing that it had distanced itself from the moral argument. TVNZ noted that women who were contemplating abortion, or who had had an abortion, offered a number of different viewpoints. This was consistent with its role of providing information to allow viewers to make their own decisions.

In the Authority's assessment, the item on abortion was not biased in favour of abortion, nor was it biased in favour of the pro-life perspective. It noted that the segment canvassed the opinions of a number of women, including one who had had an abortion and regretted it and another who had chosen to continue her pregnancy. The Authority observed that abortion was described as the most common surgical procedure in Australia and in that context was an important topic for discussion. It did not agree that facts were withheld, although as noted earlier, it did acknowledge that the diagrammatic portrayal of the mechanics of an abortion procedure showed an empty uterus. However, on balance, it did not believe that this would mislead people as to the nature of abortion. It declined to uphold the complaint.

Ms Barbara Hobden of Christchurch complained that five items in episodes 4, 5 and 6 were in breach of standard 6 because the reporting was neither impartial nor balanced. She claimed that the sexist stereotypes portrayed should have been critically evaluated and challenged and an alternative viewpoint given. She observed that the only criticism of the tawdry strip shows on the programme came from those who objected on moral grounds and that, to achieve balance, it would have been better to include the feminist view. The items she complained about included one where women were being taught how to strip, the discussion of the introduction of a pay pornography channel on



television, a game show where the participants were semi-naked women, the piece on suburban prostitution and the sequence on large breasts.

TVNZ denied that these items reinforced outdated stereotypes of women, claiming that the series merely reported on what existed without questioning the political appropriateness of what it found. It suggested that Ms Hobden was confusing the message with the messenger.

While the Authority believed that the repetitive theme of stripping which permeated the series might have over-emphasised its prevalence in society, it did not agree that the items to which Ms Hobden referred were so lacking in balance as to constitute a breach of standard 6. In the Authority's view, enough of the opposing point of view was given in the item on the pornography channel to give balance, and while some of the other items portrayed and reported on activities which could potentially be exploitive of women, they were small excerpts in the context of a diverse programme and were not in breach of standard 6. In particular, the Authority believed the item about large breasts helped to discredit the stereotype that big is best. It declined to uphold the complaint.

An item which explored the subject of infertility and the role of modern technology in helping infertile couples was shown in episode 9. Mr Sharp claimed that it was unbalanced because it failed to identify abortion and STDs contracted as a result of promiscuous sex as the two most common causes of infertility.

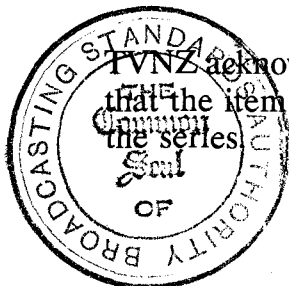
In declining to uphold the complaint, TVNZ advised Mr Sharp that the causes of infertility were irrelevant to the story; that instead its focus was on the positive theme of how infertile couples can be helped by today's technology.

In the Authority's view, the item was an effective and empathetic report of the anguish felt by many infertile couples and their efforts to conceive. The Authority believed that even if true, it would have been unhelpful and simplistic in this context to have made judgmental statements about STDs and abortions being the main causes of infertility. It declined to uphold the complaint.

The subject of spicing up a marriage was the theme of a segment in episode 10. In a light-hearted manner it offered suggestions as to how a couple could improve their relationship.

Mr and Mrs Thomas of Putaruru complained that it was too simplistic to suggest that dealing with sexual difficulties would revive a marriage when such problems might be symptomatic of other deeper communication problems in the relationship. The Thomases claimed that the information given was unbalanced and potentially harmful because it concentrated on only one aspect of a couple's relationship.

TVNZ acknowledged that sexual incompatibility may have deeper causes but maintained that the item contained useful advice and that it was not out of place in the context of the series.



In the Authority's assessment, the item was dealt with appropriately in the context. Given the fact that the series was not intended as a counselling guide, it could not be expected, nor did it claim, to offer more than a discussion of one aspect, in this case the sexual side, of the subject. The Authority declined to uphold the complaint.

### Standard 7

Mr Sharp complained that standard 7 of the Code was breached by a number of aspects of the series. The standard requires broadcasters:

- 7 To avoid the use of any deceptive programme practice which takes advantage of the confidence viewers have in the integrity of broadcasting.

The standard was interpreted in a recent decision (No: 93/92) where the complainants alleged that it was breached because a *Foreign Correspondent* item was unbalanced. Accordingly, the complainants maintained, viewers' confidence in the integrity of that programme was misplaced. The Authority wrote:

Finally, the Authority considered the complaint under standard 7. It rejected the complainants' argument that viewers could be so misled by the programme's view of the facts that a "deceptive programming practice" had been employed. The Authority noted that advocacy journalism is a well-established journalistic technique and its use on this occasion was legitimate. The fact that a programme is highly respected is not a sufficient ground for asserting that information given on it will not be critically evaluated by the viewer or listener. In the Authority's view, this standard refers to a "contrived" technique or approach which deceives viewers. The Authority could find no evidence of the use of any contrived technique in this programme which took advantage of the confidence viewers have in the integrity of broadcasting.

In the Authority's assessment no contrived technique had been used in the *Sex* series and thus no breach of standard 7 occurred.

### Standard 26

Three complainants alleged that standard 26 of the Code had been breached. Standard 26 reads:

- 26 The portrayal of people in a way which is likely to encourage denigration of or discrimination against any section of the community on account of sex, race, age, disability, occupation status, sexual orientation or the holding of any religious, cultural or political belief shall be avoided. This requirement is not intended to prevent the broadcast of material which is:

- i) factual, or



- ii) the expression of a genuinely-held opinion in a news or current affairs programme, or
- iii) in the legitimate context of a humorous, satirical or dramatic work.

Ms Vicki Cumber complained that the items which portrayed women strippers and lingerie models in episodes 1 and 2 denigrated women. She claimed that stripping had nothing to do with sex education and served only to exploit and degrade women. She noted that her view that stripping was undesirable was reinforced by comments made in episode 4 when it was explained that the incidence of violence against women had increased since the introduction of a strip show in the Tennants Creek pub.

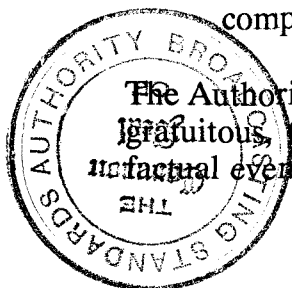
TVNZ responded that the sex industry was an important aspect of sex and sexuality and was appropriately included in the series. It suggested that although stripping itself could be seen by some as demeaning, the reporting of it on television was not and that accordingly standard 26 was not breached.

Standard 26 was interpreted in a recent decision (No: 86/92) where the complainants alleged that it was breached in a programme titled *Bikini Jam: Uncovering the Cover Girl*. The Authority wrote:

The complainants and the broadcaster have approached the complaint on the basis of whether or not it encouraged denigration of or discrimination against women. The Authority has defined denigration as a "blackening" of a reputation of a group and has ruled that a high level of deprecation is necessary for a programme to encourage denigration. It has defined discrimination to mean any practice that makes distinctions between individuals or groups so as to disadvantage some and to advantage others. However, when taking into account the full provisions of standard 26, the Authority has decided that it is not necessary to determine the denigration and discrimination issues traversed by the parties as it is provided in paragraph (i) of standard 26 that the requirements in that standard are not intended to prevent the broadcast of factual material.

In the Authority's opinion, that exception applies only when a programme unequivocally advances fact rather than the attitudes of the programme makers. Taking into account, first, that the programme complained about was a factual record of the activities and the motives of a group of highly ambitious women who entered the contest, and secondly, that the programme makers themselves neither advanced an opinion on the contest nor portrayed it salaciously for example by focusing on cleavages, but rather let the actions of the women speak for themselves, the Authority concluded that the programme and its promo complied with the exception envisaged by standard 26(i).

The Authority concluded that although the repetitious items on stripping were somewhat gratuitous, the standard 26(i) exception applied because the series was reporting on factual events. Further, in the context of the 10-part series overall these were relatively



minor items.

Ms Barbara Hobden complained that the item in episode 5 which showed women learning how to strip to please their husbands was in breach of standard 26 because it implied a subservient role for women, and that expressions of their sexuality should not revolve around what men want. She claimed that the items on stripping were included purely to attract viewers who perceived women as sexual objects and that it was not justifiable to use demeaning and discriminatory images of women to attract an audience.

TVNZ's response was that the items contained useful and relevant information while at the same time being entertaining. It maintained that it was not the purpose of the programme to question what it found, but merely to report on what existed.

In the Authority's view the standard 26(i) exception referred to above applied to this item also. While appreciating that many viewers would find the conduct engaged in by the women demeaning, the reporting of that conduct in an item which left viewers to assess its merits or otherwise did not breach standard 26. Accordingly, it declined to uphold the complaint.

Mr Sharp and Mr Harang complained that explicit pictures of women stripping in episode 7 (repeated in episode 11) denigrated women and treated them as sex objects. Mr Sharp also complained that to suggest a comparison can be made between animal and human sexual behaviour was to denigrate both men and women, because it incorrectly implied that humans, like animals, were controlled purely by instinct.

In declining to uphold these complaints TVNZ maintained that it simply reported on what it found without making a judgment on the behaviour depicted.

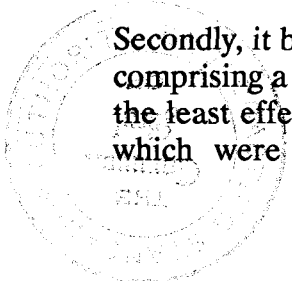
The Authority was of the view, first, that the item on animals and sex did not denigrate men or women and that standard 26 therefore was not breached. Secondly, because the items on stripping were factual portrayals, the standard 26(i) exception applied and the Authority declined to uphold the complaint.

## Summary

In concluding, the Authority made several observations.

First, it noted that the first ten programmes of the series contained useful and relevant information which was effectively conveyed to viewers. Although there were some items which it believed were borderline with regard to good taste and decency, the Authority found in the context that none was in breach of that standard given the lateness of the hour at which the programmes were shown and the warnings given beforehand.

Secondly, it believed that *Sex by Request*, the eleventh and final programme in the series, comprising a compilation of the most controversial items from the first ten episodes, was the least effective. By including only short extracts from a large number of items, those which were of educative value when originally screened became trivialised and





indistinguishable from the more lightweight items which had been included just to retain viewer interest. A majority upheld the complaints that two items in *Sex by Request*, which were abbreviated versions of the originals (on Tantric sex and a simulated intercourse scene in the item on spicing up a marriage) were in breach of the good taste and decency standard. The majority was of the view that the informational role of episodes 1 to 10 of the series was undermined by some of the items in *Sex by Request*. When they were screened out of context and, in the case of the item on Tantric sex, without the full explanatory dialogue of the original version, the net effect was to sensationalise and accentuate the more provocative and explicit aspects of sexuality.

When assessing the question of whether balance as required by standard 6 had been achieved in the series, the Authority viewed the items in the context of the series as a whole, recognising that it would have been difficult to have covered every aspect of every issue raised in each episode, and concluded that the standard had not been breached.

