

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 162/93

Dated the 9th day of December 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

S. BAKER
of Rangiora

Broadcaster
TELEVISION NEW ZEALAND
LIMITED

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

DECISION

Summary

A trailer for the programme *Moro Sports Extra*, broadcast at 8.45pm on 25 June, contained a brief shot of part of a woman's bare breast.

Mrs Baker expressed her anger and disgust that the trailer showed the breast of an unclothed woman. Expressing particular concern about the impact of such material on family life, she argued that the offensive trailer should not have been broadcast.

Emphasising both the brevity of the shot and the fact that the bare breast barely intruded into the picture, TVNZ said it did not breach the standards of taste required of "AO" (Adults Only) time. Indeed, it added, it probably did not offend the standards of "G" time. Dissatisfied with TVNZ's response, Mrs Baker referred her complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989. A petition bearing more than 100 signatures accompanied the referral in which the petitioners objected to the portrayal on television of naked breasts in "G" time.

For the reasons given below, the Authority declined to uphold the complaint.



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.

A promo for the sports programme *Moro Sports Extra* broadcast at 8.45pm contained a number of images, including a fleeting glimpse of an apparently bare breasted woman. Mrs Baker complained to TVNZ that the image was offensive and had a negative influence on family life.

TVNZ assessed the complaint under standard G2 of the Television Code of Broadcasting Practice which requires 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.


Explaining that the context was a brief shot of a barely visible bare breast screened in "AO" (Adults Only) time, TVNZ declined to uphold the complaint. Moreover, TVNZ added, it would probably not have been a cause for concern if shown in "G" time.

When she referred her complaint to the Authority, Mrs Baker attached a petition in response to TVNZ's last comment containing more than 100 signatures in which the signatories objected to the screening of naked breasts in "G" time. Mrs Baker argued strongly in support of that stance and expressed the opinion that 8.30pm was too early for the start of "AO" time. Furthermore, she believed that "AO" programmes should not contain material which was offensive to any viewer.

While understanding the petitioners' concern, the Authority's task was to decide whether the broadcast of the promo at 8.45pm - in "AO" time - contravened standard G2. The Authority had difficulty in understanding why the image complained about was included in a promo for a sports programme. Nevertheless, the Authority, decided that the shot of part of one barely visible breast, in the corner of the screen as part of a montage of images, was so fleeting that standard G2 had not been breached.

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

Signed for and on behalf of the Authority


Iain Gallaway
Chairperson



9 December 1993

Appendix

Mrs Baker's Complaint to Television New Zealand Limited

In a letter dated 29 June 1993 Mrs S. Baker of Rangiora complained to Television New Zealand Ltd about the trailer for *Moro Sports Extra* broadcast at 8.45pm on 25 June.

The Trailer had shown "a lady completely topless" which, Mrs Baker said, she found disgusting and which made her angry. She expressed concern that the offensive material was shown unannounced. That kind of material, she added, had a negative influence on family life and the young.

TVNZ's Response to the Formal Complaint

TVNZ advised Mrs Baker of its Complaints Committee decision in a letter dated 22 July 1993.

Reporting that the complaint had been considered under standard G2 which requires good taste and decency in context, TVNZ said that the trailer was made up from items which had been previously shown. The shot of the bare breast complained about was fleeting and the breast barely intruded into the picture. Moreover, the shot was shown at 8.45pm, "AO" (Adults Only) viewing time, but, TVNZ added, it would probably not have been a cause for concern if shown in "G" time.

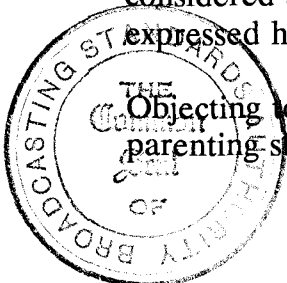
TVNZ did not believe that the shot breached currently accepted norms and declined to uphold the complaint.

Mrs Baker's Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's response, in a letter dated 28 July 1993 Mrs Baker referred her complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989. A petition containing more than 100 signatures accompanied her letter in which the signatories objected to the screening of naked breasts on television during "G" time. Mrs Baker commented that the signatures were collected over ten days and that the signatories had shown a very real concern about media standards.

In her letter of referral, Mrs Baker asked whether standards had changed undetected during the past ten years until programmes, previously not screened, were now considered acceptable under the "currently accepted norms" standard. She also expressed her grave concern about advertising standards.

Objecting to "AO" time beginning at 8.30pm, she observed that because of the lack of parenting skills, many children watched television until later in the evening. Material



which was classified R18, she continued, should be available as videos or films where people made the choice to watch it.

Mrs Baker concluded:

The viewing of naked breasts being an acceptable standard as a G rating we find offensive and lacking in taste and decency. There is no positive reason why material like this needs to be viewed by G audiences.

If we are to protect our families and prevent the horrific evidence revealed through our Television Screens that brings about the breakdown in our Society, we need to look very closely at what we are promoting before it is too late and decide if the risks are worth it.

In the Complaint Referral Form dated 13 October completed at the Authority's request, Mrs Baker commented that the unannounced portrayal on television of an exposed breast amounted to an invasion of privacy. It also offended her family's values of faithfulness and integrity.

TVNZ's Response to the Authority

As is its practice, TVNZ sought the broadcaster's response to the complaint. Its letter is dated 18 October and TVNZ, in its reply dated 20 October, maintained that it was not inappropriate to screen the trailer during "AO" time.

With reference to the petition, it questioned whether the signatories were aware that it would be used to support a complaint about a trailer for *Moro Sports Extra*. If not, TVNZ argued, the petition should be disregarded by the Authority.

Mrs Baker's Final Comment to the Authority

When asked to respond to TVNZ's comment, in a letter dated 4 November 1993 Mrs Baker said that the petitioners were aware of her complaint and TVNZ's response before signing and had fully understood the issues.

She continued to maintain that the trailer would be unsuitable in "G" time and added that trailers for "AO" programmes should not contain material which would be offensive to any viewer.

