

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 102/93  
Dated the 30th day of August 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

DONALD S. MCDONALD  
of Wellington

Broadcaster  
TELEVISION NEW ZEALAND  
LIMITED

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

DECISION

Introduction

A profile on cricketer Danny Morrison on the TV1's *Holmes* programme from 6.30 - 7.00pm on 16 March 1993 referred to a baked beans advertisement in which he had appeared. It was followed, in a commercial break within 30 minutes, by the screening of that commercial. An item on the *Holmes* programme on 18 March showed some packets of Kelloggs cornflakes and a little later a Kelloggs cornflakes commercial was screened on TV3.

Mr McDonald complained to Television New Zealand Ltd that only very rarely should advertisements become the subject of news items and the two incidents cited showed that the news was partial.

Maintaining that each of the items referred to was a valid news story in itself, TVNZ said that commercials were part of everyday life and were appropriately referred to in the stories complained about. It strenuously denied that advertising agencies were involved in directing news and current affairs programmes. Dissatisfied with TVNZ's response, Mr McDonald referred his complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.



## Decision

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

The use of material in news items which refers to named commercial products or to specific commercials has been of concern to Mr McDonald before. It featured in his complaint (Decision No: 80/93) when an item on the *Holmes* programme discussed the reason for the use of a particular theme in one commercial. It also arose in this complaint which focussed on two items on the *Holmes* programme. The first was a profile of New Zealand cricketer, Danny Morrison, whose mother referred in the interview to a baked beans commercial in which she had remarked on her son's liking for that food.

The second item on *Holmes*, broadcast two days later, dealt with an English couple who devoted their time to entering competitions. They were shown visiting a number of supermarkets and packets of Kelloggs cornflakes were seen on a number of occasions.

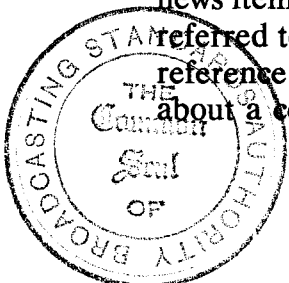
As well as questioning the appropriateness of referring to commercial products and advertisements in news items, Mr McDonald has questioned whether the news items which refer to products are items which are truly newsworthy and he has hinted that there might be some arrangement between broadcasters and advertising agencies to ensure that news items refer to products. That arrangement would include the broadcast, a little later, of a commercial of the product referred to in order to reinforce the commercial message.

TVNZ dealt with Mr McDonald's complaint on the basis that the two items on *Holmes* lacked balance as advertising had encroached unduly into news and current affairs. It considered the complaint under standard G6 of the Television Code of Broadcasting Practice which requires broadcasters:

- G6 To show balance, impartiality and fairness in dealing with political matters, current affairs and all questions of a controversial nature.

TVNZ vehemently denied the aspect of the complaint which suggested a link between the broadcast of news items and the sale of television commercials. In addition, it asked what was the commercial point of following a reference to a product on a TVNZ news item with an advertisement some thirty minutes later on the competitor's channel.

In dealing with the specific complaint that commercial issues and specific products encroached into its news and current affairs output, TVNZ argued that commercials were part of life and as such, were justifiably referred to occasionally on the news and in current affairs. TVNZ mentioned some commercials which at various times had become news items. As for specific complaints, it pointed out that Danny Morrison's mother had referred to "baked beans" and not to the name of the manufacturer. With regard to the reference to cornflakes, it maintained that that reference was appropriate in an item about a couple who scoured supermarket shelves in search of competitions.



The Authority acknowledged that in the appropriate context, it is acceptable to refer to a specific product. Although there is a limit after which the product promotion becomes more important than the news item, the Authority believed that that had not occurred in the two items complained about. It noted, as TVNZ pointed out, that the manufacturer of the baked beans had not been named and that cornflakes were acceptable as a symbol of supermarkets. Some of the other products which were seen, eg birdseed and dog food, would have been acceptable for similar reasons. It agreed with TVNZ's assertion that the item about the English couple was an interesting story.