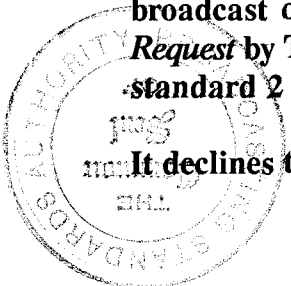
Although it declined to uphold the complaint that items in the series were in breach of standard 26 (which requires broadcasters to avoid portraying people in a way which is likely to encourage denigration on account of sex), the Authority observed that items which portrayed women stripping were shown more frequently than its importance in real life would warrant. In its view the series would have been as effective without those items and it was a sad reflection on society that the producers of the series felt it necessary to include such scenes merely to retain viewer interest.

In reaching the conclusion that only two of the items (both in *Sex by Request*) were in breach of broadcasting standards, the Authority stressed that it believed other items in the series were at the limits of acceptable television. Further, it believed that some of the concerns about the series might have been forestalled had there been an acknowledgment at the beginning of each programme that the series was intended for people who were already sexually active and that it took a non-judgmental approach to the subject of sex and sexuality.

Finally, the Authority observed that because of the subject matter of the series, almost everyone would have found something confronting or offensive to their beliefs but because the programme makers seemed to have made an honest attempt to inform viewers about human sexual conduct in the 1990s, the shortcomings which the series contained were not serious enough to outweigh its educational content. The Authority believed that the ten-part series was, overall, reasonably effective in achieving its informational purpose. However it was of the view that the final programme, *Sex by Request*, did not fulfil the same purpose for the reasons described above.

For the reasons set forth above the Authority upholds the complaints from Mr Kerry Sharp (Decision No: 18/93) and Mr Kristian Harang (Decision No: 20/93) that the broadcast of the item about Tantric sex and a simulated intercourse scene in *Sex by Request* by Television New Zealand Ltd on Tuesday 20 October 1992 at 9.30pm breached standard 2 of the Television Code of Broadcasting Practice.



It declines to uphold any of the other complaints on the series *Sex*, episodes 1-10, or the



**other aspects of the complaints about *Sex by Request*.**

Having upheld a complaint, the Authority may make an order under s.13(1) of the Act. It does not intend to do so on this occasion, as it concluded, as shown by its decisions, that TVNZ, for the most part, did not act irresponsibly when broadcasting the series *Sex*.

Signed for and on behalf of the Authority

Iain Gallaway  
Chairperson

11 March 1993



## Appendix I

### Mr Kerry Sharp's Complaint to Television New Zealand Limited

In a letter dated 12 August 1992, Mr Kerry Sharp of Palmerston North complained to Television New Zealand Ltd about the first episode of the series *Sex*, which was screened on Channel Two on Tuesday August 11, 1992 at 9.30 pm.

In his letter he alleged that the programme lacked balance because it gave no information on the failure rate of condoms. Since the emphasis in the programme appeared to relate condoms to safe sex, he felt it was "irresponsible of TVNZ not to give all the facts and all the truth concerning condoms." In his six page letter he quoted, from a variety of sources, facts which supported his claims that condom failure was a significant risk for sexually active young people. His view was that the message of abstinence before marriage and mutual fidelity during marriage should have been emphasised as this was the only 100% safe sexual practice.

### TVNZ's Response to the Formal Complaint

TVNZ advised Mr Sharp of its Complaints Committee's decision on 9 September 1992. It inferred from Mr Sharp's letter that he alleged breaches of standards 1 and 6 of the Television Code of Broadcasting Practice and, accordingly, assessed his complaint under those standards. At the outset TVNZ wrote:

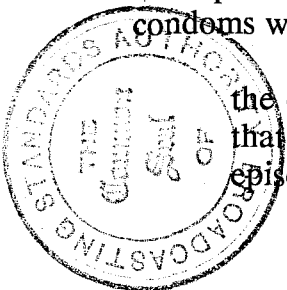
It was agreed that the nine [sic] episodes that make up "Sex" start from the standpoint that viewers do engage in sexual activity and that - like it or not - promiscuous sex and ex and pre-marital sex is common in the community.

It then discussed the series overall, which it noted, took an "amoral, non-judgemental view." TVNZ believed that it had a socially responsible message which it successfully targeted at the audience of young adults. TVNZ reported:

The Committee noted that the emphasis throughout the programme and the series is not so much on safe sex as on safer sex. In the item in Episode One dealing with the placing of the condom vending machines in schools in Tasmania, the representative of the family planning group is heard to use the word "safer" five times. That emphasis is reinforced by the school council representative who observes that "if we could prevent one pregnancy, or one case of AIDS" the condom machines would be worth it.

In response to Mr Sharp's specific complaints, TVNZ argued that the portrayal of condoms was truthful and accurate. It continued:

the dangers of sexually transmitted diseases are implied throughout the series - that being one of its prime reasons for being. Running through all nine [sic] episodes is the theme that those who engage in sex, especially promiscuous sex,



episodes is the theme that those who engage in sex, especially promiscuous sex, need to be aware of the dangers and take what steps they can to protect themselves.

TVNZ also noted that the requirement for balance in section 4 of the Broadcasting Act 1989 allowed balance to be achieved "within the period of current interest". It felt that, taken as a whole, the series achieved balance and served a useful and constructive social purpose and accordingly it did not uphold the complaint.

### **Mr Sharp's Complaint to the Broadcasting Standards Authority**

Dissatisfied with TVNZ's decision, Mr Sharp referred his complaint to the Broadcasting Standards Authority on 10 September 1992 under s.8(a) of the Broadcasting Act 1989.

Mr Sharp wrote that TVNZ had failed to acknowledge the research evidence which showed the serious threats to life and health caused by so-called "safer sex" practices. He argued that TVNZ ignored the evidence which he presented that revealed that programmes like *Sex* actually increased promiscuity and the spread of STDs.

He continued:

The fact is chastity is the only safe sex. How long has it been since television has told teenagers why it is to their advantage to remain virgins until married? The facts are being withheld from them, with tragic consequences. Unless we come to terms with the sickness that stalks a generation of young people, teen promiscuity will continue, and tens of thousands of New Zealand kids ... thinking they are protected ... will suffer for the rest of their lives. Many will die of AIDS. TVNZ with unbalanced programmes like TV2 *Sex* is aiding and abetting this tragedy!

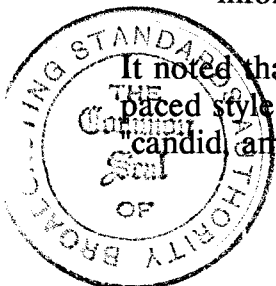
### **TVNZ's Response to the Authority**

As is its practice, the Authority referred the complaint to the broadcaster for comment. Its request is dated 14 September 1992 and TVNZ's reply, 23 September.

TVNZ wrote:

It is our belief that the programme serves an important social function, in providing advice for young adults on safer sex practices, while at the same time dispelling some myths about sex and sexuality, and dispensing constructive information about sexual activity and the worldwide sex industry.

It noted that the programme was aimed at young adults, and that its colourful, fast-paced style was aimed to entertain as well as to inform. TVNZ described it as a candid, amoral approach" to the subject matter. It also pointed out that the



programme was broadcast after 9.30 pm and was preceded by a verbal and screen warning about content.

In reference to Mr Sharp's concern that the possibility of condom failure was not adequately highlighted, TVNZ stated that it was "mentioned from time to time". It went on to say:

The message is that sex with a condom is safer than sex without a condom.

TVNZ responded to Mr Sharp's claim that the programme was inaccurate because it did not explore the full consequences of acquiring sexually transmitted diseases by noting that this was covered in Episode 4. Further, it observed, the emphasis of the series was:

to distinguish between those diseases that are life-threatening and those that can easily be treated, and to offer constructive advice on how best to avoid such diseases.

It concluded by repeating that the programme had an important educational and informational role in society.

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

When asked to comment on TVNZ's response, in a letter dated 3 October 1992, Mr Sharp disagreed that the programme was a source of information and advice for young people. On the contrary, he said, the "information is severely and dangerously lacking vital facts", it was also selective and did not enable a person to make an informed decision. He repeated his claim that "condoms give absolutely no protection against many STDs and questionable protection against others ... ."

He concluded by restating his assertion that the only safe way to remain healthy was to abstain from sexual intercourse until marriage and then be faithful to an uninfected partner. TVNZ's justification for the series - presenting alternatives to young people - he suggested was:

social engineering with liberal amoral (=immoral) values and attitudes through the very powerful and socially influential television media.



## Appendix II

### Mr Kerry Sharp's Complaint to Television New Zealand Limited

In a letter dated 3 September 1992, Mr Kerry Sharp of Palmerston North wrote to Television New Zealand Ltd about the fourth episode of the series *Sex* which was broadcast on Channel Two on September 1 at 9.30 pm.

Maintaining that the programme lacked balance, Mr Sharp argued that no information was given on the failure rate of condoms and the horrific consequences of contracting incurable sexually transmitted diseases. Further, he complained that not enough emphasis had been placed on abstinence until marriage and then mutual fidelity after marriage, which "is the only way to stay healthy in the midst of a sexual revolution". He cited studies which showed that teenagers generally were less sexually active than many thought and were very responsive to messages of abstinence. He lamented the fact that the programme focused on and "endorsed immorality, promiscuity and sexual experimentation" instead of changing attitudes and behaviours.

### TVNZ's Response to the Formal Complaint

TVNZ advised Mr Sharp of its Complaints Committee's decision on 8 October 1992. It considered his complaint under standards 1 and 6 of the Television Code of Broadcasting Practice, which deal respectively with truthfulness and accuracy, and balance, impartiality and fairness when dealing with questions of a controversial nature.

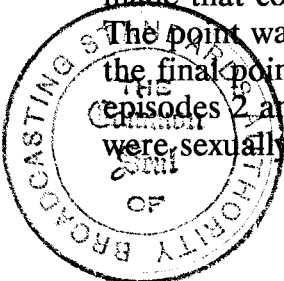
TVNZ prefaced its remarks with a reminder of the purpose of the series which, it stated:

is produced as a response to a perceived need to inform young adults about sexual matters so that they will become aware of the dangers implicit in promiscuous sex.

It continued by noting that the series was non-judgmental; it accepted that young people were sexually active and set out to educate and inform.

In response to the first of Mr Sharp's specific concerns, TVNZ's view was that the descriptions of the consequences of sexually transmitted diseases were adequately portrayed without resorting to scaremongering which might have alienated the target audience. Secondly, TVNZ noted that nowhere in the programme was the claim made that condoms were the absolute answer to the avoidance of STDs or pregnancy.

The point was simply made that the risks were lessened by their use. In response to the final point raised, TVNZ observed that chastity and fidelity were discussed in episodes 2 and 3, but that the series was premised on the view that young people were sexually active and aimed to give constructive advice and information in that



context.

TVNZ declined to uphold the complaint on either of the grounds, stating:

the series overall achieves for its target audience a well-balanced and instructive guide to sexual activity.

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

Dissatisfied with TVNZ's decision, Mr Sharp referred his complaint to the Broadcasting Standards Authority on 11 October 1992 under s.8(a) of the Broadcasting Act 1989.

Acknowledging that the motive behind the series was commendable, Mr Sharp claimed its effect was actually counter-productive because the series did not give the viewer all of the facts and truth about condoms and nor did it promote the only truly safe sex - abstinence before marriage and mutual fidelity for life after marriage.

He claimed:

"Sex" withheld and censored the facts and truth concerning STDs and AIDS because it did not want to "scare" the viewers! The fact and the truth is that AIDS and STDs are scary. People have a good reason to be fearful and scared of the consequences of promiscuous sex. **Sex education is not a game! It is not entertainment!** It is a serious health issue! It is a matter of life and death, or a matter of possible permanent ill-health for life!

