

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 104/93
Dated the 30th day of August 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

CAROL-ANNE ARMITAGE
of Auckland

Broadcaster
TELEVISION NEW ZEALAND
LIMITED

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

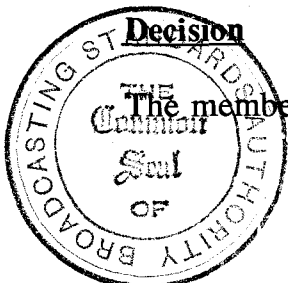
DECISION

Introduction

The opening of a shop catering for cross-dressers - men who on occasion dress up in women's clothing - was featured in an item on the *Holmes* programme broadcast between 6.30 - 7.00pm on Monday 10 May 1993. The item included an interview with the proprietor and showed a male TVNZ employee donning some female clothing and venturing out into the street.

Ms Armitage complained that as the item dealt with perverted human behaviour, it breached the broadcasting standard requiring good taste and should not have been broadcast before 8.30pm.

Pointing out that a humorous approach had been adopted to deal with a legitimate news item without prurience, TVNZ declined to uphold the complaint. Dissatisfied with TVNZ's response Ms Armitage referred her complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting 1989.



The members of the Authority have viewed the item complained about and have read

the correspondence (summarised in the Appendix). As its practice, the Authority has determined the complaint without a formal hearing.

An item on the *Holmes* programme on 10 May broadcast between 6.30 and 7.00pm dealt with a recently-opened shop in Auckland which catered for cross-dressers - men who on occasion dress up in women's clothing. Ms Armitage, while acknowledging the item's light-hearted style, complained that the broadcast of an item about the subject - a shop catering for what she described as "perverted human behaviour" - was inappropriate at that hour.

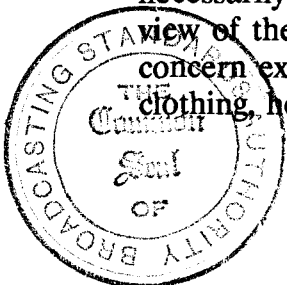
TVNZ assessed the complaint under the standards nominated by Ms Armitage. Standards G2, G7 and G12 of the Television Code of Broadcasting Practice require broadcasters:

- G2 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.
- G7 To avoid the use of any deceptive programme practice which takes advantage of the confidence viewers have in the integrity of broadcasting.
- G12 To be mindful of the effect any programme may have on children during their normally accepted viewing times.

TVNZ accepted that the item's subject could give cause for offence and, to avoid that possibility, a light-hearted approach had been adopted. Emphasising that the item had provided both amusement and information, TVNZ denied that it had breached any of the nominated standards. TVNZ also drew an analogy between the shop featured and the cross-dressing which occurred in pantomimes and which was the hallmark of Dame Edna. In response, Ms Armitage referred to her own work in theatre and denied that any comparison could be drawn between those activities and the behaviour for which the shop catered.

The Authority first considered the complaint under G7 which prohibits the use of any deceptive programme practice. In past decisions (eg No: 27/93), the Authority has interpreted that standard to refer to some explicit technique used by a broadcaster. It does not apply, as Ms Armitage complained, to a broadcaster's alleged lack of integrity generally. As the standard was thus inappropriate, the Authority declined to determine that aspect of the complaint.

In considering the other aspects of the complaint, the Authority decided that if the shop had sold only equipment for sado-masochist behaviour, it would probably be inappropriate for an item on the *Holmes* programme between 6.30 - 7.00pm. However, the Authority believed that an item which dealt with clothes for cross-dressers was not necessarily inappropriate at that time although it would need to be handled carefully in view of the fact that many young children would be watching. There was some slight concern expressed about the manner in which the TVNZ employee dressed in female clothing, however in the Authority's opinion the light-hearted style adopted in the item



made it acceptable. Taking these matters into account, the Authority concluded that the item did not breach the good taste and decency requirement in standard G2.

Standard G12 requires broadcasters to be mindful of the effect a programme may have on children during their generally accepted viewing times. When considering that aspect of the complaint, the Authority again examined the issue discussed in the item and the approach adopted. Acknowledging that the item did not focus on any sexual or violent aspects of cross-dressing and that a light-hearted idiosyncratic approach was employed, the Authority decided that, although the item had been a little risqué at times, the standard had not been contravened. The Authority did not share TVNZ's view that an analogy could be drawn between the item and pantomimes and Dame Edna although it accepted that references to these matters might be used by parents to explain cross-dressing to young children.

