

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 174/93

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

The move from Muir Park to Trustbank Park as the principal soccer ground in Hamilton was covered in a sports item on TV1's *One Network News* broadcast between 6.00 - 6.30pm on 5 September 1993.

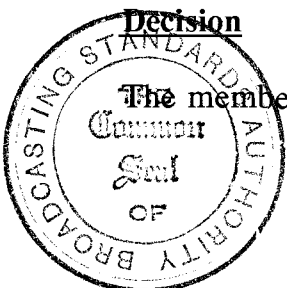
The Secretary of the Group Opposed to Advertising of Liquor (GOAL), Mr Turner, complained to Television New Zealand Ltd that the pictures of Muir Park included a close-up shot of Lion Red advertising which breached the broadcasting standards.

Arguing that the visual was relevant to the story, TVNZ maintained that the shot had not focussed "unduly" on the sign in contravention of the standards. Dissatisfied with TVNZ's decision, Mr Turner on GOAL's behalf 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 papers (summarised in the Appendix). As is its usual practice, the Authority has determined the complaint without a formal hearing.

A TV1 sports news item on 5 September reported that the Waikato United AFC had moved from Muir Park in Hamilton to Trustbank Park. Before portraying the action at the new ground, the item showed the empty and desolate Muir Park. The pictures of Muir Park included a shot of a sign on the park fence in which the Lion Red beer logo contained the words "Waikato United AFC".

The Secretary of GOAL, Mr Turner, complained that the portrayal of the logo breached (renumbered) standard A3.c of the (renamed) Programme Standards for the Promotion of Liquor. It reads:

- A3 Broadcasters will ensure that the **incidental promotion of liquor** is minimised and in particular:
- 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 maintained that the shot was designed to show the "old draughty surroundings at Muir Park" when compared with the comparative luxury of Trustbank Park. Arguing that "unduly" in the standard meant "immoderately" or "excessively" and that the shot of the logo could not be so described, TVNZ declined to uphold the complaint.

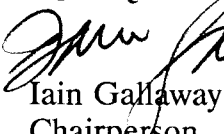
When he referred the complaint to the Authority on GOAL's behalf, Mr Turner stated that "unduly" meant "unwarranted" and, he maintained, that the camera had focussed on the liquor sign in an "unwarranted" manner.

The Authority believed that it was not required to rule on the definitional point as it decided that standard A3.c was not the appropriate rule under which to assess the complaint. The particulars in standard A3.c apply the general requirement of standard A3 to the broadcast of a "live or on-location event". A news item about an organisation moving between sports grounds does not fall within the situation contemplated by standard A3.c A news item, nevertheless, is required to comply with the general requirement to minimise the incidental promotion of liquor.

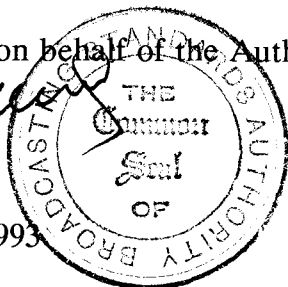
The Authority thus assessed the complaint by examining whether the incidental promotion of liquor had been minimised. On the basis that the item focussed on the contrast between Muir Park and Trustbank Park and the brief shot of the logo was within the context of the item, the Authority concluded that the incidental promotion of liquor had been minimised in the news item as required by standard A3.

For the reasons 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 6 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 of sports news broadcast on *One Network News* between 6.00-6.30pm on 5 September.

Included in the item, Mr Turner wrote, was a "close-up shot of Lion Red advertising" which breached (renumbered) standard A3.c of the (renamed) Programme Standards for the Promotion of Liquor. He added:

This was not a background to some riveting action; apart from a part of a notice board nothing else was in the shot.

TVNZ's Response to the Formal Complaint

TVNZ advised GOAL of its Complaints Committee's decision in a letter dated 4 October 1993 when it reported that the complaint had been considered under the nominated standard.

The item, TVNZ explained, reported the move of the Waikato United AFC from Muir Park to Trustbank Park. The Lion Red sign, it continued, was shown as it contained the words "Waikato United AFC" and the camera then panned to a plain white sign which said "Home of Waikato AFC". The script referred to the fact that no one showed up to Muir Park on match day as was apparent from the empty car park which was also shown.

With regard to the alleged breach, TVNZ stated that the shot was used to illustrate the run-down state of the park and it believed:

... a camera shot which was moving all the time could not be said to have "unduly" focussed on the advertising signage. Besides it observed that the word "unduly" is defined in the Collins Concise English Dictionary as meaning "immoderately" or "excessively" and the Committee believed that such descriptions could not be applied to the 2 or 3 seconds in which the words "Lion Red" were visible.

The complaint was not upheld.



GOAL's Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's response, 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.

Mr Turner maintained that the shot of the Lion Red advertising was unnecessary because, as explained by TVNZ, the words "Home of Waikato AFC" were included on a plain white sign which was also shown.

He also provided another definition of "unduly" as "unwarranted" and argued that the item focussed on the Lion Red sign in an unwarranted manner and thus breached the standard.

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 October 1993 and TVNZ's reply, 19 October.

It stated that the item reported the move by the leading Waikato soccer club from Muir Park to the more central and better appointed Trustbank Park.

Arguing that the Lion Red advertising sign and plain white sign formed part of the same panning shot and that the liquor sign with its prominent "Waikato AFC" insert was relevant to the story, TVNZ maintained that the liquor signage was not focussed on in either an immoderate, excessive or unwarranted manner.

GOAL's Final Comment to the Authority

When asked for a response to TVNZ in a letter dated 27 October 1993, Mr Turner on GOAL's behalf did not wish to comment further.

