

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision Nos: 151/93 - 155/93
Dated the 18th day of November 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of complaints by

GROUP OPPOSED TO
ADVERTISING OF LIQUOR
of Hamilton (5 complaints)

Broadcaster
TELEVISION NEW ZEALAND
LIMITED

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

DECISION

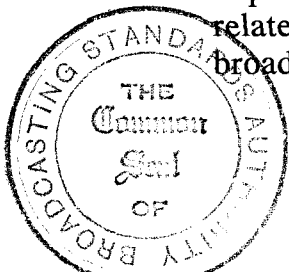
Summary

This decision incorporates the following five complaints:

- (1) A rugby league match from the competition in New South Wales was featured on *Aussie League on 2* broadcast at 11.00pm by TV2 on Friday 16 July.

The Secretary of the Group Opposed to Advertising of Liquor (GOAL), Mr Cliff Turner, pointed out to Television New Zealand Ltd that during the 80 minute programme the words "Lion Red" appeared on the screen 19 times and had been spoken five times. Moreover, there was a reference to "Steinlager" in a promotion by another advertiser and five liquor advertisements had been broadcast in normal commercial breaks during the programme. He complained that 29 liquor promotions in an 80 minute period was saturation advertising in breach of the liquor code. Furthermore, the presentation of the "Lion Red Man of the Match" was contrived and was also in contravention of the standards.

Explaining that the roundels containing the words "Lion Red" were incident-related and only appeared briefly, TVNZ said that they did not "saturate" the broadcast. Moreover, the five advertisements were widely spaced during the



commercial breaks and, as liquor promotion did not saturate the entire programme, it declined to uphold the complaint. As the Man of the Match award was an acceptable programme sponsorship credit, TVNZ declined to uphold the complaint about contrivance.

- (2) Another match from the competition in New South Wales was broadcast on *Aussie League on 2* on TV2 at 10.30pm on Friday 23 July.

The Secretary of GOAL, Mr Turner, complained to Television New Zealand Ltd that because the programme contained five visual and two verbal references to "Lion Red" beer in the first ten minutes, it breached the rules relating to the saturation of liquor promotions.

Pointing out again that the credits were incident-related and the programme had to be seen as a whole rather than a ten-minute segment, TVNZ declined to uphold the complaint. It added that the issue of saturation of liquor promotion awaited a decision from the Broadcasting Standards Authority on GOAL's complaint about the broadcast of the programme *Aussie League on 2* on 16 July.

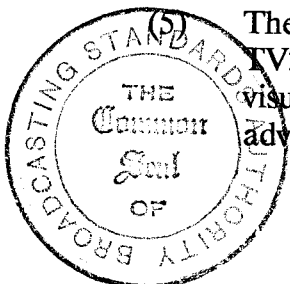
- (3) Another game from the same competition was broadcast on the same programme and channel at the same time on 13 August and Mr Turner, on GOAL's behalf, complained that the number of liquor promotions during the game, combined with the liquor advertisements in the commercial breaks breached the saturation prohibition.

TVNZ declined to uphold this complaint as the appearances of the logo were brief and it explained again that they were usually associated with an incident in the play. In total, it reported, the appearances of the sponsorship logo amounted to 2 minutes and 32 seconds out of programme lasting 110 minutes. Taking also into account the five liquor advertisements shown during the commercial breaks, TVNZ argued that the amount of exposure given to liquor did not amount to saturation and declined to uphold the complaint.

- (4) On GOAL's behalf, Mr Turner complained that the game broadcast on TV2 at 10.15pm on 15 August also breached the standard. He claimed that the 31 visual and 11 verbal references to "Lion Red", in addition to four liquor advertisements broadcast during the commercial breaks, constituted saturation of liquor promotion. He also complained that the display of the "Lion Red" logo for 66 seconds during the screening of the results table breached the requirement that sponsorship credits be displayed only briefly.

TVNZ reported that the references to "Lion Red" amounted to 3 minutes 40 seconds of a 110 minute programme and maintained that that amount did not involve saturation and declined to uphold the complaint.

The other complaint related to the *Aussie League on 2* programme broadcast on TV2 at 4.40pm on 19 September during which, GOAL complained, there were 39 visual and 17 verbal references to "Lion Red" together with two sponsorship advertisements for "Lion Red" during the commercial breaks. That number, Mr



Turner on GOAL's behalf maintained, amounted to saturation.

As the verbal references to "Lion Red" only accompanied a visual reference, TVNZ said it was misleading to distinguish them. On the basis that the total duration of the screening of the logo amounted to 2 minutes and 53 seconds, TVNZ did not consider that that amounted to saturation in a 150 minute broadcast and declined to uphold the complaint.

Referral

Dissatisfied with TVNZ's decisions not to uphold the saturation complaint on each occasion, Mr Turner on GOAL's behalf referred each complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

For the reasons given below, the Authority upheld the complaints about the broadcasts of Aussie League on 2 on 13 and 15 August, declined to uphold the ones about the broadcasts on 16 July and 19 September and declined to determine the one on 23 July.

