

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 130/93

Dated the 13th day of October 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

ALEX BROWN

of Dunedin

Broadcaster

TELEVISION NEW ZEALAND
LIMITED

I.W. Gallaway Chairperson

J.R. Morris

R.A. Barraclough

L.M. Dawson

DECISION

Introduction

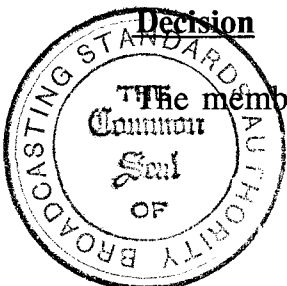
A discussion on the manufacture and use of homebake was dealt with in an item on TV1's *Frontline* programme broadcast on 6 June 1993 between 6.30 - 7.30pm.

Mr Alex Brown complained to Television New Zealand Ltd, the broadcaster, that it was irresponsible and in breach of broadcasting standards to broadcast information about how the ingredients for making homebake were readily acquired and to focus on the high profits that were to be made in the business of homebake.

Explaining that the programme emphasised that specific knowledge was required to produce the drug and that more than a list of chemicals was needed, TVNZ argued that it was impossible to get a clear idea of the recipe from watching the programme. It maintained that it was relevant to mention the large profits being made since this gave viewers an idea of the magnitude of the problem. It declined to uphold the complaint. Dissatisfied with that decision, Mr Brown referred the 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 item complained about and read the



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

A discussion on the manufacture and use of homebake in New Zealand was dealt with in an item on *Frontline* broadcast by TVNZ on 6 June 1993 between 6.30 - 7.30pm.

Emphasising the prevalence of the problem of the use of illegal drugs in New Zealand and the increased use and manufacture of homebake, the item focused on the ease with which it was made and the effects on some of its users. Mr Brown complained to TVNZ that enough information was given in the programme to concoct an effective recipe to make homebake, and that further encouragement was given to potential manufacturers by the statement that profit margins were as high as for a pharmacist. In his view, the item demonstrated irresponsible journalism and breached the standard of good taste and decency.

Responding, TVNZ reported that it had assessed the complaint under standard G9 of the Television Code of Broadcasting Practice which requires broadcasters:

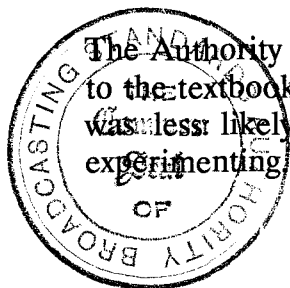
- G9 To take care in depicting items which explain the technique of crime in a manner which invites imitation.

TVNZ reasoned that the programme emphasised that specific knowledge was required to produce homebake and argued that it was not possible to get a clear idea of the recipe from the programme. It noted that it had deliberately excluded the comment from one person interviewed that the recipe had been copied out of a textbook. Expressing its confidence that it would be impossible to produce homebake as a result of information given on the programme, TVNZ denied that it had breached the standard.

Explaining its reference to the high profits made in manufacturing and dealing in homebake, TVNZ maintained that this information was included to illustrate the size of the illegal activity in New Zealand and not, as Mr Brown suggested, to show how successful homebake manufacturers were.

The Authority observed that in a story about an illegal activity such as the manufacture of homebake, it was imperative that the broadcaster exercised its discretion in a responsible manner. It believed that TVNZ had done so on this occasion, accepting that for a layperson the synthesis of a quantity of chemicals over the kitchen stove into a product resembling heroin was beyond their knowledge and capabilities. It was of the view that most people would know that a codeine-based preparation formed the basis for homebake, but would not have known how to process it further. Even after some of the ingredients were listed, the Authority accepted that the detail given was insufficient for viewers to make the drug, and the presenter clearly stated that the formula was difficult and impossible to work out without the exact ingredients.

The Authority noted that TVNZ had exercised responsibility in omitting the reference to the textbook recipe. It also observed that because the users were not glamorised, it was less likely that potential manufacturers would have been encouraged to start experimenting. Further, it accepted TVNZ's argument that the reference to the high



profit margins would not necessarily encourage more manufacturers of homebake, and believed it was a relevant fact to include in the programme.