He also complained that the programme conveyed the myth that sex was safe or safer if a condom was used. He pointed to evidence which he included with a previous complaint about the series which showed that condoms gave absolutely no protection against some STDs and questionable protection against others.

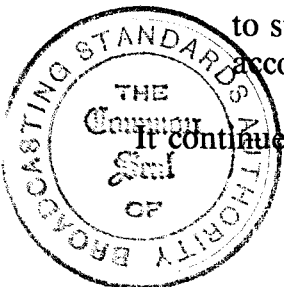
### TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 14 October 1992 and TVNZ's reply, 20 October.

TVNZ dismissed Mr Sharp's argument that the non-judgmental approach of the programme was a serious weakness and his claim that amoral and immoral were the same thing, stating:

The latter point is, we believe, easy to dismiss. To be immoral we suggest is to deliberately not conform with an accepted code of morality. To be amoral is to stand aside from morality, and to not take moral considerations into account.

It continued:



In the case of *Sex* the amoral approach is a virtue, because it allows the programme to transmit its vital educational messages without having to become involved in heavy moralistic argument likely to drive away the very audience the programme is aimed at.

TVNZ cited two previous decisions of the Authority and one from its predecessor, the Broadcasting Tribunal, which had recognised the validity of the non-judgmental approach in conveying important information about sexuality to a generation of young adults who were perceived to be largely ignorant on sexual matters.

To Mr Sharp's specific complaint that no attention had been given to the high failure rate of condoms, TVNZ responded that it had addressed that issue in previous correspondence and that it was neither wrong nor misleading to promote the use of condoms. In response to Mr Sharp's complaint that the chastity and fidelity message had not received enough attention, TVNZ noted that these issues were raised in other episodes and further, that the series was aimed at a group for whom chastity was not an acceptable option.

The programme accepts that the group holds that view, and without making any judgement on it from a moralistic point of view, sets out to inform and educate with the express intention of overcoming ignorance.

TVNZ concluded by noting that the programme was given an S2130 certificate and was preceded by a warning advising viewer discretion.

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

When asked to comment on TVNZ's response, in a letter dated 31 October 1992, Mr Sharp disagreed strongly with the assertion that the amoral approach of the series was desirable. He argued that the series avoided distinguishing between right and wrong based on the consequences of actions and lifestyle and that education must include values. He also disagreed with TVNZ's view of the efficacy of condoms, arguing:

The truth is that **condoms give absolutely no protection** against many STDs and questionable protection against others eg genital warts virus, AIDS. The *Sex* series withholds vitally important real-life consequences of believing the myth of "safe sex" or "safer sex".

He concluded by repeating his contention that the only safe sex was abstinence until marriage and mutual fidelity to an uninfected partner. He appended copies of three letters he had written to the Evening Standard, the Palmerston North daily newspaper, which expanded his views further.





**Appendix III**

**Mr Kerry Sharp's Complaint to Television New Zealand Limited**

In a letter dated 18 September 1992, Mr Kerry Sharp of Palmerston North complained to Television New Zealand Ltd about a segment of Episode 6 of the Australian series *Sex* broadcast on Channel Two on 15 September at 9.30 pm.

Mr Sharp regarded as objectionable and disgusting the segment on masturbation which "was promoted with explicit excerpts from video films". He believed that this segment would have been objectionable to a majority of New Zealanders - a contention he supported by quoting a National Research Bureau poll conducted in July 1992 which showed that a majority found certain sexual practices objectionable in the media of films, videos and magazines. The second ground for his complaint was that:

TVNZ is deliberately indulging in the social engineering of values and attitudes of New Zealanders by screening on television a segment on the objectionable practice of masturbation that "aims to broaden the definition of normality!"

**TVNZ's Response to the Formal Complaint**

TVNZ advised Mr Sharp of its Complaints Committee's decision in a letter dated 9 October 1992.

TVNZ reported that the complaint had been considered under standards 2 and 7 of the Television Code of Broadcasting Practice which require broadcasters to take into consideration accepted norms of decency and taste in language and behaviour and to avoid the use of any deceptive broadcasting practice which takes advantage of the confidence viewers have in the integrity of broadcasting.

Having regard to these requirements, TVNZ argued that there had been no breach of the standards. It noted first, that the programme was a product of the time and that it had been produced in response to universal concern about sexually transmitted diseases and their spread among young adults.

With reference to the item on masturbation, TVNZ observed:

It is one of many items scattered through the series which are intended to dispel myths and assuage feelings of guilt about sexual behaviour.

The item looked at the medical aspects of masturbation and provided statistical information about the numbers of people who do engage in masturbation at some time in their lives.



In response to Mr Sharp's allegation that it had practised social engineering, TVNZ repeated that the programme merely reflected the community in which it operated. Further, it noted that the information was conveyed in a non-judgmental manner and simply reported on situations that existed.

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

As he was dissatisfied with TVNZ's response to his formal complaint, in a letter dated 17 October 1992, Mr Sharp referred the matter to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Mr Sharp was in agreement with TVNZ that the motivation behind the series was commendable and that much important information had to be conveyed to sexually active young adults. However he found parts of the programme indecent and objectionable, in particular the segment on masturbation which he believed could deceptively engineer the values and attitudes of people. He also suggested that each of the episodes in the series "Sex" gave only selected facts and information to fit the liberal, amoral viewpoint and promoted the myth of "safer sex".

Mr Sharp challenged TVNZ's contention in previous correspondence that the aim of the series was to "broaden the definition of normality." He suggested that that interpretation had a sinister overtone which amounted to social engineering.

### TVNZ's Response to the Broadcasting Standards Authority

As is its practice, the Authority sought the broadcaster's response to the referral. Its letter is dated 19 October 1992 and TVNZ's reply, 22 October.

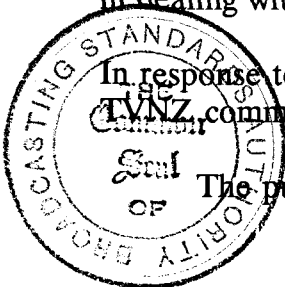
TVNZ responded that the programme had been produced to meet a perceived need to dispel ignorance about sexual matters and that it deliberately took a "non-judgmental, amoral position" in presenting the information. It disagreed with Mr Sharp's assertion that to take an amoral approach is to be immoral, commenting:

The programme simply does not presume to judge the morals of those it portrays - and those to whom it is directed. It regards morality on sexual matters as a private, personal matter for the individual - and not something it has any right to impose.

TVNZ referred to earlier decisions of the Authority and its predecessor, the Broadcasting Tribunal, which recognised the validity of the non-judgmental approach in dealing with issues relating to sexual behaviour.

In response to Mr Sharp's contention that masturbation was not normal or natural, TVNZ commented:

The purpose of the item was to show that the reverse is true and that those



who engage in masturbation should not feel guilty about it. It is a pro-social message.

It continued:

It is our opinion that a viewer watching this item comes away from it better informed about a normal sexual practice. Far from being "negative and destructive" this material contributes to the removal of ignorance about sexual matters and by so doing better equips its young target audience to cope with their lives.

TVNZ concluded by observing that the series carried an S2130 certificate which prevented it from screening before 9.30 pm and that each episode was preceded by a warning advising viewer discretion.

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

When asked to comment on TVNZ's reply, in a letter dated 1 November 1992 Mr Sharp restated his belief that the non-judgmental approach of the series was an ineffective way to convey important information about sex and sexuality. He maintained that the message of chastity and abstinence should have been included and not to do so was to defy the natural laws of actions and consequences. He wrote:

Right and wrong can be decided, not just from a moral or religious code, but also from a viewpoint of consequences. Good and right behaviour has beneficial consequences. Bad and wrong behaviour has detrimental consequences. This is the weakness and error of TV2 SEX. It avoids distinguishing between right/wrong, good/bad based on the consequences of actions or consequences of life-style.

Mr Sharp concluded by repeating the results of the National Research Bureau survey which indicated that a majority of New Zealanders found certain practices (including masturbation) objectionable when shown in films, videos or magazines. He appended a letter to the editor of the Sunday Times newspaper on the subject of scientific and moral law.



Appendix IVMr Kerry Sharp's Complaint to Television New Zealand Limited

In a letter dated 24 September 1992, Mr Kerry Sharp of Palmerston North complained to Television New Zealand Ltd about an item on the subject of abortion in Episode 7 of the series *Sex* which was broadcast on Channel Two on 22 September at 9.30pm.

He alleged that three of the Television Codes of Broadcasting Practice were breached by the item. First, he said that the item was untruthful and inaccurate.

Specifically, an unnamed doctor, who was an abortionist, stated that "It was safer to have an early abortion than to have a birth." **This is an outright lie and a dangerous deception!**

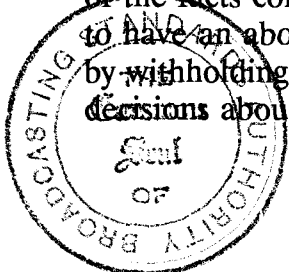
He listed some of the possible side effects of abortion which he claimed should have been discussed and quoted opinions of several women who had had abortions and later regretted them.

Second, Mr Sharp alleged that a deceptive programming practice had been employed when the item portrayed a diagram (used to illustrate the mechanics of abortion) showing a uterus with nothing in it. He maintained:

**This deceptive diagram was deliberately concealing the truth of what an abortion really is - the killing of an unborn child by violent means. It was stated that "a woman would never choose abortion, having her uterus scraped out." If they do choose abortion it is because they are uninformed about what they are really doing. The abortion industry has a vested interest in keeping women uninformed about abortion and programmes like TV2 SEX are deliberately adding to the deceptive environment surrounding abortion, by withholding all the relevant facts and information.**

He argued that since abortion was the most common surgical procedure done today, it should be shown on television so that women contemplating abortion would have all the information and facts about it. The failure of the programme to do so amounted, in his view, to social engineering.

Thirdly, Mr Sharp claimed that the programme lacked balance because the pro-life view was given only token consideration. He claimed that in a topic which generated as much feeling as the abortion debate, the viewing public was entitled to be given all of the facts concerning abortion. He accused TVNZ of contributing to the decision to have an abortion in "an environment of uninformed consent." He maintained that by withholding all of the (unpleasant) facts, women were not making informed decisions about abortion.



### TVNZ's Response to the Formal Complaint

In its letter of 4 November 1992, TVNZ advised Mr Sharp of its Complaints Committee's decision not to uphold the complaint. It reported that the complaint had been considered in the context of the whole series, which was designed to provide information about sex to young people.

The committee recognised that in choosing to tackle the subject of abortion the Sex series entered a minefield of conflicting moral and emotional positions. In keeping with its philosophy throughout, it is seen to distance itself from the moral argument and instead to provide information from people closely involved with abortion.

It considered that the item had canvassed both points of view on the abortion debate without taking a stance on the moral or ethical issues. It observed that the programme simply reported on the experiences of women who found themselves in a situation which other young people may find themselves in, the decisions they made and the consequences of those decisions.

It rejected Mr Sharp's allegation that it was untruthful to state that early abortion was safer than birth after checking with some Auckland doctors who confirmed that the risk to women of an early abortion was practically nil.