Decision

The members of the Authority have seen the programmes 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.

The Secretary of GOAL, Mr Cliff Turner, complained to TVNZ about the amount of liquor promotion during the broadcasts on *Aussie League on 2* on 16 July, 23 July, 13 August, 15 August and 19 September. He argued that the amount of liquor promotion in each broadcast breached (renumbered) standard A1 of the (renamed) Programme Standards for the Promotion of Liquor. It reads:

- A1 *Saturation* of liquor promotions, separately or in combination, must be avoided. In addition, liquor advertisements shall not be broadcast consecutively in any one break.

"Saturation" is defined in the Code:

"Saturation" refers to a degree of exposure which gives the impression that liquor promotion is dominating that viewing or listening period.

Explanatory Note 1 of the Code provides:

1. The prohibition in standard A1 of saturation of liquor promotions includes programme sponsorship credits. Television broadcasters must take particular care with sporting events sponsored by liquor advertisers which contain frequent replays and other "breakouts" such as player profiles, to avoid breaching this standard. For example, saturation is more likely to occur when gratuitous repetition of breakouts are broadcast and/or both visual and audio credits are broadcast.



If sponsorship credits by liquor advertisers are broadcast at the beginning and end of every advertising interval and the intervals are frequent, broadcasters must be particularly careful about broadcasting other liquor promotions within the programme.

The amount of liquor promotion complained about on each occasion was:

(1) 17 July

During the 87 minute programme the words "Lion Red" appeared on screen 18 times and were spoken five times. In addition, there was a reference to a "Steinlager" promotion and five liquor advertisements were broadcast in the commercial breaks.

(2) 23 July

GOAL complained that there were five visual and two verbal references to "Lion Red" in the first ten minutes. TVNZ noted that the 97 minute programme contained 22 sequences which, in total, amounted to 2 minutes 23 seconds.

(3) 13 August

GOAL referred to 29 visual and 17 verbal references, plus five liquor advertisements, during the 110 minutes programme. TVNZ said all the appearances of the logo, apart from one of 16 seconds, screened for three to eight seconds and liquor promotions amounted to 2 minutes 34 seconds.

(4) 15 August

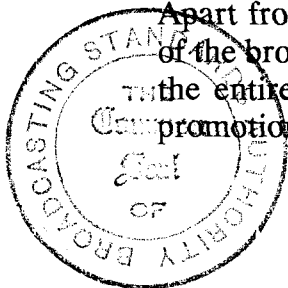
A total of 31 visual and 11 verbal references, along with four liquor advertisements during the commercial breaks, GOAL alleged, amounted to saturation. In reply, TVNZ said the log disclosed that the logo was screened 28 times during the 110 minute programme. Each display, it added, lasted four to seven seconds, except for one of 66 seconds, for a total of 3 minutes 40 seconds in a 110 minute programme.

(5) 19 September

Thirty visual and 18 oral references were screened for 2 minutes 53 seconds in a 150 minute programme.

GOAL's Submissions

Apart from the second complaint above when GOAL referred to the first ten minutes of the broadcast, GOAL has added the visual and verbal references to "Lion Red" during the entire programme to come up with a total number of references involving liquor promotion. In addition, GOAL has reached a grand total of liquor promotion by



including the number of liquor advertisements broadcast in the commercial breaks.

In each case, GOAL has argued that the total number of liquor promotions has amounted to saturation in contravention of standard A1.

TVNZ's Submissions

TVNZ did not distinguish between the verbal and visual references because, it argued, the former did not occur without the latter. In addition, it has emphasised that each episode of liquor promotion about which GOAL has complained is incident-related. There were no incidents, it said, which consisted solely of a verbal reference.

TVNZ has added up the amounts of time during which the logo was displayed during the broadcasts and, because of what it considered to be the small amount of the total display time when compared with the overall length of the programme, it denied that the liquor promotion could amount to saturation.

The time of the broadcasts - late in the evening on four occasions - was another factor which TVNZ has urged the Authority to take into account. In addition, TVNZ has pointed to what it described as the brevity of the appearance of the logo on each occasion - usually between three and eight seconds - as a reason for concluding that liquor promotion has not been dominant. Associated with this point, TVNZ has pointed out that the logos were confined to the bottom right hand corner of the screen.