As the Authority has noted, the topic the item dealt with was an acceptable theme for broadcast in "General" viewing time provided that it was presented with care and without prurience. The Authority decided that TVNZ had met those requirements and, consequently, had not breached the standards.

For the reasons set forth above, the Authority declines to determine the standard G7 aspect of the complaint and declines to uphold the other aspects.

Signed for and on behalf of the Authority



Iain Gallaway
Chairperson



30 August 1993

Appendix

Ms Armitage's Complaint to Television New Zealand Limited

In a letter dated 15 May 1993, Ms Carol-Anne Armitage of Auckland complained to Television New Zealand Ltd about an item broadcast on TV1's *Holmes* show between 6.30 - 7.00pm on Monday 10 May.

The item had dealt with "cross-dressing" and Ms Armitage wrote:

I realise the item in question was probably meant as a light hearted, somewhat tongue-in-cheek report but the content dealing with perverted human behaviour was certainly not suitable within children's generally accepted viewing times which is accepted as being up until 8.30pm and the *Holmes* Show was irresponsible in showing the item.

The broadcast, she stated, breached standards G2, G7 and G12 of the Television Code of Broadcasting Practice which require, respectively, good taste and decency, the avoidance of deceptive programme practices and the need for broadcasters to be mindful of the effect of programmes on children.

TVNZ's Response to the Formal Complaint

TVNZ advised Ms Armitage of its Complaints Committee's decision in a letter dated 27 May 1993 when it reported that the programme had been answered under the nominated standards.

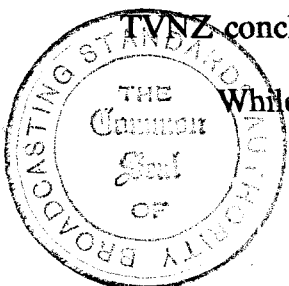
The item, it said, reported the opening of a shop for "cross-dressers" - men who, on occasions, dress up in women's clothing. It included an interview with the proprietor and showed a TVNZ employee who had ventured out into the street while wearing women's clothing.

Acknowledging that the subject of the legitimate news item had the potential to cause offence, TVNZ said a light-hearted humorous approach had been adopted which was "devoid of prurience" and which would have provided both amusement and information to viewers.

TVNZ said that the item did not breach the currently accepted norms of decency and did not contain any deceptive programme practice and declined to uphold the complaints under standards G2 and G7. With regard to the effect on children, TVNZ maintained that children enjoyed dressing up and were familiar with Dame Edna and Pantomime dames and would not have been offended by the item.

TVNZ concluded:

While the Committee was sorry that the item had caused you offence, it was



unable to conclude that any rules concerning broadcasting standards were broken by this item.

Ms Armitage's Complaint to the Broadcasting Standards Authority

As she was dissatisfied with TVNZ's response, in a letter dated 18 June 1993 Ms Armitage referred her complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

Pointing out that 6.00 - 7.00pm was a busy time in many households and that school children were encouraged to watch news and current affairs programmes, she maintained that the content of the item complained about was totally inappropriate at that time. She added:

Perverted human behaviour is a serious matter and cannot be compared to entertainment such as Dame Edna or Christmas pantomimes.

She also expressed concern that the *Holmes* show had breached the broadcasting standards in the past but had seemed to pay little attention and continued to broadcast unacceptable items. In order to ensure that the *Holmes* programme appreciated the consequences of broadcasting such items, she urged that TVNZ should be prohibited from broadcasting advertisements for 24 hours. She also questioned the impartiality of an in-house Complaints Committee.

The item on *Holmes* on 10 May, she wrote, was not consistent with the good taste and decency standard, was unacceptable in children's viewing time, and breached the deceptive programming standard as the broadcast of such an item at this time revealed the broadcaster's lack of integrity.

TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 12 July 1993 and TVNZ's reply, 14 July.

Pointing out that the shop, although unusual, was a legitimate business, TVNZ repeated that the item had dealt with the subject in a suitably entertaining and informative manner. It disagreed with Ms Armitage that the clients of the shops would all be "perverts", adding that it would be the natural starting place for any actor having to play a role as a female.

Ms Armitage's Final Comment to the Authority

When asked to respond to TVNZ's comment, in a letter dated 28 July 1993 Ms Armitage referred to her wardrobe experience and averred that the shop would not be used for theatre productions. She maintained that the item breached the good taste and decency standard and was shown in an inappropriate time slot.