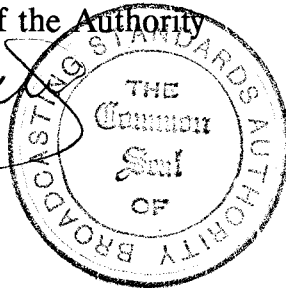
While understanding Mr McDonald's desire to maintain a clear distinction between news and commercials, the Authority believed that was an impractical aim in our society in which commerce and the commercial environment are part of the current culture. Furthermore, in that culture, some people and products acquire a public image because of or in addition to their commercial activities. For example, Aunt Daisy was of course a commercial broadcaster and the "Say Cheese" advertisements use people who have achieved prominence in other spheres to sell cheese. Presumably to the delight of the advertiser, "Say Cheese" is becoming a catch phrase frequently used in situations other than the advertisements. Moreover, "Spot" is well-known as the "Telecom" dog.

In conclusion, the Authority did not accept that the broadcast of the items complained about breached the requirement for balance in standard G6.

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

Signed for and on behalf of the Authority

  
Iain Gallaway  
Chairperson



30 August 1993

## Appendix

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

In a letter dated 18 March 1993, Mr Donald McDonald of Wellington complained to Television New Zealand Ltd about the alleged partiality in items on TV1's *Holmes* programmes on 16 and 18 March.

The item on 16 March had profiled New Zealand cricketer Danny Morrison and had interviewed his mother among others. She referred to a baked beans advertisement in which she had appeared and maintained that her son Danny did indeed eat beans. A little later, Mr McDonald stated, the baked beans advertisement referred to was broadcast in a commercial break. He continued:

It appeared that the news story was swayed by the advertising component. Therefore, I do not believe the news story was impartial.

The second item involved a *Holmes* story on 18 March about an English couple who won numerous competitions for products and it included close-up shots of some Kelloggs' cornflakes packets. A few minutes later, Mr McDonald added, an advertisement for Kelloggs cornflakes was broadcast on TV3 and he again alleged that the *Holmes* item was not impartial as it had been swayed by the advertiser.

In a further letter dated 22 April, Mr McDonald commented that there were numerous television advertisements and only rarely should a commercial be upgraded to the news. He wondered if any advertising agency copy-writers had been involved in the item about Danny Morrison and he also questioned the news worthiness of the item about the couple in England. He argued that there was a need for news that was both more serious and more entertaining.

### TVNZ's Response to the Formal Complaint

TVNZ advised Mr McDonald of its Complaints Committee's decision in a letter dated 7 May 1993. It reported that each aspect of the complaint had been considered under standard G6 of the Television Code of Broadcasting Practice which requires that controversial issues be covered with balance, impartiality and fairness.

Referring to the profile of Danny Morrison, TVNZ noted that most viewers would be familiar with the commercial and that there was a reference only to baked beans - not the manufacturer. It continued:

The [Complaints] Committee noted that, like it or not, commercials are a part of life and as such are properly reflected in news and current affairs programmes.

In elaborating on this point, TVNZ referred to a number of radio commercials which



in themselves had become news items. It added:

The [Complaints] Committee did not believe that that inclusion of references to the baked beans commercial in the profile of Danny Morrison was either inappropriate or unbalanced.

Describing the item about the English couple who entered competitions as fascinating, TVNZ argued that a cornflakes box symbolised supermarkets worldwide. It declined to uphold that aspect of the complaint also.

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

As he was dissatisfied with TVNZ's response, in a letter dated 1 June 1993 Mr McDonald referred his complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

He said that TVNZ had not interpreted his complaint correctly. Broadcasters, he maintained, created heroes and the advertisers made use of those people.

He questioned whether the appearance of a commercial so soon after the reference to a commercial product in a news story was a coincidence. Maintaining that commercials were an aspect of business life - not the news - he objected to what he described as the gratuitous use of advertising themes.

### TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 2 July 1993 and TVNZ's reply, 14 July.

TVNZ argued:

We believe both items were of interest to our viewers and we strenuously deny the implication in Mr McDonald's Complaint Referral Form that advertising agencies are somehow directing news and current affairs content.

It repeated its comment about Danny Morrison's liking for baked beans and that the cornflake box was useful as a symbol of supermarket shopping. It found "quite remarkable" the suggestion that Kelloggs, after the reference in a *Holmes* item would, as a consequence, buy advertising time on the competitor's channel some 30 minutes later.

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

When asked to comment on TVNZ's reply, in a letter dated 30 July 1993 Mr McDonald repeated his concern that the items shown on *Holmes* were not valid news items. Arguing that television, sport and advertising were closely intertwined, he suggested that items which promoted products were arranged to coincide with advertisements for those products.

