

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 129/93  
Dated the 13th day of October 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

SUSAN KUBALA  
of Dunedin

Broadcaster  
TELEVISION NEW ZEALAND  
LIMITED

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

DECISION

Introduction

A firm of Australian male cleaners who do housework clad in little more than G-strings was the subject of an item on *Holmes* broadcast on TV1 on 27 May between 6.30 - 7.00pm.

Mrs Kubala complained to Television New Zealand Ltd that the item breached the standard requiring broadcasters to observe good taste and decency and was unsuitable for screening in children's viewing time.

Responding that the item was handled in an appropriately humorous manner, that care had been taken to ensure that the men were almost always filmed from the rear and that it believed most viewers would have enjoyed the item, TVNZ declined to uphold the complaint. Dissatisfied with that decision Mrs Kubala referred the complaint to the Authority under s.8(1)(a) of the Broadcasting Act 1989.

Decision

The members of the Authority have viewed the item complained about and have read the correspondence (summarised in the Appendix). As is its practice, the Authority has



determined the complaint without a formal hearing.

An item included on the *Holmes* programme broadcast on 27 May 1993 featured an Australian teenager who had set up a house-cleaning company which employed young men who did their work wearing only G-strings.

Mrs Kubala complained to TVNZ that the visual content was offensive and unsuitable for viewing at a time when children were watching television.

Responding, TVNZ reported that it had assessed her complaint under standard G2 which requires broadcasters:

G2 To take into account currently accepted norms of decency and taste in language and behaviour, bearing in mind the context in which any language or behaviour occurs.

It argued that the item was a light-hearted look at the entrepreneurial spirit of a high school dropout and that the editing, scripting and music highlighted the humorous approach. It maintained that it was carefully filmed almost always from the rear of the men involved and that most shots showed only their upper torsos. It believed that most viewers would have enjoyed the item and did not agree that it breached the standards of good taste and decency. It declined to uphold her complaint.

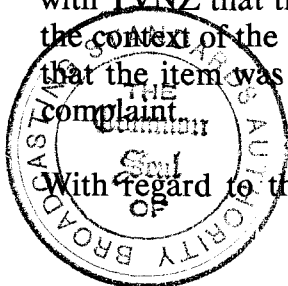
Although Mrs Kubala made it clear in her initial letter of complaint that she regarded the item as unsuitable for children, TVNZ did not assess the complaint against standard G12 (set out below). The correspondence reveals that TVNZ asked Mrs Kubala to confirm that it had correctly interpreted the complaint as being a breach of standard G2. Mrs Kubala reported in her referral to the Authority that at the time she did not have a copy of the Television Code of Broadcasting Practice and had not realised that there was a standard which requires broadcasters to be mindful of the effect of any programme on children. In her referral to the Authority, she asked TVNZ to consider the complaint under standard G12 which requires broadcasters:

G12 To be mindful of the effect any programme may have on children during their normally accepted viewing times.

The Authority considered that Mrs Kubala's formal complaint made clear that her primary concern was the effect on children, a fact which it believed TVNZ should have acknowledged when it was drawn to its attention. The Authority decided to determine the complaint under both standards G2 and G12.

In its assessment of the G2 aspect of the complaint, the Authority was inclined to agree with TVNZ that the shots of the men were carefully edited to avoid being offensive. In the context of the light-hearted and humorous approach to the subject, it did not believe that the item was in breach of the standard and declined to uphold that aspect of the complaint.

With regard to the G12 complaint, the Authority accepted that the programme was



screened at a time when children would normally have been viewing but was unable to agree that children would have been harmed by seeing shots of bare male torsos and buttocks. It acknowledged that it could be objectionable to some viewers, but considered it was saved by the lighthearted approach. The Authority did not believe it was unsuitable for children's viewing.

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

Signed for and on behalf of the Authority



*Jain Gallaway*  
Jain Gallaway  
Chairperson  
13 October 1993

## Appendix

### Mrs Kubala's Complaint to Television New Zealand Limited

In a letter dated 30 May 1993, Mrs Susan Kubala of Dunedin complained to Television New Zealand Ltd about an item which featured a "half-naked man doing the ironing" broadcast on *Holmes* on TV1 on 27 May between 6.30 -7.00pm.

In her view, the visual content was offensive, unsuitable for broadcast in children's viewing time and in breach of the standard requiring broadcasters to observe good taste and decency.

### TVNZ's Response to the Formal Complaint

TVNZ advised Mrs Kubala of its Complaints Committee's decision in a letter dated 22 June 1993. It reported that the complaint had been considered under standard G2 of the Television Code of Broadcasting Practice which requires broadcasters to observe standards of good taste and decency.

TVNZ expressed its view that it was difficult to believe the item would have caused widespread offence in the community.

It felt the item was handled in an appropriately humorous manner, with the editing, scripting and music highlighting the light-hearted approach.

The item was carefully filmed almost always from the rear of the men involved. While there were some pictures of bare buttocks, most shots showed only the upper torsos of the cleaners.

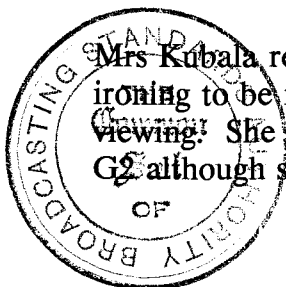
The [Complaints] Committee felt that most viewers would have enjoyed the item, and the manner in which it was presented and would have found interesting the fact that one as young as 17 had come up with such a novel way of making money.

It apologised to Mrs Kubala for causing her offence but said it was unable to conclude that there had been a breach of standard G2.

### Mrs Kubala's Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's response, in a letter dated 11 July 1993, Mrs Kubala referred the complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

Mrs Kubala repeated that she considered the shots of the half naked man doing the ironing to be indecent and unsuitable for broadcast at a time when children are viewing. She noted that TVNZ had considered her complaint only under standard G2 although she had specifically mentioned the item's unsuitability for children in her



formal complaint. She disagreed with TVNZ's rationale that because it was handled in a light-hearted manner then it was all right, as she believed that would have confused young children who had been taught standards.

She also took issue with TVNZ's contention that most people would not have been offended, noting that among people she spoke to (mostly church-going people) everyone said that they would have found it offensive.

Mrs Kubala stressed that she expected programmes screened in family viewing time to be suitable for children. She concluded by stating that she would not have wanted teenagers to get the idea that voyeurism should be used for monetary reward.

### TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 21 July 1993 and TVNZ's reply, 12 August.

First, TVNZ emphasised that this was a legitimate news story, commenting that it was interesting to learn that a young person who had not completed his schooling was now showing enterprise and business acumen in establishing a house cleaning business. Secondly, it acknowledged that the story had the potential to cause offence, but argued that it had been presented in such a manner that it resulted in "an entertaining and harmless little piece" which it believed most people would have been amused by.

TVNZ apologised to Mrs Kubala that it had caused her offence, but repeated its belief that it was not beyond the boundaries of good taste and decency.

### Mrs Kubala's Final Comment

In a letter dated 19 August 1993, Mrs Kubala reiterated that because the item was screened at a time when children would be watching, it could not be described as harmless. She added:

The fact that it was treated in a "light hearted and entertaining" manner does not make the visual content any more acceptable to young minds.

