

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 173/93

Dated the 16th day of December 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

GROUP OPPOSED TO
ADVERTISING OF LIQUOR
of Hamilton

Broadcaster
TELEVISION NEW ZEALAND
LIMITED

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

DECISION

Summary

An item about donations from Lion Breweries to a foodbank in Moerewa was included in TV1's *One Network News* broadcast between 6.00 - 6.30pm on 17 September. It was reported that the Breweries' donations were to be made in proportion to the amount of Lion Red beer drunk in the area.

The Secretary of the Group Opposed to Advertising of Liquor (GOAL), Mr Turner, complained to Television New Zealand Ltd about the item. While accepting that the story would involve the exposure of a certain amount of Lion Red advertising, Mr Turner stated the item breached the standards when, at the end of the item, the reporter stood in front of a building apparently in Auckland bearing a large "Lion Red" advertisement.

Noting that the story dealt with a controversial matter as the Breweries' sponsorship had been criticised by a number of groups, TVNZ argued that the standards had not been contravened. Dissatisfied with TVNZ's reply, GOAL referred the complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

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.

Opposition to a Lion Breweries sales promotion was dealt with in an item on *One Network News* on 17 September. The brewery had stated that it would contribute to a foodbank in the town of Moerewa and that its donations were to be made in proportion to the amount of Lion beer drunk in the area. Opponents to the promotion were interviewed as was the brewery's managing director and the item concluded with the reporter standing in front of the brewery's building in Auckland announcing that, because of the opposition, the promotion had been cancelled but that the brewery would, nevertheless, make a contribution to the foodbank.

The Secretary of GOAL, Mr Turner, complained about the item's conclusion when the reporter stood in front of the brewery's building. A large "Lion Red" logo and what appeared to be an advertising slogan attached to the side of the building were seen which, Mr Turner complained, breached the requirements of the (renumbered) standards A3.b and A3.c of the (renamed) Programme Standards for the Promotion of Liquor. They read:

- A3 Broadcasters will ensure that the **incidental promotion of liquor** is minimised and in particular
- b. Will ensure that backdrops and props for any in-house studio programme do not carry liquor promotions (not applicable to radio)
 - c. Will not unduly focus in a live or on-location event on any particular advertising signage, logo or any other sound or visual effect which promotes liquor

TVNZ explained that the brewery cancelled the promotion while the reporter was returning to Auckland from Moerewa and that information had been included in the item as a "piece to camera" while the reporter stood in front of the brewery's building. Pointing out that the story was critical of the brewery, TVNZ maintained that the location in front of its building was the appropriate place to report the information that the scheme "had badly misfired".

Arguing that standard A3.b was not relevant as the item had not been a studio programme, TVNZ also maintained that standard A3.c had not been contravened.

Noting that the item was a news story from a number of locations which had been critical of the brewery, the Authority agreed that standard A3.b was inapplicable. Moreover, as the item did not deal with a "live or on-location event", it decided that standard A3.c also did not apply. The relevant requirement, it considered, was the general provision in standard A3 to minimise the incidental promotion of liquor. While acknowledging that the logo was clearly visible, the Authority decided that it could not



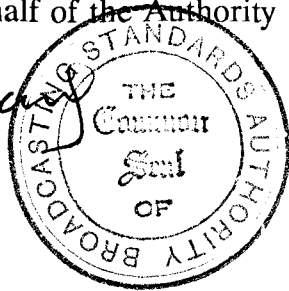
in the circumstances have been considered incidental liquor promotion. Indeed, it believed that the brewery would probably have preferred that the item had not been broadcast.

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

Signed for and on behalf of the Authority



Iain Gallaway
Chairperson



16 December 1993

Appendix

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, complained to Television New Zealand Ltd about an item on *One Network News* broadcast between 6.00 - 6.30pm on 17 September 1993.

The item dealt with donations by Lion Breweries to a foodbank in Moerewa where the donations were in proportion to the amount of Lion Red beer drunk in the area.

GOAL said that it accepted that some Lion Red advertising would be seen but, at the end of the item, the reporter was seen in front of a large building bearing a prominent Lion Red advertisement. Arguing that the appearance of that Lion Red advertisement was not relevant to the item, GOAL said that it contravened (renumbered) standards A3.b and A3.c of the (renamed) Programme Standards for the Promotion of Liquor.

TVNZ's Response to the Formal Complaint

TVNZ advised GOAL of its Complaints Committee's decision in a letter dated 6 October 1993.

It stated that the item had dealt with a controversial beer promotion in which Lion Breweries had offered to donate money to a Moerewa foodbank and which had been criticised by health and church officials. In the shot complained about, the reporter had been standing in front of the Lion Breweries building in Auckland.

TVNZ recorded that most of the story was filmed in Moerewa. However, when the reporter was returning to Auckland, the brewery decided to cancel the promotion in view of the bad publicity and, TVNZ concluded:

It was decided, correctly in the view of the [Complaints] Committee, that this late information should be included in the item and that the best way for it to be conveyed was by the reporter doing what is known as a "piece to camera" in front of the brewery in Auckland.

The transcript of what he said is as follows:

"But this afternoon Lion Breweries put an end to the sponsorship deal saying the publicity reflected badly on a worthy cause. DB too have put a similar promotion on hold until the flak dies down".

The location in front of the brewery was thus seen to be absolutely relevant to the story - illustrating that the latest move had come from that source, and



implying that the brewery's scheme had badly misfired.

TVNZ said that standard A3.c had not been contravened by this segment. It expressed the belief that standard A3.b was not applicable as it applied only to studio interviews.

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.

GOAL did not accept that the brewery's change of heart justified the end-piece of the news item. It argued that the crew probably had unused footage from Moerewa which could have been used as background.

GOAL also disputed TVNZ's comment that the story had not promoted liquor, pointing out that the advertisement on the brewery's wall included the words:

Lion Red The Measure of a Man's Thirst.

TVNZ's Response to the Broadcasting Standards Authority

As is its practice, the Authority sought the broadcaster's response to the complainant. Its letter is dated 12 October 1993 and TVNZ's reply, 19 October.

TVNZ pointed out that the item dealt with a public relations disaster for the brewery. As for GOAL's suggestion about using footage from Moerewa, TVNZ stated:

We submit that such use of pictures as non-relevant "wallpaper" is both lazy and unprofessional.

It was far better to have the information conveyed by a reporter standing in front of what was clearly identifiable as the premises of Lion Breweries. Such location shooting emphasises to the viewer the source of the information at that moment being conveyed and assists in the overall understanding of the story.

GOAL's Final Comment to the Authority

When asked whether it wished to comment on TVNZ's reply, in a letter dated 27 October 1993 Mr Turner on GOAL's behalf stated he did not wish to comment