Previous Decisions

In determining the current complaints, the Authority first referred to Decision Nos: 70/92 and 71/92 (both dated 8 October 1992) on complaints which raised a number of concerns including the saturation of liquor promotion. Decision No: 70/92 upheld a complaint about the saturation of liquor promotion on *Aussie League on 2* broadcast between 6.30 - 8.30pm on 5 April 1992. The decision was upheld under standard 29 of the Television Code of Broadcasting Practice which covers much the same matters now dealt with in standard A1, and in the introduction and the footnote given above. The Authority first recorded the amount of liquor promotion which was broadcast:

The Authority arbitrarily took one 20 minute section of the broadcast and counted the number of times the roundel appeared. It totalled seven and was screened to accompany the following items - three replays, two player profiles and two scorelines. Moreover, four of the appearances of the roundel were accompanied by other wording on the bottom of the screen which drew the viewer's attention to the roundel. On the other hand, although the roundel appeared on seven occasions during a 20 minute sequence, each appearance was relatively brief - between three and five seconds. Thus it could be argued that the seven appearances more or less corresponded with one full length sponsorship advertisement and that one such commercial during a 20 minute spell was unlikely to give the impression of saturation advertisement.

But as noted in the previous sentence, the standard is concerned with the



impression of saturation of liquor promotion. That requirement inevitably involves a subjective judgment to some degree. Taking into account the impression given that the roundel was apparently screened on almost every possible occasion and that its repeated appearance, albeit brief, had a cumulative effect which had a greater impact than one single advertisement, the Authority decided in this case its appearances gave an impression of saturation of liquor promotion. The impression of saturation was reinforced by the verbal references to the sponsor which accompanied some of the roundel's appearances. Accordingly, the Authority concluded that standard 29 was breached.

In Decision No: 71/92 dealing with the broadcast of *Aussie League on 2* at the same time of Sunday 19 April 1992, the Authority stated:

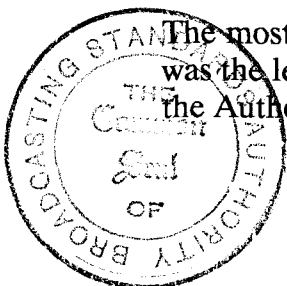
The second aspect of the complaint alleged that the frequent appearance of the roundel breached the requirement that the impression of saturation advertising be avoided. The Authority arbitrarily took one 20 minute section of the broadcast and counted the number of times the roundel appeared. It totalled six and was screened to accompany four replays and two player profiles. Thus four of the appearances of the roundel were accompanied by wording on the bottom of the screen which drew the viewer's attention to the roundel and two of the replays included the audio comment that they were "Lion Red Replays". On the other hand, although the roundel appeared on six occasions during a 20 minute sequence, each appearance was relatively brief - between three and five seconds. Thus it could be argued that the six appearances more or less corresponded with one full length sponsorship advertisement and that one such commercial during a 20 minute spell was unlikely to give the impression of saturation advertising.

In upholding the complaint, the Authority repeated the reasons for its conclusion in Decision No: 70/92.

Before deciding the present complaints, the Authority considered the factual similarities and differences between the two broadcasts in April 1992 and those now complained about. First, it noted that the standard had been rewritten but accepted that the issues raised by standard 29 were similar to those raised by standard A1. Secondly, some of the current complaints also referred to the liquor advertisements which were broadcast during the commercial breaks which had not occurred with the complaints determined last year.

Liquor commercials may not be broadcast before 9.00pm or after 6.00am. The incidental promotion which was included in the programmes last year thus occurred at a time when advertisements for liquor products are forbidden. The time of the broadcasts last year, 6.30 - 8.30pm, in fact overlapped between G and PGR time zones. Four of the broadcasts currently complained began at 10.15pm or later which is well within the AO (Adults Only) time zone which begins at 8.30pm.

The most important distinction between these two decisions and the current complaints was the length of the time period of the broadcast examined by the Authority. Last year the Authority reviewed an arbitrarily selected 20 minutes. In view of the addition of the



term "viewing period" to the definition of saturation - discussed below - the Authority decided that while Decision Nos: 70/92 and 71/92 were useful, they were not conclusive.

Ruling

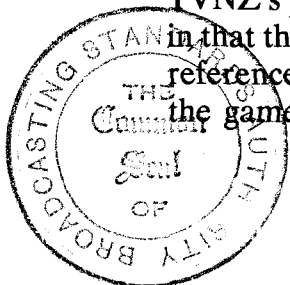
The first issue on which the Authority was required to rule was raised by the complaint about the broadcast on 23 July when GOAL referred to the number of liquor promotions in the first 10 minutes of the broadcast. In its response to that complaint, and to the others, TVNZ has referred to the total programme. The definition of "saturation" in the Code refers to the domination of a "viewing period". That term was addressed in a recent decision (Nos: 141/93 - 143/93) where the Authority stated:

In consultation with broadcasters, the Authority was involved in the preparation of the Code and consequently is aware of the reason why the definition uses the term "viewing period" rather than referring to a "programme". Although a programme is probably the maximum size of a "viewing period", the Authority recalled that the term "viewing period" had been chosen to allow segments of a shorter duration than an entire programme to be considered as a "viewing period" when appropriate. The Authority would not accept that an arbitrarily selected period within a programme of perhaps 2, 5 or 10 minutes could be defined as a "viewing period". However, it was adamant that a "viewing period" could be the entire programme or discrete sections such as each portion between commercial breaks or, as occurred with these complaints, the commercial breaks themselves.