Concluding, the Authority considered that not enough information was given to enable a person to calculate the process and ingredients required to manufacture homebake. It believed that there was nothing in the programme which would have convinced a person otherwise not inclined, to begin experimenting with the ingredients mentioned. Others, who might be inclined to experiment would have had access to the information from other sources. The Authority shared Mr Brown's concern that, because of the rewards, others might be tempted to enter the homebake trade but accepted that TVNZ had complied with standard G9 by taking care to ensure that insufficient information was broadcast to allow the technique to be imitated.

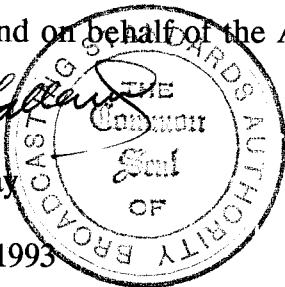
For the reasons set forth above, the Authority declines to uphold the complaint.

Signed for and on behalf of the Authority



Iain Gallaway
Chairperson

13 October 1993



Appendix

Mr Brown's Complaint to Television New Zealand Limited

In a letter dated 8 June 1993, Mr Alex Brown of Dunedin complained to Television New Zealand Ltd about an item on *Frontline* broadcast on TV1 on 6 June between 6.30 - 7.30pm.

The item showed how easily codeine could be obtained from legally available painkillers and, while it did not give the recipe for making homebake, in Mr Brown's view, a small amount of trial and error would result in an effective recipe. The item also stated that the profit margin was about the same as for a pharmacist. Mr Brown complained that the item demonstrated irresponsible journalism and breached the standard of good taste and decency. He also accused TVNZ of promoting criminal activities.

TVNZ's Response to the Formal Complaint

TVNZ advised Mr Brown of its Complaints Committee's decision in a letter dated 11 June 1993.

Reporting that it had assessed his complaint under standard G9 of the Television Code of Broadcasting Practice, TVNZ responded that the programme emphasised that specific knowledge was required to produce homebake and that a recipe was required. It denied that it was possible to get a clear idea of the recipe from the programme and, further, that it had deliberately excluded a reference to a person who had made the drug by copying a recipe out of a textbook. TVNZ asserted that it was confident that it would not be possible to produce homebake as a result of information given on the programme.

With reference to the comment about drug profits, TVNZ expressed its difficulty in understanding Mr Brown's concerns. It maintained that it was relevant to mention the sorts of figures involved with this area of crime because they emphasised the size of the problem. It concluded by explaining:

It was the intention of the programme to inform viewers about the proliferation of "homebake" operations and in doing so it was relevant to explain why the proliferation was occurring. It was in that context that factual reference was made to the profits this illegal activity is producing.

TVNZ declined to uphold the complaint.

Mr Brown's Complaint to the Broadcasting Standards Authority

Disatisfied with TVNZ's decision, in a letter dated 30 June 1993, Mr Brown referred



his complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

Mr Brown maintained that by emphasising the high profits that could be made from producing homebake, the item encouraged people to experiment. Rejecting TVNZ's contention that the recipe was hard to find and difficult to understand, Mr Brown repeated his view that all it required was a little initiative and perseverance to successfully produce quantities of homebake. He challenged TVNZ's defence that it had emphasised that the activity was illegal, arguing that that would not stop someone from trying to manufacture the drug.

He also rejected TVNZ's claim that its intention was to show the proliferation of the drug business and to explain why it was occurring, pointing out that in his view it showed not only how widespread the production of homebake was but also how successful its manufacturers were. He suggested that TVNZ was only interested in improving its ratings.

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 and TVNZ's response, 4 August 1993.

It denied that *Frontline's* purpose was to be sensationalist and improve ratings as Mr Brown had alleged, responding that it was intended to draw viewers' attention to a matter which it believed to be in the public interest.

TVNZ also denied that by mentioning the profits made that it was endorsing homebake production, pointing out that those figures were included to give credibility to the item and to emphasise the extent of the business. It reasserted that nobody viewing the programme was given enough information to be able to produce the drug and concluded by observing that none of the information given in the programme was new because it had all been published before.

Mr Brown's Final Comment to the Authority

In a letter dated 15 August 1993, Mr Brown restated his claim that the item went too far in revealing how much money could be made from the homebake industry. He acknowledged that it was probably not deliberate, but maintained that the clear message given was that this was an easy way to make money.

He also repeated his view that too much information was given about the ingredients which constitute homebake and any person with a basic knowledge of chemistry and the patience to experiment would produce very potent "homebake heroin".

Accepting that none of the information given in the item was new, Mr Brown nevertheless maintained that it was irresponsible to emphasise the profits which could be made by producing homebake.