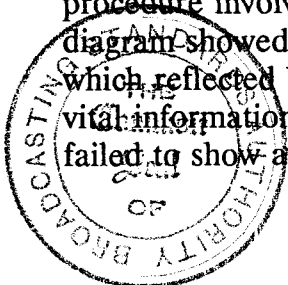
TVNZ concluded by stating that standards 1 and 6 were not breached because there were no inaccuracies, and that it did not lack balance because both sides of the abortion issue were discussed. Standard 7 was not applicable since it refers to deceptive programme practices, of which there were none.

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

As he was dissatisfied with TVNZ's response, in a letter dated 7 November 1992, Mr Sharp referred the matter to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Mr Sharp maintained that the programme breached the three standards he had cited. He argued that the statement that it was safer to have an abortion than a birth was untrue and a deceptive lie and dismissed the evidence produced by TVNZ's research that the risk was "virtually nil". He cited in support of his claim a statement from a Palmerston North obstetrician and gynaecologist that there were significant risks involved, both physical and psychological.

He rejected TVNZ's assertion that the item contained a clinical description of the procedure involved in abortion, arguing that it was "a deceptive lie" because the diagram showed a woman's uterus with nothing in it. He agreed that the discussion which reflected both sides of the issue was good, but that the item withheld much vital information needed as a basis for an informed decision on abortion because it failed to show an actual abortion nor did it show the innocent baby fatality. He



accused TVNZ of showing pro-abortion bias, which he claimed was deceptive and breached standard 6 of the Television Code of Broadcasting Practice. He challenged TVNZ to show on television an actual abortion procedure so that the public could be properly informed about abortion.

### TVNZ's Response to the Broadcasting Standards Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 9 November 1992 and TVNZ's reply, 18 November.

TVNZ acknowledged first, that the subject of abortion was "an emotionally-charged subject involving passionately-held and conflicting moral opinions." It submitted that these divergent views were reflected in the item, noting:

Viewers heard from women who had had abortions and subsequently regretted doing so, from a young woman who had decided not to have an abortion, and from another who had had an abortion and felt no feeling of guilt or remorse.

As well, the programme provided a simple, clinical explanation of what happens during an abortion.

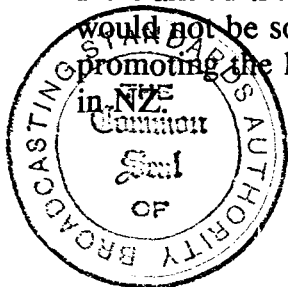
TVNZ noted that the factual, non-judgmental approach employed by the series had been recognised as valid in previous decisions of the Authority and its predecessor. It also noted that it was valid to discuss the question of abortion when teenage pregnancy statistics are so high.

It rejected Mr Sharp's assertion that the programme was "biased in favour of abortion", commenting that nowhere was it suggested that abortion was a good thing. It merely pointed out that it is common and faced by young people regularly. It responded to Mr Sharp's claim that the unnamed doctor was an abortionist and his statement untrue, by saying that he was one of the experts brought in to give expert opinion. TVNZ concluded by saying that the arguments presented in its earlier letter remained valid.

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

When asked to comment on TVNZ's reply, Mr Sharp in a letter dated 22 November 1992 repeated his allegation that statements made about abortion were untrue and deceptive, deliberately designed to conceal the real truth about abortion. He quoted the opinion of a Palmerston North doctor in support of his views.

He claimed that if more people were really informed about abortion, that option would not be so readily chosen, concluding that it was time that TVNZ stopped promoting the liberal amoral values that were resulting in catastrophic consequences



Appendix VMr Kerry Sharp's Complaint to Television New Zealand Limited

In a letter dated 25 September 1992, Mr Kerry Sharp of Palmerston North complained to Television New Zealand Ltd about segments of Episode 7 of the series *Sex* which was broadcast on Channel Two on 22 September at 9.30 pm.

There were three aspects to Mr Sharp's complaint. First, he complained that the segment which portrayed nude women was objectionable and offensive and that it denigrated women because it treated them as sex objects. He found it immoral and indecent to portray such objectionable material. Secondly, he claimed that the segment was unbalanced and deceptive because:

it showed people stripping off their clothes, and parading around naked as normal acceptable behaviour. **This is not normal or natural behaviour!** Since these actions were in a public place these actions are in fact classed as **"indecent exposure!"**

Thirdly, he accused TVNZ of using deceptive programming practices because by showing acts of indecent exposure as normal it was attempting to manipulate values to the extent that it could be termed social engineering.

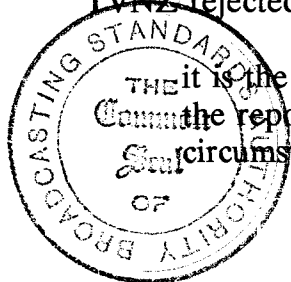
TVNZ's Response to the Formal Complaint

In a letter dated 5 November 1992, TVNZ advised Mr Sharp of its Complaints Committee's decision.

TVNZ reported that it had assessed the complaint under standards 2, 6 and 7 of the Television Code of Broadcasting Practice which require broadcasters to take into account accepted norms of decency and taste in language and behaviour, to show balance, impartiality and fairness when dealing with questions of a controversial nature and to avoid the use of any deceptive broadcasting practice which takes advantage of the confidence viewers have in the integrity of broadcasting.

Before addressing the specific standards, TVNZ first examined the context of the series, noting that it was produced in response to a worldwide concern about sexually transmitted diseases resulting in part from ignorance of sexual matters. With reference to Mr Sharp's complaint about nudity, TVNZ noted that it referred to two segments in the programme. The first was a "wet t-shirt and jocks" competition for both men and women, in which, TVNZ noted, all of the contestants were clothed. TVNZ rejected Mr Sharp's contention that the item denigrated women, observing:

it is the activity itself which might be regarded as demeaning to women, not the reporting of its reality on television. To accuse television in such circumstances is to blame the messenger for the message.



TVNZ also observed that the item took a serious look at why people choose to become exhibitionists, concluding that for many it was the search for reassurance and acknowledgement from total strangers.

The second segment, which did feature nudity, was an item on an amateur strip competition for both men and women. TVNZ noted first that there was no full frontal nudity but that it showed "bits" of naked people, both men and women. It then went on to examine the reasons why some people choose to find the attention they need by performing in this way.

In declining to uphold Mr Sharp's complaint, TVNZ concluded by observing the time at which the programme was screened, the verbal and on-screen warning advising viewer discretion and the context of the series of which this was part. Relating the complaint to the specific standards, TVNZ did not find that any had been breached. With reference to standard 7, its view was that that standard referred to technical deceptions such as subliminal advertising or editing out of context and that this had not been breached.

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

As he was dissatisfied with TVNZ's response to his formal complaint, in a letter dated 10 October 1992 Mr Sharp referred the matter to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Mr Sharp repeated his contention that the full frontal pictures of nude women were objectionable and offensive and that they denigrated women because they reduced them to sex objects. He continued to maintain that the programme was unbalanced and deceptive because it focused on aberrant behaviour and implied it was normal. He also took issue with the reasoning which TVNZ claimed was behind the series, commenting:

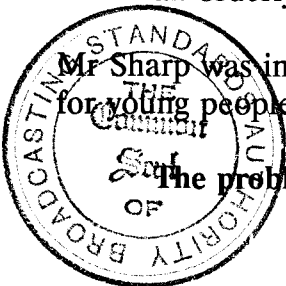
our teens know more about sex than any other generation in history, and they are more sexually promiscuous as well. Study after study shows that Family Planning, TV2 SEX and TV3 PRIME SEX type education leads to experimentation.

He continued:

Education must include values. Studies show that **teaching only technology is useless**. Thus the non-judgemental and amoral character of the SEX series is a great weakness and deficiency. **Basic universal moral laws are essential** to an orderly society.

Mr Sharp was in agreement with TVNZ that it was necessary to provide information for young people to dispel myths about sex. However, he argued:

**The problem with the SEX series is that it censors the facts and the truth to fit**





a liberal, amoral (=immoral), non-judgemental viewpoint, and rather than dispelling myths about sex, the SEX series promotes the myth of "safe sex", "safer sex" or "protected sex".

He maintained that there was no constructive purpose for showing the "wet t-shirt and jocks" competition and that it was included only for titillation. In the other segment about the amateur strip show, women were parading around completely naked. This, he argued, denigrated women and treated them as sex objects. He rejected TVNZ's claim that "only bits of bodies" were seen, and noted that in an earlier episode which had featured an item on male centrefolds, the models were carefully arranged so that no shots of their genitals was shown.

Mr Sharp concluded by accusing TVNZ of social engineering. He wrote:

Mr David Edmunds [TVNZ's Programme Standards Manager] stated [in a letter dated 9 September] that one of the main objectives of the "Sex" series was "to broaden the definition of normality by presenting alternatives to those who believe the way they lead their lives is the only way." **Is this not blatant social engineering via the television media?**

Mr Sharp appended a letter to the editor of the Sunday Times which he had written on scientific and moral law.

### TVNZ's Response to the Broadcasting Standards Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 11 November 1992 and TVNZ's reply, 16 November.

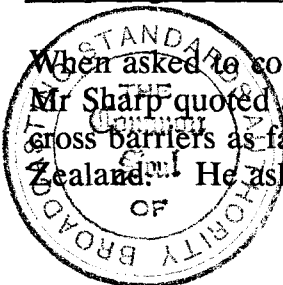
TVNZ rejected Mr Sharp's suggestion that the item portrayed the "wet t-shirt and jocks" competition or the amateur strip show as normal and natural behaviour. It was merely an acknowledgement that such behaviour existed and it analysed what motivated people to perform in this way.

It noted that the series deliberately took a non-judgmental stance and simply reported on activities without moralising about them.

TVNZ concluded by emphasising that the items must be seen in the context of the series as a whole. It added that it found Mr Sharp's letter on scientific and moral law of no relevance to the complaint.

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

When asked to comment on TVNZ's response, in a letter dated 22 November 1992 Mr Sharp quoted an advertising agency's view that the "Sex" series "does at times cross barriers as far as what has previously been shown on our screens in New Zealand." He asked:



Why is TVNZ deliberately putting our nation at risk by crossing and removing the protective barriers around the important area of human sexual activity?

He observed that he had personally questioned dozens of people from different socio-economic groups and found only two who supported the screening of this programme. He also had feedback from teachers and Family Planning personnel in Palmerston North who viewed the series very negatively.

In conclusion he argued that television's power to engineer and change the values of society was one which carried responsibility. He claimed:

TVNZ fails to appreciate that the television media is the greatest social engineer of all, and TVNZ fails to act responsibly by deliberately promoting liberal, amoral (=immoral) values to the detriment of our nation.



Appendix VI

Mr Kerry Sharp's Complaint to Television New Zealand Limited

In a letter dated 2 October 1992, Mr Kerry Sharp of Palmerston North complained to Television New Zealand Ltd that Episode 8 of the series *Sex* broadcast on Channel Two on 29 September contained segments that breached the standards of good taste and decency, and that it employed a deceptive programming practice which was designed to engineer the values and attitudes of New Zealanders.

Specifically, he objected to the segment which showed naked men and women participating in group sex, the portrayal of a full frontal naked man and the promotion of homosexuality as normal and natural.

● He cited the results of a 1992 poll conducted by the National Research Bureau in New Zealand which showed that a majority of New Zealanders objected to scenes of explicit sexual activity being shown in films, videos and magazines. He accused TVNZ of failing to reflect the views and attitudes of society and of:

deliberately indulging in the social engineering of values and attitudes of New Zealanders by screening on television a segment on the objectionable practice of nude group sex and the promotion of homosexuality that "aims to broaden the definition of normality!"