Consequently, the Authority did not accept that the complaint about the broadcast on 23 July could focus solely on a ten minute spell and, as with all the complaints, it has considered whether the liquor promotion screened dominated the "viewing period" which, in each complaint, it interpreted as the entire programme.

Associated with this matter was the point whether or not commercial breaks were part of the viewing period although, as no commercial break during any of the programmes complained about contained more than one liquor advertisement, the Authority decided that the reasonable level of such advertisements was unlikely to contribute to an impression of saturation of liquor promotion. The first four broadcasts were recordings rather than "live" broadcasts and the commercial breaks were part of the programme's structure. Thus, the Authority decided, they were part of the viewing period. The last game was different in that it was a live broadcast with fewer but longer commercial breaks. However, as the broadcast occurred at a time when liquor advertisements were not permitted, the relationship of the breaks to the programme was not a matter requiring a decision.

GOAL and TVNZ disagreed in their approach to the verbal references to "Lion Red". TVNZ regarded them as an ancillary to the display of the "Lion Red" logo while GOAL considered them to be a separate incident of liquor promotion. While acknowledging TVNZ's point that the verbal references were not distinct incidents of liquor promotion in that they only reinforced the visual reference, the Authority considered that the verbal references were nevertheless more intrusive. It accepted that the viewer who watched the game might not notice the display of the roundel in the corner of the screen but,



unless the sound was switched off, it was impossible not to hear the albeit brief reference to, for example, the "Lion Red" replay. Accordingly, the Authority agreed with GOAL that each visual and verbal reference amounted to a separate incident of liquor promotion.

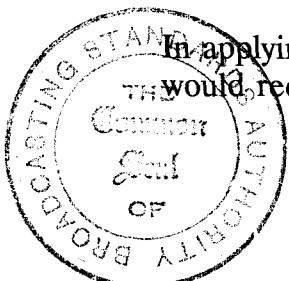
TVNZ emphasised the brevity of the length of each screening and, overall, the total time the logo was shown during each broadcast which, it argued, was only a small portion of the total viewing period. The Authority agreed that this was a relevant matter and noted that most displays were between three and eight seconds. It would also record that the Advertising Standards Authority Code for Advertising Liquor requires (rule 11.g) that the mention or portrayal of the sponsor's name must be brief. Complaints about lengthy displays of the logo are matters for the Advertising Standards Complaints Board but, the Authority recalled, one of the reasons for requiring brevity was because of the concern about the cumulative effect of repeated showings. That latter aspect remains a concern for the Broadcasting Standards Authority and, as a result, it was not prepared to concur with TVNZ that the total length of the display was the only relevant consideration. The number of screenings, it believed, was also relevant.

Neither the standard nor the footnote states the amount of liquor promotion which might give an *impression* of saturation in breach of the standard. Because of the number of different situations which could arise, the standard when promulgated avoided referring to finite numbers. Because of the broadcasters' reluctance for detailed rules, the Authority has in turn been reluctant to lay down a formula for broadcasters to follow. Accordingly, it did not regard the two decisions issued last year (Nos: 70/92 and 71/92) as definitive. It particularly came to this conclusion on the basis that saturation had to be considered during the entire "viewing period" whereas those earlier decisions had been based on a randomly chosen 20 minute section of the game. Selection of the entire programme as the "viewing period" also makes provision for varying types of play at different times in different games.

However, following these complaints and particularly the matters raised by the complainant and the broadcaster, the Authority is prepared to comment specifically on the number of liquor promotions which might be included in a normal sports game without raising the possibility of breaches of the standard. It regrets having to do so but a clear boundary must be drawn and members are adamant that they are not prepared to spend several hours each month studying out of date Australian league matches or other games. It acknowledges that the solution proposed is not entirely satisfactory and intends to discuss the matter with broadcasters.

Taking into account the cumulative effect of brief visual and verbal references to "Lion Red" during the matches, and the liquor advertisements which screened during the normal commercial breaks, the Authority concluded that the impression of saturation occurred, and standard A1 of the Code was breached, where on average more than one incident of liquor promotion was screened more than once every three minutes throughout the entire programme.

In applying the formula to the programmes currently complained about, the Authority would record that, apart from the game on 19 September, it has relied on the figures



supplied by TVNZ and GOAL. It has been required to do so as, except for the last one, a tape of the entire game was no longer available when it decided to apply the formula.

The following results are reached pursuant to this formula:

	Visual References	Verbal References	Liquor Adverts	Minutes	Ratio
16 JULY	19	5	5	87mins	3.0
23 JULY	22	Not known	Not known	97mins	Not known
13 AUGUST	29	17	5	110mins	2.2
15 AUGUST	31	11	4	110mins	2.4
19 SEPTEMBER	30	18	2	150mins	3.0

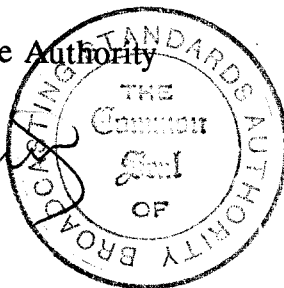
For the reasons set forth above, the Authority upholds the complaints that the broadcasts by Television New Zealand Limited of *Aussie League on 2* on 13 and 15 August 1993 breached the prohibition on the saturation of liquor promotion in standard A1 of the Programme Standards for the Promotion of Liquor as more than one liquor promotion was broadcast every three minutes when measured over the entire programme.