TVNZ's Response to the Formal Complaint

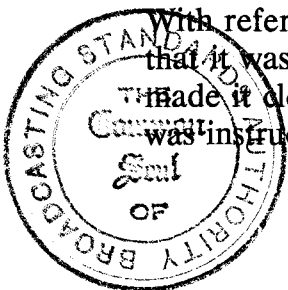
In a letter dated 6 November 1992, TVNZ advised Mr Sharp of its Complaints Committee's decision.

● Commenting first that it was necessary to consider the overall philosophy of the *Sex* series, TVNZ reminded Mr Sharp that its purpose was to overcome ignorance about sexual matters among young adults.

While overcoming ignorance and spreading the safer sex message is paramount in the series, it also seeks to dispel myths and offer reassurance.

TVNZ reported that it had assessed Mr Sharp's complaint under standards 2 and 7 of the Television Code of Broadcasting Practice which require the broadcaster to take into consideration accepted norms of decency and taste in language and behaviour and to avoid the use of any deceptive broadcasting practice which takes advantage of the confidence viewers have in the integrity of broadcasting.

With reference to Mr Sharp's complaint about the "group sex" scene, TVNZ observed that it was an item dealing with Tantric teaching and that the accompanying dialogue made it clear that no intercourse was taking place. It believed that overall, the item was instructive and useful. In response to Mr Sharp's second specific complaint about



the portrayal of male genitals, TVNZ wrote:

This item, the Committee believed, took a straightforward, clinical look at problems that may arise and the programme's medical adviser provided advice and information on how symptoms of cancer of the penis and testicles can be identified, on the method males should use to check for symptoms associated with cancer, and on the need for uncircumcised males to be aware of the dangers of not keeping clean the area under the foreskin.

The Committee believed that this was very much a public service item, serving the same sort of purpose as television broadcasts in the past which have showed women how to examine their breasts for signs of cancer, and have explained (in reassuring terms) the way in which cervical smear tests are taken - as well as the importance of having the tests done.

TVNZ concluded by observing that in the context of the series, the hour at which the programme was broadcast and the fact that each episode was preceded by a warning advising viewer discretion, it did not believe that standard 2 had been breached. With reference to standard 7, it concluded that there was no evidence of any deceptive broadcasting practice. Accordingly, it declined to uphold his complaint.

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

Dissatisfied with TVNZ's response to his formal complaint, in a letter dated 10 November 1992 Mr Sharp referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Mr Sharp repeated his allegation that the scene of the naked couples was group sex, commenting that the fact that there was no intercourse was immaterial.

They were naked and in a group. This is group sex.

He also repeated his objection to the depiction of male genitals, accusing TVNZ of crossing the barriers of what was and was not acceptable behaviour. As for his complaint about homosexuality, he wrote:

**TVNZ completely ignored my complaint concerning the active promotion of homosexuality as normal and natural, which has occurred in almost every TV2 SEX episode and in SOPHIE'S SEX SPECIAL. Objectionable television like this is not acceptable to the majority of New Zealanders... .**

In addition, Mr Sharp accused TVNZ of social engineering because the programme continually crossed the barriers of decency and good taste and TVNZ's role became one of actively promoting social values and attitudes rather than merely reflecting society's values.

Mr Sharp appended a letter he had written to the editor of the Sunday Times on



scientific and moral law.

### TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 11 November 1992 and TVNZ's reply, 16 November.

TVNZ prefaced its remarks by observing that the programme must be seen in the context of the series and:

that certain visual content and information, which we agree might be unacceptable in some contexts, is acceptable in the special circumstances of a series such as *Sex*.

It noted first, that the scenes which referred to diseases of the male genitals far from "putting our nation at risk" in fact provided information which could help to save lives by alerting people to possible life-threatening conditions. It also noted that the particular segment was screened near the end of the programme, at almost 10.30 pm and that the segment had been edited by TVNZ "to allow for the sensibilities of New Zealand viewers".

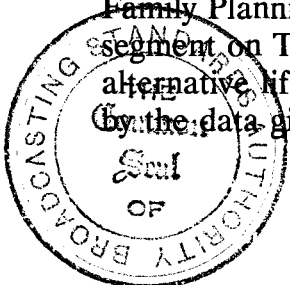
On the subject of Tantric sex, TVNZ had nothing more to add except to observe that no intercourse took place and that that point was stressed in the commentary. It also rejected Mr Sharp's assertion that the series promoted homosexuality, and, referring to the item which looked at some of the stresses which occur in families when young people discover their homosexuality, TVNZ observed it offered comfort and advice to others who may be in that situation. It concluded by repeating that the material shown was in the context of an educational series.

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

When asked for a response to TVNZ's comment, in a letter dated 22 November 1992 Mr Sharp strongly disagreed with TVNZ concerning the acceptability of much of the content of the whole *Sex* series. He wrote:

What TVNZ has screened, in the *SEX* series, on national public television in New Zealand cannot be justified and is not acceptable to most New Zealanders. This has gone beyond decency and good taste. TVNZ seems to have no standards of decency and good taste as TVNZ always justifies everything that is screened.

Mr Sharp reported that he had questioned dozens of people about the series while it was screening and found only two who supported it. He said that teachers and Family Planning personnel viewed it negatively. He repeated his objection to the segment on Tantric sex and to the promotion of homosexuality as a normal alternative life-style, when, in his view it was a very dangerous lifestyle (as evidenced by the data given in his earlier letter of complaint.)



## Appendix VII

### Mr Kerry Sharp's Complaint to Television New Zealand Limited

In a letter dated 8 October 1992, Mr Kerry Sharp complained to Television New Zealand Ltd about Episode 9 of the series *Sex* which was broadcast on October 6 on Channel Two at 9.30 pm.

Mr Sharp alleged that there were breaches of Standards 2, 6 and 7 of the Television Code of Broadcasting Practice. He maintained that the segment which portrayed paintings of nude women practising masturbation was objectionable and denigrated women, that the item on infertility was unbalanced because it failed to examine the causes of infertility, and that the programme as a whole had a hidden agenda that amounted to social engineering of the values of New Zealanders.

With reference to the segment on infertility, Mr Sharp claimed that information was withheld because the item did not identify abortion and STDs (contracted as a result of promiscuous sex) as being a major cause of infertility. He cited studies which he claimed proved his contention.

Mr Sharp also complained about the segment of the programme which focused on

full frontal pictures of nude women practising masturbation [which] was objectionable and offensive and ... denigrated women.

He expressed his fear that TVNZ would next be screening actual pornography having in this programme descended to "new depths of depravity". He repeated the concern expressed in his earlier complaints that the effect of the screening of this series was akin to social engineering because the amoral, liberal view was presented as the norm. He accused TVNZ of aiding and abetting the destruction of our nation.

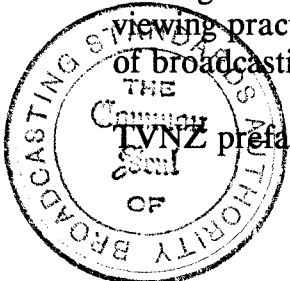
Mr Sharp appended a publication called "Learning to say No".

### TVNZ's Response to the Formal Complaint

TVNZ advised Mr Sharp of its Complaints Committee's decision in a letter dated 9 November 1992.

It reported that the complaint was considered under Standards 2, 6 and 7 which require the broadcaster to take into consideration accepted norms of decency and behaviour bearing in mind its context, to show balance, impartiality and fairness when dealing with questions of a controversial nature and to avoid the use of any deceptive viewing practice which takes advantage of the confidence viewers have in the integrity of broadcasting.

TVNZ prefaced its remarks with a reminder of the context of the programme in a



series designed to educate young adults of the risks of sexually transmitted diseases and to dispel ignorance by providing information about sex and sexuality.

With reference to the item on infertility, TVNZ commented that its purpose was not to discuss the causes of infertility but to examine what help can be given infertile couples by modern birth technology.

TVNZ interpreted Mr Sharp's second complaint as being about an item concerning a restaurant where the women waiters wear lingerie and acknowledged that it was somewhat risqué. However, TVNZ claimed that this would not have offended the target audience at which it was aimed and was in keeping with the intention to intersperse lighter items with the more serious ones.

In concluding, TVNZ considered that the boundaries of good taste had not been breached and therefore there was no breach of standard 2, that the item on infertility was fair and balanced and did not breach standard 6 and that standard 7 did not apply as there was no deceptive programming practice.

#### **Mr Sharp's Complaint to the Broadcasting Standards Authority**

Dissatisfied with TVNZ's decision, on 11 November 1992 Mr Sharp referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Mr Sharp repeated his claim that the item on infertility was unbalanced because it neglected to reveal the vital fact that the two most common causes of infertility were abortion and STDs contracted as a result of promiscuous sex.

He noted that TVNZ had incorrectly interpreted his second complaint which was concerned with the nude paintings of women practising masturbation. He wrote:

This was outright pornography under the "art" umbrella and was objectionable and offensive and denigrated women. This goes beyond the accepted norms of decency and good taste. This contravenes code 2.

He described TVNZ's defence of the programme as trying to "broaden the definition of normality", when, he claimed, in reality it was social engineering which manipulated the values of New Zealanders via the television medium.

#### **TVNZ's Response to the Authority**

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 13 November 1992 and TVNZ's response, 20 November.

It began with a comment on the item on infertility, noting that the discussion focused on the dilemma of infertility for one woman and explained the various fertilisation techniques available for her and others like her. How people became infertile was



not the subject of the item, and nor was it relevant.

The item demonstrated compassion for victims of infertility and demonstrated what can be done to assist.

In response to Mr Sharp's other complaint, about nudity in art, TVNZ observed that the item "sought to examine where the line was drawn between art and pornography, or indeed whether it can be drawn at all." It continued:

An interesting side note to this story is the mention made in relation to the work of Rox de Luca of the depiction of masturbation. The comments contained in this part of the programme reinforce an item in an earlier episode which sought to reassure young adult viewers that masturbation was normal, and nothing to be ashamed of. The same message was delivered by the artist, both verbally and through her paintings.

Mr Sharp's suggestion that the paintings denigrate women we find astonishing. Both the artist and the reporter indicate that the paintings reflect a new awareness among women of their bodies and their capacity to enjoy them. As with much modern art the paintings depicting masturbation were highly stylised.

TVNZ concluded by noting the time at which these items were broadcast, their context and the overall philosophy of the series. It also referred to two earlier decisions made by the Authority and one by its predecessor which "appear to recognise the validity of the approach taken by programmes such as this".

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

When asked to comment on TVNZ's reply, in a letter dated 24 November 1992 Mr Sharp expressed his strong disagreement with TVNZ about the relevance of discussing the major causes of infertility, commenting:

By ignoring these most common causes of infertility, the item was unbalanced and withheld vital information that would enable a young person to make an informed decision to avoid activities that have the risk of infertility - namely, abortion and STDs from promiscuous sex.

He believed that TVNZ should be required to screen programmes which balanced the **Sex** series and gave all the relevant information people needed for the making of informed decisions.

He described the item on "erotic art" as being pornography and not acceptable on national television, concluding by citing the NRB poll results which showed that most people find pornography objectionable.





## Appendix VIII

### Mr Kerry Sharp's Complaint to Television New Zealand Limited

In a letter dated 17 October 1992 Mr Kerry Sharp of Palmerston North complained to Television New Zealand Ltd about part of Episode 10 of the series *Sex* broadcast on Channel Two on 13 October. He maintained that the programme breached the standards requiring truth and accuracy, and good taste and decency. In addition, he claimed that it used a deceptive programming practice because it was attempting to engineer values and attitudes of New Zealanders.