Applying the same formula, the Authority declines to uphold the complaints about the broadcasts on 16 July and 19 September and, because of insufficient information, declines to determine the complaint about the broadcast on 23 July.

Having upheld a complaint, the Authority may make an order under s.13(1) of the Broadcasting Act. As this is the first occasion on which the Authority has advised that it intends to apply a formula to some saturation complaints and as this is the first occasion that the formula has been applied, it does not intend to impose any order. Moreover, it appreciates that broadcasters of sports programmes may wish to discuss the formula with the Authority and, consequently, that is another reason why it believes it would be inappropriate to impose a penalty immediately.

Signed for and on behalf of the Authority


Iain Gallaway
Chairperson



18 November 1993

Appendix I

GOAL's Complaint to Television New Zealand Limited

In a letter dated 17 July 1993, the Secretary of the Group Opposed to Advertising of Liquor (GOAL), Mr Cliff Turner, complained to Television New Zealand Ltd about the broadcast on *Aussie League on 2* on Channel 2 at 11.00pm on Friday 16 July.

During the 80 minute programme, he wrote, the words "Lion Red" appeared on screen 19 times and were spoken five times. In addition, there was a reference to a "Steinlager" promotion and five liquor advertisements were broadcast in the commercial breaks.

Twenty nine liquor promotions in an 80 minute programme, he stated, was saturation advertising and breached standard 11 of the ASA Code for Advertising Liquor.

In addition, Mr Turner complained that the Lion Red Man of the Match was a contrived occasion in breach of standard 14.d of the Code.

TVNZ's Response to the Formal Complaint

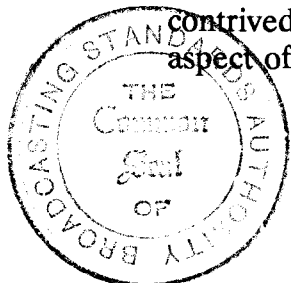
TVNZ advised GOAL of its Complaints Committee's decision in a letter dated 29 July when it reported that the complaint had been considered under standards 11 and 14 of the ASA Code for Advertising Liquor.

Referring to the saturation complaint, TVNZ advised that the roundel featuring the "Lion Red Replay" or the "Lion Red Player Profile" appeared 18 times in an 87 minute programme. Moreover, their appearances were incident-related and had not been broadcast gratuitously. Ten had appeared in the first half of the game and eight in the second and each appearance lasted only between four to eight seconds for a total of less than two minutes for the entire programme.

TVNZ noted the current standard, unlike the previous one, contained no mention of "an impression of saturation" but referred to "saturation" only. Taking a dictionary definition of "saturation" into account, it declined to uphold the complaint.

As for the liquor advertisements broadcast during the commercial breaks, TVNZ took into account that during the broadcast in the Hamilton area they totalled 3 minutes 45 seconds during widely spaced commercial breaks and it declined to describe that exposure as saturation.

As for the complaint about the Man of the Match award, TVNZ said that it was not contrived but an appropriate sponsorship message and it also declined to uphold that aspect of the complaint.



GOAL's Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's response, in a letter dated 5 August 1993 Mr Turner on GOAL's behalf referred the complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

He repeated his complaint about the saturation aspect of the complaint but did not pursue his complaint under standard 14.d about the contrived nature of the Man of the Match award.

TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter dated 6 August 1993 and TVNZ's response, 10 August.

TVNZ disputed GOAL's method of calculation with regard to the saturation complaint that one "liquor promotion" occurred every three minutes. Rather, the appearances of the roundels were incident-related and, consequently, were scattered in a haphazard way throughout the programme. Further, the roundels were shown only briefly in the bottom right hand corner of the screen. As the roundels said "Lion Red Replay", "Lion Red Player Profile" or "Lion Red League", TVNZ questioned whether, in the absence of a reference to beer, they could be described as promoting liquor. It added that the programme was broadcast late in the evening for mature viewers.

TVNZ concluded:

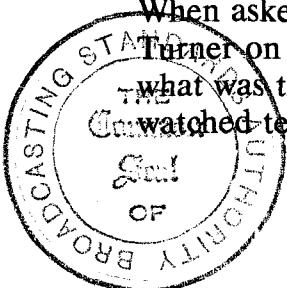
It is our view that the verbal and visual use of "Lion Red" in this programme comes nowhere near any definition we can find of saturation - nor of an impression of saturation.

The video tape supplied by TVNZ did not include the commercial breaks but a printout of the commercials shown during the breaks was enclosed which disclosed that a viewer in Hamilton would have seen one liquor advertisement in each of the first five of the six commercial breaks. Noting that each break lasted three minutes, TVNZ stated:

That does not seem to us to be excessive in a programme beginning at ten o'clock at night.

GOAL's Final Comment to the Authority

When asked to comment on TVNZ's reply, in a letter dated 16 August 1993 Mr Turner on GOAL's behalf asked - if the roundels were not promoting liquor, then what was their purpose? He also questioned whether only a mature audience watched television after 11.00pm on Friday night.



Appendix II

GOAL's Complaint to Television New Zealand Limited

In a letter dated 24 July 1993, the Secretary of the Group Opposed to Advertising of Liquor (GOAL), Mr Cliff Turner, complained to Television New Zealand Ltd about the broadcast of *Aussie League on 2* at 10.30pm on Friday 23 July. Pointing out that there were five visual and two verbal references to "Lion Red" beer in the first ten minutes, Mr Turner argued that the seven references amounted to saturation advertising and breached standard 12 of the ASA Code for Liquor Advertising.

(The standard under which the complaint was laid had been renamed as the Programme Standards for the Promotion of Liquor and have been renumbered. The new name and numbers have been used in the Authority's decision.)

TVNZ's Response to the Formal Complaint

TVNZ advised GOAL of its Complaint Committee's decision in a letter dated 20 August 1993.

While not challenging the figure quoted and noting that the references to "Lion Red" were incident-related and should be seen within the context of the entire programme, TVNZ said the saturation issue awaited a decision from the Broadcasting Standards Authority on a GOAL referral about the broadcast of *Aussie League on 2* on 16 July.

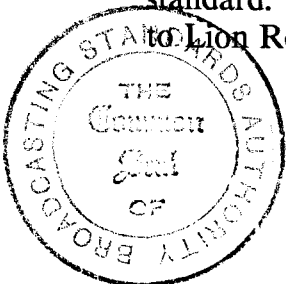
It declined to uphold the current complaint, observing:

Taken as a whole we do not believe that "Aussie League on 2" displayed a level of liquor promotion which could be described as at saturation level.

GOAL's Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's reply, in a letter dated 24 August 1993 Mr Turner on GOAL's behalf referred the complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

Mr Turner acknowledged that he had mistakenly referred to standard 12 when he had meant standard 11. TVNZ, however, had considered the complaint under the correct standard. Mr Turner continued to maintain that five visual and two verbal references to Lion Red beer in the first 10 minutes amount to saturation advertising.



TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 25 August 1993 and TVNZ's reply, 21 September.

It began by challenging Mr Turner's implicit view "that a small section of the programme can be extracted and be judged to have been subject to a saturation of liquor promotions".

It continued:

Viewers do not sit down to watch ten minutes her, and ten minutes there. They watch a programme - or, in this case, a full game of rugby league.

On the basis of the entire programme, TVNZ argued that an impression of liquor promotion did not predominate. It proceeded to list the 22 sequences, which totalled 2 minutes 23 seconds in a 97 minute broadcast, in which there was a reference to "Lion Red". The nine references in the first half totalled 1 minute and the 12 in the second amounted to 1 minute 23 seconds. TVNZ concluded that because the appearances of the references were neither frequent nor gratuitous, the standard had not been breached.

GOAL's Final Comment to the Authority

When asked for a comment on TVNZ's reply, in a letter dated 25 September 1993 Mr Turner on GOAL's behalf maintained that the period between the start of the programme and the first commercial programme could be described as a "viewing period" to which standard 11 applied.

In conclusion, he observed that TVNZ had ignored the broadcast's verbal references to "Lion Red".



Appendix III

GOAL's Complaint to Television New Zealand Limited

In a letter dated 14 August 1993, the Secretary of the Group Opposed to Advertising of Liquor (GOAL), Mr Cliff Turner, complained to Television New Zealand Ltd about the broadcast of *Aussie League on 2* at 10.30pm on 13 August 1993. Pointing out that during the 110 minutes of the broadcast, there were 29 visual references and 17 verbal references to Lion Red in addition to five liquor promotions during the commercial breaks, Mr Turner argued that this amounted to saturation of liquor advertising and was in breach of standard 11 of the ASA Code for Liquor Advertising.

TVNZ's Response to the Formal Complaint

TVNZ advised GOAL of its Complaint Committee's decision in a letter dated 21 September 1993.

It observed that the issues raised were similar to those in earlier GOAL complaints which had been referred to the Broadcasting Standards Authority and were still awaiting decisions.