Specifically he objected to the segment which advised couples on how to improve their sexual relationship. He said that the "simulated sexual intercourse" was objectionable and not suitable for national television. He also objected to the discussion on sexual fantasies which:

can be morally wrong and these can lead to wrong actions and even criminal activity, eg, child sexual abuse, rape, pedophilic perversion, infidelity and the break up of marriages and families.

In Mr Sharp's view, the non-judgmental approach to this series was flawed: young people, he believed, needed guidelines and traditional values "which have been the moral and spiritual foundations" of the western world. He expounded his views on natural laws.

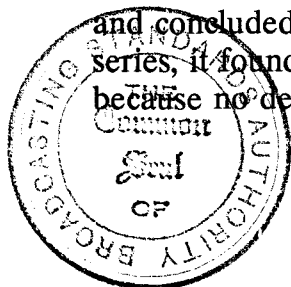
### TVNZ's Response to the Formal Complaint

TVNZ advised Mr Sharp of its Complaints Committee's decision in a letter dated 9 November 1992.

Taking into account the context of the programme, the time it was broadcast, the warning preceding which advised viewer discretion and the overall philosophy of the series to educate young adults, TVNZ declined to uphold the complaint.

With reference to the specific complaint, TVNZ observed that the segment on improving a relationship was worthy of attention, particularly when so many marriages ended in divorce. In the background was a scene captioned "simulated intercourse" which was followed by a discussion on fantasies. TVNZ dismissed Mr Sharp's view that fantasies were morally wrong, stating they were "widespread, perfectly natural and nothing to be ashamed of".

TVNZ stated that it was unable to detect anything that was untruthful or inaccurate and concluded that there was no breach of standard 1. Given the context of the series, it found no breach of standard 2 and there was no breach of standard 7 because no deceptive programme practice was used.



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

Dissatisfied with TVNZ's response, in a letter dated 14 November 1992 Mr Sharp referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989. Mr Sharp wrote:

The segments on "fantasies", and "spicing up a tired relationship" where "simulated sexual intercourse" was shown - these were objectionable and not suitable for national television in New Zealand.

Mr Sharp argued that the philosophy behind the series was flawed: he maintained that education must include values because basic universal moral laws were essential to an orderly society. He rejected TVNZ's suggestion that young people would not listen to a discussion of values, commenting:

Why does TVNZ assume that a moralistic approach must be in a lecturing style? The same "Rock Video", colourful, fast-moving format can be used just as effectively to convey any message, including chastity/abstinence!

He stated that the scenes simulating intercourse were indecent, distasteful and unacceptable on national television. He also disagreed with TVNZ that fantasies were harmless, quoting Dr James Dobson who produced a radio programme on Radio Rhema, that immoral fantasies often ended up in actual immoral behaviour which had a detrimental effect on both marriage and the family.

### TVNZ's Response to the Authority

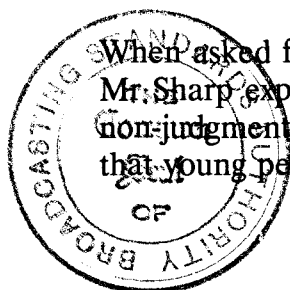
As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 17 November 1992 and TVNZ's reply, 20 November.

Responding that it had nothing further to add, TVNZ drew attention to the observations made in earlier responses about the overall philosophy and aims of the series. It also noted that two earlier decisions of the Authority (Nos: 28/90 and 29/90) and one of the Broadcasting Tribunal (No: 10/90) appeared to recognise the validity of the approach taken by the "Sex" series.

TVNZ concluded by clarifying that it did not say that a moralistic approach had to be in a lecturing style but that young people were "unlikely to respond to a programme delivered in a lecturing or moralistic fashion."

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

When asked for a response to TVNZ's comment, in a letter dated 24 November 1992 Mr Sharp expressed his strong disagreement with TVNZ concerning the virtue of the non-judgmental philosophy of the series. He repeated views stated in earlier letters that young people ought to be taught that actions had consequences and in the area



of sexual activity, should be taught values and morality. He observed:

No good can come from this episode of SEX which promoted and sanctioned immoral fantasies as normal. The simulated sexual intercourse which was screened in the segment dealing with "spicing up of tired relationships" is objectionable and unacceptable. The **National Research Bureau (NRB)** scientific poll results quoted in my formal complaint letter indicate that a majority of New Zealanders find the portrayal of sexual intercourse (in films, videos and magazines) to be objectionable.

Mr Sharp concluded by observing that the only safe sex was within a lifelong heterosexual and monogamous marriage relationship.

He appended a letter to the editor of the Sunday Times on scientific and moral law.



Appendix IX

Mr Kerry Sharp's Complaint to Television New Zealand Limited

In a letter dated 23 October 1992, Mr Kerry Sharp of Palmerston North complained to Television New Zealand Ltd about the final episode *Sex by Request* in the series *Sex* broadcast on Channel Two on October 20, 1992 at 9.30pm.

The programme comprised a number of short items which were compiled from material presented in the previous ten episodes of the series. The particular items which Mr Sharp claimed breached the standards he cited were: an item on simulated intercourse, depiction of male genitals, female strippers, tantric sex, amateur stripping, masturbation, sexual fantasies, how to spice up a marriage, comparison of human sex with animals, the active promotion of homosexuality, incomplete information about condoms and lack of information about the seriousness of STDs. He alleged the items lacked balance, were untruthful and inaccurate, were indecent and objectionable, denigrated both men and women and attempted to change values by social engineering.

TVNZ's Response to the Formal Complaint

TVNZ advised Mr Sharp of its Complaints Committee's decision in a letter dated 16 December 1992.

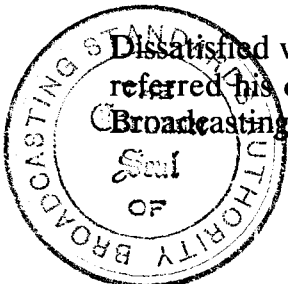
TVNZ observed that Mr Sharp's complaint concerning this programme covered many of the areas already considered in the eight earlier formal complaints he had made and referred him to the responses to those complaints. It repeated its contention that the programme made no judgment on the items it portrayed and, in response to Mr Sharp's question as to why chastity was only given token attention, TVNZ explained:

As the Committee has explained before, it accepts life as it finds it - and it finds that promiscuity is common in the community and that those practising it are not going to be swayed by a lecturing or moralistic message espousing chastity. The series sets out to make life safer in the context of the life style that a large number of young adults have adopted.

It concluded by noting that it stood by the decisions it had reached in relation to Mr Sharp's earlier complaints and declined to uphold the complaint.

Mr Sharp's Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's response, in a letter dated 21 December 1992 Mr Sharp referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.



Mr Sharp explained that he was dissatisfied with TVNZ's decision not to uphold his complaint, commenting:

As is usual for TVNZ they justify everything that is screened. TVNZ does not even admit that they have gone too far, or made a mistake. It is not possible that a television broadcaster is 100% right on every issue.

He listed the items in the programme to which he objected and chided TVNZ for its failure to include all of the relevant information necessary for viewers to make informed decisions. He claimed:

The whole TV2 SEX series has presented a limited selection of information that conforms to a liberal amoral (=immoral) non-judgemental viewpoint, the viewpoint that has got us into this mess - tragically evidenced by the epidemics of teenage pregnancies, the killing of unborn children by abortion, Sexually Transmitted diseases and the lethal STD - AIDS.

#### **TVNZ's Response to the Authority**

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 13 January 1993 and TVNZ's reply, 18 January.

TVNZ noted that because all the issues raised by Mr Sharp in connection with "Sex by Request" have been discussed in the course of his eight earlier complaints on the series, that it had little more to say. It invited the Authority to refer to its responses to each of Mr Sharp's earlier complaints.

It concluded by observing that it felt unable to uphold any of Mr Sharp's complaints because it genuinely believed that the series was in the public interest and was appropriately targeted towards its audience of young people.

#### **Mr Sharp's Final Comment to the Authority**

When asked to comment on TVNZ's reply, in a letter dated 21 January 1993 Mr Sharp maintained that TVNZ in the series had been "pushing the line of decency". He rejected TVNZ's contention that it merely reflected society's values and attitudes and claimed that it was responsible for sending the false message that abstinence before marriage was a thing of the past. He argued that the non-judgmental approach taken by the series was a serious flaw and that young people needed to be told all of the facts about the failure rate of condoms and about STDs and AIDS, and that TVNZ ought to be required to screen chastity/abstinence-based sex education programmes.



Appendix X

Mr Marty and Ms Vicki Cumber's Complaint to Television New Zealand Limited

In a letter dated 23 August 1992 Mr Marty and Ms Vicki Cumber of Paihia complained to Television New Zealand Ltd that the first two episodes of the Australian programme "Sex" failed to maintain standards consistent with the observance of good taste and decency.

In particular, they complained that most of these two episodes were derogatory to women because they showed women as sex objects by including a sequence of lingerie modelling and a female stripper. They questioned the motives of the programme which purported to provide a forum for discussion between parents and teenagers, and they claimed that instead it only glorified various angles on sex and did not acknowledge the social responsibility that families had to raise future generations with decent moral values.

Mr and Ms Cumber cited specific items which they found offensive, including a comment on the sexual fantasies of a clergyman, the pornographic rock video clips which were shown, the dispensing of condoms in schools and married sailors picking up prostitutes.

TVNZ's Response to the Formal Complaint

TVNZ advised Mr and Ms Cumber of its Complaints Committee's decision in a letter dated 9 September 1992. It reported that the complaint had been considered under standards 2 and 26 of the Television Code of Broadcasting Practice which require broadcasters to take into consideration accepted norms of decency and taste in language and behaviour and to avoid the portrayal of people in a way which is likely to encourage denigration of or discrimination against any section of the community on account of sex.

Having regard to these requirements, TVNZ disputed that there had been any breach of the standards. It noted that the programme had an AO rating and was screened at the later time of 9.30 pm rather than at 8.30 pm and also, that it was preceded by a warning advising viewer discretion. It wrote:

The Committee believes that the "Sex" series serves a social good, with its two-pronged approach towards promoting safer sex practices, while also fostering a better understanding of sexual activity. The programme starts from the point of view that people engage in sex, and that - like it or not - promiscuous sex, as well as ex and pre-marital sex is commonplace in the community.

"Sex" takes an amoral, non-judgemental approach to the subject.

In dismissing each of Mr and Ms Cumber's specific complaints, TVNZ argued first



that the interview with the clergyman on sexual fantasies came in the context of reassuring viewers about normal sexuality. In response to their second point, it argued that the rock videos would already be familiar to most young people and the segment was included to "keep people visually interested". It was designed to illustrate the link between sex and rock music. On the third complaint, TVNZ responded that abstinence and celibacy were covered in other episodes. Regarding Mr and Ms Cumber's concern about the morality of the married sailor with the "girl" on his knee, TVNZ responded that this reflected the fact that the programme took a non-judgmental approach to the subject. To Mr and Ms Cumber's complaint about the lingerie modelling and female strippers in Episode two, TVNZ wrote:

[The Complaints Committee] considered that this item reflects the reality of life today (even if it is somewhat sleazy), and the freedom the women concerned have to choose the lifestyle and work they want. There seems no good reason why they should be excluded from a programme which looks at sex and sexuality.

TVNZ believed that the denigration of women was not encouraged because of the "frank and realistic approach taken throughout the series" and that standard 26 was not breached. Taking those points into consideration, including the hour of the broadcast, TVNZ did not uphold the complaint.

#### **Ms Vicki Cumber's Complaint to the Broadcasting Standards Authority**

As Ms Cumber was dissatisfied with TVNZ's response, in a letter dated 2 October 1992, she referred the matter to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

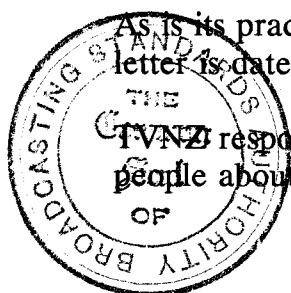
Ms Cumber said that she felt that "Sex" was totally unsuitable as sex education material for teenagers because it was too graphic and very degrading to women. She noted that TVNZ defended itself by saying that "Sex" takes "an amoral, non-judgemental approach to the subject". She commented:

"Amoral" in our dictionary means - not concerned with moral standards. We think that this kind of attitude is irresponsible and dangerous. Our young people need to be helped through their "difficult" years; programmes like "Sex" only encourage promiscuity, a lack of morals and the breakdown of relationships.

#### **TVNZ's Response to the Broadcasting Standards Authority**

As is its practice, the Authority sought the broadcaster's response to the referral. The letter is dated 8 October 1992 and TVNZ's reply, 21 October.

TVNZ responded to Ms Cumber's complaint that the programme failed to teach people about morals by observing:



It is not the purpose of this particular series to teach people about morals. In an age in which contracting a sexually transmitted disease can prove fatal, the series aims to make safer a widely lived lifestyle which from Mrs Cumber's viewpoint may appear to be immoral.

The programme deliberately steers away from making moral judgements - its prime purpose being to remove ignorance about sexual matters.

TVNZ quoted an earlier decision from the Authority's predecessor, the Broadcasting Tribunal, where in Decision 10/90, it was acknowledged:

Likewise it is permissible to accept the "promiscuity" of the targeted audience as a fact and give them options within their lifestyle. That is hardly a breach of community standards which we are obliged to apply.

With reference to the sequences which Ms Cumber regarded as denigrating to women, TVNZ argued that these were appropriate in the context of a series "which claims to take an omnibus look at sex". The programme, it noted, made no judgment on what these women were doing, it simply reported on it.

TVNZ acknowledged that some of the information given and some of the visual material might be offensive to some viewers whose attitudes and expectations were different from those of the target audience. However, it argued, each episode was preceded by a verbal and on-screen warning advising viewer discretion.

### Ms Cumber's Final Response to the Authority

When asked to comment on TVNZ's response, in a letter dated 27 October 1992, Ms Cumber observed:

By using the term "amoral", TVNZ have easily justified "Sex". Therefore anything goes, mostly screeds of film portraying women as sluts and strippers. They say the sex industry is an important aspect of sex and it was appropriate to include facets of it. Are child pornography, bestiality and torture not a part of this so called sex industry also?

She disagreed that the programme provided a forum for discussion between adults and teenagers about sex because it failed to provide any moral guidelines.





## Appendix XI

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

In a letter dated 20 October 1992, Mr Kristian Harang of Auckland complained to Television New Zealand Ltd about the final episode of the series *Sex*, entitled "Sex by Request" which was broadcast on 20 October at 9.30 pm.

Mr Harang said that the programme was totally offensive, salacious and indecent and should never have been shown on television. It breached the standard of good taste and decency and did not give any time for the promotion of family values. In particular he cited the night club scenes and couples making love.

### TVNZ's Response to the Formal Complaint

TVNZ advised Mr Harang of its Complaints Committee's decision in a letter dated 10 November 1992.

TVNZ advised Mr Harang that it had assessed his complaint under standards 2 and 6 of the Television Code of Broadcasting Practice which require the broadcaster to take into consideration accepted norms of decency and taste bearing in mind the context in which the behaviour occurs, and to show balance, impartiality and fairness when dealing with questions of a controversial nature. TVNZ prefaced its remarks by noting first, that the philosophy behind the series was to provide objective and non-judgmental advice to young people. It noted that the series was produced in response to a worldwide concern about the spread of sexually transmitted diseases which had come about partly as a result of ignorance about sexual matters. Accordingly the focus had been to provide clinical information, dispel myths and offer reassurance to young people.

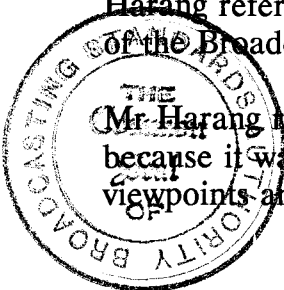
TVNZ also observed that the series was deliberately packaged in a racy style to capture the attention of the "rock video" target audience. As a result informational and educational pieces were interspersed with the more serious ones.

It declined to uphold the complaint.

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

Dissatisfied with TVNZ's response, in a letter received on 16 November 1992 Mr Harang referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Mr Harang repeated his belief that the programme was injurious to the public good because it was indecent. He also said that it made no provision for alternative viewpoints and was therefore unbalanced.



In response to TVNZ's view that the series was a product of its time, Mr Harang responded that sex was only a big issue because the media made it so. He suggested that the way to teach people about sexually transmitted diseases was to teach community values and abstinence and not to promote promiscuity. He concluded by stating that TVNZ had misused its responsibility by showing this kind of programme.

### **TVNZ's Response to the Authority**

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 16 November 1992 and TVNZ's reply, 20 November.

TVNZ maintained that the generality of Mr Harang's complaint made it difficult to comment further on specific issues. It reiterated that this episode of *Sex* included the items which were regarded as being the most important and that these were combined with those that generated the most interest. It also emphasised, in response to Mr Harang's comment that a 10 year old could be watching the programme, that it was scheduled well outside the watershed time and was preceded by warnings.

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

When asked to make a final comment, in a letter dated 25 November 1992, Mr Harang stated that TVNZ had not addressed the 7-8 points made in his letter to the Authority. He maintained that TVNZ had neglected its social responsibility by broadcasting the programme and did not accept TVNZ's assurance that it would be unlikely that unsupervised 10 year olds would be watching.



**Appendix XII**

**Ms Nadya Corcoran's Complaint to Television New Zealand Limited**

In a letter dated 11 September 1992, Ms Nadya Corcoran of Pahiatua complained to Television New Zealand Limited about Episode 5 of the series *Sex* broadcast on Tuesday 8 September at 9.30pm on Channel Two.

Ms Corcoran said the programme breached the standard of good taste and decency and was detrimental to morals. She commented that while the programme was informative, it also contained many suggestions for sexual behaviour which adolescents did not need to see or hear. In particular, she objected to suggestions given to make a woman multi-orgasmic, to visuals of a circumcised and uncircumcised penis, displays of animals engaged in sex, nudity, simulated intercourse and many more items, including sexual deviancy.

She complained that the overall message of the programme was to encourage promiscuous behaviour among adolescents.

**TVNZ's Response to the Formal Complaint**

TVNZ advised Ms Corcoran of its Complaints Committee's decision in a letter dated 8 October 1992.

It reported that it had assessed her complaint under standard 2 which requires broadcasters to take into consideration accepted norms of decency and taste bearing in mind the context in which language or behaviour occurs.

TVNZ prefaced its remarks with some general comments about the series, stating first, that the series has been produced in response to a worldwide concern about sexually transmitted diseases and their spread among sexually active young people. It then examined each of her specific complaints. The first was the item on female orgasm which TVNZ said was an informative piece which should be seen in the context of a programme which is trying to dispel myths and overcome ignorance about sex. With reference to the item about animals and sex, TVNZ claimed that it was also an informative piece which drew important parallels between animal and human behaviour. It rejected Ms Corcoran's implied suggestion that the series was promoting the lifestyle it reflected, stating that it adopted "a strictly amoral attitude throughout."

TVNZ concluded by noting the fact that the series was broadcast at 9.30 pm and was preceded by a warning advising viewer discretion.



**Ms Corcoran's Complaint to the Authority**

Dissatisfied with TVNZ's response, Ms Corcoran, in a brief letter to the Authority dated 29 October 1992, referred her complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Ms Corcoran stated that although she found TVNZ's reply reasonable, she wished to pursue the complaint in view of the fact that another series was being produced. She stated that she considered that television had a social responsibility which it was neglecting and was thus contributing to a decline in morals by encouraging young people to be promiscuous.

**TVNZ's Response to the Authority**

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 23 November 1992 and TVNZ's reply 2 December.

TVNZ reiterated its view that the series did not encourage people to be promiscuous but was premised on the basis that young people were sexually active and should be given as much information as possible to make themselves safe in an age where sexually transmitted diseases were widespread. TVNZ also stated that the information was conveyed in an entertaining manner for its "rock video" audience.

**Ms Corcoran's Final Comment to the Authority**

In a letter dated 4 February 1993, Ms Corcoran wrote that she had no further comment to make.



**Appendix XIII****Dr M. Purchase's Complaint to Television New Zealand Limited**

In a letter dated 29 September 1992, Dr M. Purchase of Auckland complained to Television New Zealand Ltd about Episode 8 of the series *Sex* broadcast on Channel Two on 29 September.

Dr Purchase described the item on cancer of the penis and testicles as indecent, offensive and inappropriate for television because it focused on:

the close-up graphic visual display of male genitals being washed and fondled.

**TVNZ's Response to the Formal Complaint**

TVNZ advised Dr Purchase of its Complaints Committee's decision in a letter dated 4 November 1992.

It prefaced its remarks with a general comment about the series as a whole before referring to the specific complaint. TVNZ noted that the item on testicle examination could potentially be a life saver and that it provided useful information which was conveyed in a clinical, no-nonsense manner. It stated that, in the context, there was no breach of standard 2 and accordingly declined to uphold the complaint.

**Dr Purchase's Complaint to the Broadcasting Standards Authority**

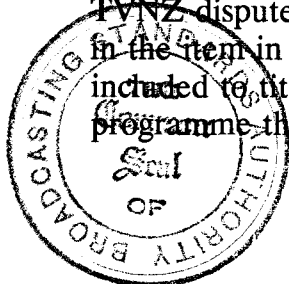
Dissatisfied with TVNZ's response, in a letter dated 11 November 1992, Dr Purchase referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Dr Purchase disagreed with TVNZ's opinion that the item was acceptable in its context. In his view, the close-up display of male genitals was indecent and offensive and not appropriate for public television and was in breach of the standards imposed in s.4 of the Broadcasting Act.

**TVNZ's Response to the Authority**

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 19 November 1992 and TVNZ's reply, 8 December.

TVNZ disputed Dr Purchase's assertion that male genitals were seen to be "fondled" in the item in question, observing that there was no suggestion that the scenes were included to titillate or arouse. Further, it noted that in the specific context of the programme, the item did not breach the standards of good taste and decency. TVNZ



believed that many men would be ignorant of the need for personal cleanliness and the method of diagnosing testicular cancer and that the programme provided them with valuable information in a constructive yet unemotional manner.

**Dr Purchase's Final Comment to the Authority**

When asked to comment on TVNZ's response, in a letter dated 15 December 1992 Dr Purchase rejected TVNZ's argument that the item was appropriate in its context, arguing that on that reasoning, anything could be shown on television if it was within a "documentary context".