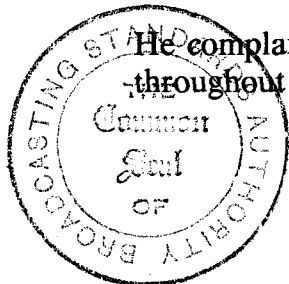
TVNZ noted that during the first half of the League match there were 14 appearances of the sponsor's logo, all but one of which was between three and eight seconds in duration. The exception was the use of the logo in association with a points table which screened for 16 seconds. In the second half, it reported, there were 14 appearances of the logo ranging from four to 7 seconds in duration and almost always incident-related. It noted that the cumulative total, out of the 110 minute programme, was 2 minutes and 34 seconds. Even allowing for the five liquor advertisements shown during the commercial breaks, TVNZ concluded that the exposure did not amount to a breach of standard 11 of the ASA Code.

GOAL's Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's reply, in a letter dated 24 September 1993, Mr Turner on GOAL's behalf, referred the complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

Mr Turner maintained that in a programme lasting 110 minutes there were 51 liquor promotions and that the number and frequency of liquor promotions were in breach of Standard 11 of the ASA Code.

He complained that TVNZ made no mention of the oral references to Lion Red throughout the programme when it replied to GOAL's complaint.



TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcasters's response to the complaint. Its letter is dated 27 September 1993 and TVNZ's reply, 7 October.

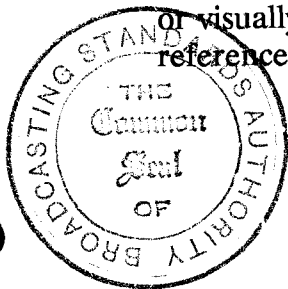
TVNZ did not accept that in a programme lasting 110 minutes, brief appearances of the Lion Red logo, totalling 2 minutes and 34 seconds amounted to saturation. It alleged that Mr Turner's complaint, that it had not taken account of the oral references to Lion Red which punctuated the programme, was misleading, because the verbal references were always used in conjunction with the appearance of Lion Red roundels.

TVNZ was unable to provide the Authority with a tape which showed the commercial breaks as viewed from Hamilton, however it did not dispute that a total of five liquor commercials was shown in commercial breaks during the 110 minute programme.

GOAL's Final Comment to the Authority

When asked to comment, in a letter dated 14 October 1993 Mr Turner resented what he described as TVNZ's implication that he was misleading the Authority. By not taking the verbal references to Lion Red into account, he maintained, TVNZ had failed to take all relevant facts into account. He concluded:

I believe that the number of times on which Lion Red was mentioned, orally or visually, is of just as much importance as the total time for which the visual references appeared.



Appendix IV**GOAL's Complaint to Television New Zealand Limited**

In a letter dated 18 August 1993, the Secretary of the Group Opposed to Advertising of Liquor (GOAL), Mr Cliff Turner, complained to Television New Zealand Ltd about the programme *Aussie League on 2* broadcast on TV2 from 10.15pm on 15 August 1993.

He listed two aspects of the programme which, he said, breached standards in the ASA Code for Advertising Liquor.

- 1) During the game there were 31 visual references and 11 verbal references to Lion Red. In addition, four liquor advertisements were broadcast during the commercial breaks. In Mr Turner's view, 50 liquor promotions in 110 minutes constituted saturation advertising in breach of standard 11.
- 2) A Lion Red logo was displayed for 60 seconds in association with the points table in breach of the requirement in standard 13.b that the appearances of sponsorship credits be brief.

TVNZ's Response to the Formal Complaint

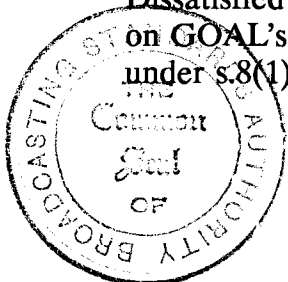
TVNZ advised GOAL of its Complaints Committee's decision in a letter dated 21 September 1993. It observed that the issues raised were similar to those raised in an earlier GOAL complaint, still awaiting the Authority's decision.

TVNZ reported that it had a complete log showing the number of times the Lion Red logo was used and its duration, in each case. During the first half of the match, it said, the logo appeared 11 times, its duration ranging from four to nine seconds, while in the second half it appeared 17 times with most ranging in duration from four to seven seconds. The one exception was the logo used in association with the points table which was screened for 66 seconds.

TVNZ denied that in a programme lasting for 110 minutes, a mere 3 minutes and 40 seconds of references to Lion Red amounted to saturation. It also disagreed that the exposure of the logo with the points table contravened the "brief mention" requirement of standard 13.b. It declined to uphold the complaint.

GOAL's Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's response, in a letter dated 24 September 1993, Mr Turner on GOAL's behalf referred the complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.



Acknowledging that he had made an arithmetical error in his formal complaint, for which he apologised, Mr Turner maintained that nevertheless that did not have any bearing on the validity of the complaint. He repeated that the number and frequency of the references to Lion Red were a breach of standard 11 of the ASA code. He also disputed TVNZ's claim, with reference to the 66 second appearance of the logo, that it was a brief exposure. He noted that TV3, in a letter to the Authority dated 16 September 1993 stated that in this context, a brief appearance was one of 3 - 5 seconds in duration.

Mr Turner also complained that TVNZ had not, in its calculations, taken into account the number of oral references to Lion Red.

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 27 September 1993 and TVNZ's reply, 7 October.

It wrote:

We are unsure how this referral is to be handled because the complainant cites both standards 11 (now under the aegis of the Broadcasting Standards Authority) and 13 b (apparently the responsibility of the Advertising Complaints Board).

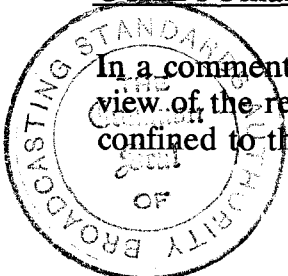
Our reading of the complaint is that it is primarily concerned with what Mr Turner believes to be a saturation of liquor promotions. The roundel, whose appearance at one point for a minute and six seconds has prompted Mr Turner to complain under 13.b, is indistinguishable from the other roundels used in the programme - it just remains on the screen a little longer while an update of the league table is provided.

Regarding Mr Turner's complaint that it had not taken account of the oral references to Lion Red, TVNZ said that at all times the verbal references were used in conjunction with the visual reference.

It concluded by observing that it did not believe that in a programme lasting 110 minutes, Lion Red references lasting 3 minutes 44 seconds amounted to saturation. It was unable to provide a tape of the commercial breaks viewed from Hamilton, but did not dispute Mr Turner's assertion that the programme included four liquor advertisements.

GOAL's Final Comment to the Authority

In a comment on TVNZ's reply dated 16 November 1993, Mr Turner said that in view of the recent changes to the Codes, GOAL's complaint to the Authority was confined to the saturation aspect previously contained in standard 11. On this matter,



he argued that the verbal references were relevant as they reinforced the visual ones.

As the standards 13.b aspect of the complaint referring to the length of the portrayal of the logo was now solely a matter for the Advertising Standards Complaints Board, he said he would refer that aspect of his complaint to it.

Appendix V

GOAL's Complaint to Television New Zealand Limited

In a letter dated 20 September 1993, the Secretary of the Group Opposed to Advertising of Liquor (GOAL), Mr Cliff Turner of Hamilton, complained to Television New Zealand Ltd about the programme *Aussie League on 2* broadcast on TV2 at 4.40pm on 19 September.

He wrote:

During the programme there were 39 visual and 17 oral references to Lion Red. In addition there were two sponsorship advertisements for Lion Red during commercial breaks.

Such exposure, he believed, constituted saturation advertising in breach of (renumbered) standard A1 in the (renamed) Programme Standards for the Promotion of Liquor.

TVNZ's Response to the Formal Complaint

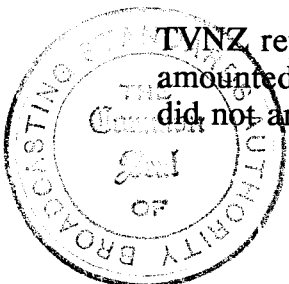
TVNZ advised GOAL of its Complaint Committee's decision in a letter dated 5 October 1993.

In response to GOAL's addition of the visual and verbal references, TVNZ wrote:

The [Complaints] Committee noted that you had in this complaint distinguished between visual and verbal references to "Lion Red" and it was the Committee's view that this approach is misleading because at no time is a verbal reference made to "Lion Red" without there being a accompanying visual reference.

By the same token there are a number of visual references in the programme which are not accompanied by any verbal acknowledgement of the sponsorship.

TVNZ reported that the programme's log disclosed that Lion Red references amounted to 2 minutes 53 seconds in a 150 minute programme which, it maintained, did not amount to liquor promotion dominating the viewing record.



GOAL's Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's decision, in a letter dated 8 October 1993 Mr Turner on GOAL's behalf referred the complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

Noting that TVNZ dealt with the duration of the visual references, Mr Turner argued that frequency was just as important when assessing an impression of saturation. Mr Turner also disputed TVNZ's comment that the verbal reference always accompanied a visual reference, pointing to the item's introduction, when the verbal reference preceded the visual reference by some seconds, and to its conclusion, where the verbal reference was not accompanied by a visual one.

Mr Turner concluded:

The complaint was made because I believed that 58 references to Lion Red in a programme lasting 150 minutes was saturation advertising. The response from TVNZ has not changed that belief.

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 12 October 1993 and TVNZ, in its brief reply dated 19 October, noted that the complaint was similar to a number of others from GOAL and stated:

We have little to add to our letter to Mr Turner dated 5 October.

We respectfully remind the Authority that saturation is defined in the BSA Programme Standards for the Promotion of Liquor as "a degree of exposure which gives the impression that liquor promotion is dominating that viewing or listening period".

We submit that in this 150 minute programme it was rugby league that dominated the viewing period - not the promotion of liquor.

GOAL's Final Comment to the Authority

Mr Turner on GOAL's behalf, in a letter dated 27 October 1993, had no comment to make on TVNZ's response.