Dr Purchase maintained that the close-up shots of male genitals were "similar to hardcore pornography". He claimed that there were many other scenes which were designed to shock and repulse viewers in the series. He rejected TVNZ's analogy with self examination for breast cancer saying that this demonstrated that "TVNZ might not know where to draw the line". On behalf of non-English speaking viewers and elderly people who might have had the volume down, he expressed outrage at the obscene visual images. He concluded by stating that not enough cuts had been made to the programme because there was still material which was offensive.



Appendix XIVMs Barbara Hobden's Complaint to Television New Zealand Limited

In a letter dated 27 September 1992, Ms Barbara Hobden of Christchurch complained to Television New Zealand Ltd about aspects of episodes 4, 5 and 6 of the series *Sex* which were broadcast on 1, 8 and 15 September on Channel Two at 9.30pm.

Ms Hobden identified many items which she said were in breach of standard 26, which requires broadcasters to avoid portraying people in a way which is likely to encourage denigration, and in breach of standard 6 which requires broadcasters to show balance, impartiality and fairness when dealing with questions of a controversial nature. She cited specific items which she claimed were in breach. The first was an item about women learning to strip "to please their man" which she said reinforced a sexual stereotype which reduced women to "mindless sexual playthings and the devoted housemaids of men." The item lacked balance because it did not challenge the stereotype.

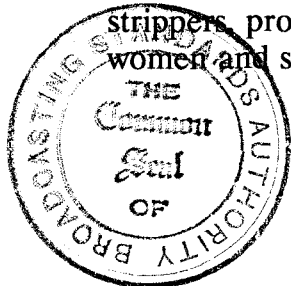
The second item concerned a pay pornography channel which was proposed in Australia. Ms Hobden noted that in the discussion the point was made that pornography was justified because it was popular and the only opposition would come from "little minority groups". She argued that being popular did not make a thing acceptable and because pornography was an abuse of human rights it should not be available to anyone. She objected to the way the opposition view was belittled and ignored, and claimed that because the opposing view was not put on the programme, it was in breach of standard 6.

With reference to an item on prostitution, Ms Hobden commented that the programme portrayed the brothels as glamorous and that the only negative comments came from a women's Christian group, which she argued, was not a representative opposing viewpoint. In order to achieve balance, the programme should have consulted more widely.

The final item Ms Hobden identified as being in breach was the one concerning large breasts, which she said ignored the more prevalent problem of women feeling inadequate because they had "small" breasts. She commented:

Accentuating women's sexual characteristics (eg breasts and bottoms) to an unnatural degree is a way of controlling and defining women in terms of their bodies or more specifically certain body parts.

Ms Hobden concluded by commending the programme on its educational goals but lamented that it comprised many superficial items with unnecessary footage of women strippers, prostitutes and models. She alleged that this material was degrading to women and sexist.



### TVNZ's Response to the Formal Complaint

TVNZ advised Ms Hobden of its Complaints Committee's decision in a letter dated 5 November 1992.

TVNZ reported that it had considered her complaint under standards 2, 6 and 26, which require the broadcaster to take into account accepted norms of decency and taste bearing in mind the context in which the behaviour occurs, to show balance, impartiality and fairness when dealing with questions of a controversial nature, and to avoid portraying people in a way which is likely to encourage denigration.

It prefaced its remarks by a general comment on the rationale behind the series and then examined each of Ms Hobden's specific complaints. In response to each of her complaints, TVNZ observed that it was not the purpose of the programme to question what it found, but merely to report on what existed. TVNZ maintained that the non-judgmental approach taken steered away from the moral discussion on any of the issues raised, and exhorted Ms Hobden to avoid confusing the message with the messenger.

TVNZ concluded by observing that each episode was preceded by an on-screen and verbal warning and was screened at 9.30 pm. It declined to uphold her complaint.

### Ms Hobden's Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's response, in a letter dated 27 November 1992 Ms Hobden referred her complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Ms Hobden's first complaint was that TVNZ misrepresented the nature of her complaint because it failed to notice that she had not complained of a breach of standard 2 (good taste and decency). She wrote:

I believe that the broadcaster should treat each formal complaint it receives with an open mind and without prejudice. However it is obvious that for much of my complaint TVNZ classed me along with people of a moralistic/conservative viewpoint when I specifically stated that this was not of any concern to me - in fact I have been in favour of more openness about sexuality and sexually transmitted diseases.

Ms Hobden strongly disagreed with TVNZ that the items which she complained about were simply general interest items designed to maintain viewer interest. She did not agree that it was justifiable to use demeaning and discriminatory images of women to pull in and hold an audience.

If the items I complained about were not included in the programme for critical analysis but only to hold viewers' interest (as TVNZ claimed) then there was no reason for them to have been there at all because they were





blatantly sexist and encouraged discrimination against women - ie breaching Code 26.

As a final comment, Ms Hobden observed that TVNZ defended the programme by claiming that it reported people as they found them, but, she claimed, it should also have included items about people working with:

women and girls with eating disorders, rape victims, women's refuge, anti-pornography groups, rehabilitating sex offenders. These are all valid sex-related issues, highlighting especially the link between sex and power; the power being physical violence and/or money.

In concluding, she wrote:

"Sex" did not shy away from disclosing the harsh reality of sexually transmitted diseases but it was strangely silent on the equally grim reality of the sexual abuse and subordination of women.

#### TVNZ's Response to the Authority

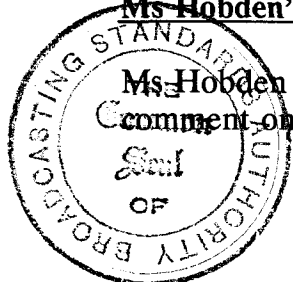
As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 1 December 1992 and TVNZ's reply, 22 December 1992.

TVNZ acknowledged that the complaint did not specify a breach of standard 2 and withdrew its comments on that area. In response to Ms Hobden's argument that the items she complained about were in breach of standard 26, TVNZ replied that they contributed to the "overall educative and informative approach adopted by the series." TVNZ argued that they were not included just to maintain viewers' attention but served the purpose of presenting information in an attractive and entertaining style. For example in the item on learning to strip, though the activity itself might appear to some to be demeaning, showing it on television was not. TVNZ claimed that this argument could also be applied to the adults only pay television and that the item made no judgment on whether it was a good or bad thing, but left it to the viewers to decide.

With reference to the item on large breasts, TVNZ maintained that it offered reassurance and information to women and offered surgical solutions to possible problems. It concluded by explaining that the information conveyed was generally useful and constructive and while agreeing that many of the topics which Ms Hobden listed could have been included, that did not detract from the items that were included. TVNZ observed that some of these topics may well be included in a new series which could be produced.

#### Ms Hobden's Final Comment to the Authority

Ms Hobden did not respond when asked if she would like another opportunity to comment on the complaint.



**Appendix**

**Mr and Mrs Thomas and Leon Thomas's Complaint to Television New Zealand Limited**

In a letter dated 15 October 1992, Mr and Mrs Thomas and Leon Thomas of Putaruru complained to Television New Zealand Ltd about Episode 10 of the series *Sex* broadcast on Channel Two on 13 October at 9.30pm.

The Thomas family considered parts of the programme to be in bad taste and indecent in content. In particular, they objected to the interview with the prostitute who described one of the worst things she has had to do, and to the simulated intercourse scenes in the segment on spicing up a marriage. They claimed that to advise couples who were having problems in their relationships that:

these difficulties could be addressed by better techniques and communication focused on the sexual activity itself.

Many counsellors and psychologists would argue that sexual communication difficulties are symptomatic of far deeper communication and other problems in a relationship. This focusing on symptoms could well be a cruel piece of misinformation offered to couples having genuine problems. In this programme the issue was just used as an excuse to make titillating referrals to "dirty weekends", erotic videos and artificial stimulators as well as simulated intercourse as mentioned above. I believe this in fact contravenes a code which requires programmes to be fair and accurate.

**TVNZ's Response to the Formal Complaint**

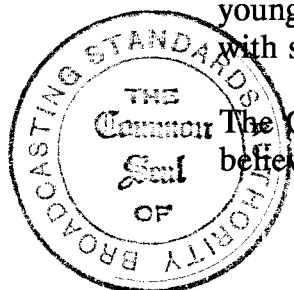
TVNZ advised the Thomas family of its Complaints Committee's decision in a letter dated 9 November 1992.

It began with the observation that the series was a product of its time and was produced in response to an upsurge in the spread of sexually transmitted diseases, in part as a result of ignorance among sexually active young adults.

It then responded to each of the specific complaints. While acknowledging that the activities which the prostitute was required to do were revolting, TVNZ believed that the item carried a clear message and warning to viewers about the danger, despair and human misery involved in drug addiction. It commented:

this message is in line with the overall objective of the series which is to advise young people about those matters which contain potential for harm associated with sex and sexuality.

The Committee did not believe this item promoted prostitution in any way and believed that any viewer would share your disgust at what the prostitute



recounted. It believed young people would correctly see it as a warning.

With reference to the second item on spicing up a marriage, TVNZ maintained that it contained some useful advice, and although it acknowledged that some psychologists might find deeper reasons for sexual incompatibility, it believed that the item presented some compelling evidence that some problems could be helped by counselling as suggested.

It concluded by noting the time at which the programme was broadcast and the fact that some segments had been cut and warnings given advising viewer discretion. It declined to uphold the complaint, claiming that the items complained about were fair and balanced in the information provided.

### Mr and Mrs Thomas's Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's response, in a letter dated 30 November 1992, Mr and Mrs Thomas referred their complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Mr and Mrs Thomas family first clarified the fact that they had no objection to the focus on safer sex in the programme. However, they argued, the item about the prostitute was potentially harmful and that its indecency far outweighed the potential value of the piece. With reference to the item on spicing up a marriage, the Thomases rejected TVNZ's argument that it was aimed at young people and therefore did not have to look at more serious causes for the relationship to be in trouble, by noting that the voiceover made it clear that the segment was directed at older couples whose sexual relationship had lost some of its "zing". They wrote:

Therefore our original objection that the information given was unbalanced and potentially harmful is not dismissed by the argument that the target audience is at those people who are not in a long term relationship. The committee cannot have it both ways.

If the target audience is the young, as suggested, then the scene was indecent, unnecessary and just a ploy to show explicit sexual scenes with no information of value to its audience.

### TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 9 December 1992 and TVNZ's reply, 14 December.

First, TVNZ claimed that Mrs Thomas had changed the emphasis of her original complaint. It quoted an extract from her original letter which made a general comment about the programme promoting "unhealthy sex, sexual gimmicks, fantasies and pornography and does not promote healthy sex." It was to this that it had



responded in its letter of 9 November.

With reference to the item on prostitutes and the degrading activities which some were paid to do, TVNZ reiterated its comment that the item provided a graphic message to young people of the degradation of women who were caught up in the prostitution and drugs cycle. TVNZ rejected Mrs Thomas's remark that its view was that anything can be shown on television provided that it was justified by the message. It noted that the item on prostitution was carefully scrutinised by its appraisers and that it felt it carried an important message.

In response to the Thomas's criticism of the item on spicing up a marriage, TVNZ conceded that it was not the most weighty of items discussed in the series, but that it served a useful social purpose by reminding couples that it was worth working at a relationship that may seem to be growing tired, and that a fresh approach to sex is one way of doing that. TVNZ denied that it was gratuitous in any way.

**Mr and Mrs Thomas's Final Comment to the Authority**

Mr and Mrs Thomas did not respond when asked if they would like another opportunity to comment on the complaint.

