

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 34/93

Dated the 1st day of April 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

KERRY SHARP

of Palmerston North

Broadcaster

TELEVISION NEW ZEALAND  
LIMITED

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

DECISION

Introduction

The subject of AIDS was dealt with in a programme titled *AIDS: What do we tell our Children?* which was screened on TV1 at 11.00pm on 30 November 1992. It examined the characteristics and spread of AIDS and the tragic consequences of contracting the disease and its impact on the victims' families.

Mr Kerry Sharp of Palmerston North complained to Television New Zealand Ltd, the broadcaster, that the programme was in breach of broadcasting standards because it was inaccurate and withheld important information about the inefficacy of condoms, was unbalanced and promoted a dangerous deception.

In declining to uphold the complaint, TVNZ responded that the programme did not contravene broadcasting standards, that it was factually accurate and provided information that would enable viewers to make informed choices about their lifestyles.

Dissatisfied with TVNZ's response, Mr Sharp referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.



## Decision

Members of the Authority have viewed the programme 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.

Mr Kerry Sharp complained to TVNZ that the programme *AIDS: What do we tell our Children?*, which was screened on TV1 at 11.00pm on 30 November 1992, breached standards 1, 6 and 7 of the Television Code of Broadcasting Practice because, in his view, it conveyed inaccurate information about the effectiveness of condoms as a protection against AIDS. He acknowledged that in many respects the programme provided important information about AIDS, its characteristics and spread, and the search for a cure. However, he argued, by not promoting abstinence and chastity, the programme was unbalanced and irresponsible.

The standards which he alleged were breached require broadcasters:

- 1 To be truthful and accurate on points of fact.
- 6 To show balance, impartiality and fairness in dealing with political matters, current affairs and all questions of a controversial nature.
- 7 To avoid the use of any deceptive programme practice which takes advantage of the confidence viewers have in the integrity of broadcasting.

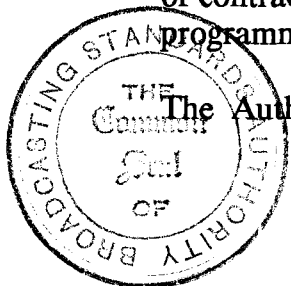
Mr Sharp claimed that it was untruthful and inaccurate to suggest that condoms provide protection against AIDS. He wrote:

You don't have to be particularly moralistic about the rights and wrongs of casual teen sex to see that the only realistic answer is telling the kids to say no. Not just that it is okay to say no but it is imperative they do so. Somehow - and that is the real problem - we must impart to our children that AIDS is a real threat and that it is a particularly dreadful way to die, slow, painful and undignified. Making condoms fun and trendy is not good enough.

Responding that it had not upheld the complaint, TVNZ described the programme as a factual account of the AIDS epidemic which aimed to provide people with information so that they could make informed decisions about their lifestyles. It commented that the programme deliberately avoided judging the morality of the people involved and that it concentrated instead on frank and open discussions about sex and sexuality and the implications in respect of AIDS.

TVNZ rejected Mr Sharp's argument that the information on condom use was inaccurate and lacking in balance, responding that medical opinion confirmed that the likelihood of contracting STDs or AIDS was reduced by the use of condoms, and further, that the programme did not say or imply that using them would eliminate the risk altogether.

The Authority assessed Mr Sharp's complaint with reference to the aspects of the



programme complained about and the standards raised. Rejecting his standard 1 complaint that the programme failed to give the whole truth about condom failure rate and withheld information about the dangers of promiscuous sex, the Authority noted that the issue of condom safety was not what the programme was about. Rather, it was a compelling and compassionate account of the global tragedy of AIDS which focused more on the impact on victims and their families and the attempt to find a cure for AIDS than on prevention. The programme did not claim to do more than to examine the tragic consequences of living with AIDS and the urgent need for continuing the research that was being done around the world. The Authority was unable to detect inaccuracies or untruthfulness in the information conveyed.


The Authority then considered the standard 6 complaint. Mr Sharp alleged that the programme lacked balance because no attention was given to the abstinence option and no information was given on the failure rate of condoms. The Authority reiterated its view that these matters were not intended to be within the domain of a factual documentary which gave an insight into the impact of AIDS on victims and their families and included the expert opinions of researchers from around the world and statistical information about the nature and spread of the disease. The Authority did not agree that the programme lacked balance, noting that the need for caution in sexual matters was expressed by one interviewee who said that she told her children that even if they waited until their late teens for sex with a special partner, they still might not be safe. It believed that the documentary had taken a responsible approach and had successfully imparted information that was of relevance to sexually active young people.

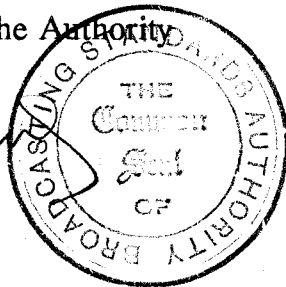
With reference to the standard 7 complaint, the Authority referred to its recent decision (No: 93/92) in which the standard was interpreted as referring to a contrived technique which deceives viewers and concluded that no such technique was used in the programme *AIDS: What do we tell our Children?*

In declining to uphold any aspect of the complaint, the Authority observed that it considered this complaint bordered on being vexatious. In its view, the complainant had failed to exercise critical judgment in his assessment of the programme's perceived shortcomings and had repeated arguments from other complaints that were not relevant to the current complaint. It regarded *AIDS: What do we tell our Children?* as a well-researched and poignant account of the worldwide impact of the disease.

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

Signed for and on behalf of the Authority

  
Iain Gallaway  
Chairperson  
1 April 1993



## Appendix

### Mr Kerry Sharp's Complaint to Television New Zealand Limited

In a letter dated 3 December 1992, Mr Kerry Sharp of Palmerston North complained to Television New Zealand Ltd about the broadcast of the programme *AIDS: What do we tell our Children?* on 30 November 1992 at 11.00pm on TV1.

While acknowledging that many aspects of the programme were good, Mr Sharp maintained that it was in breach of standards 1, 6 and 7 of the Television Code of Broadcasting Practice because it conveyed the myth that using condoms would protect people from AIDS. He claimed that this was not only inaccurate but also unbalanced because it did not explain that condoms have a high failure rate. He accused TVNZ of being irresponsible in not giving all the truth and facts about condoms and by not emphasising chastity and abstinence before marriage and then mutual fidelity for life. He did not elaborate on what he believed constituted a breach of standard 7.

Mr Sharp appended a letter he had written to the Sunday Times and some notes he had compiled on the subject of condoms and what he described as the myth of safe sex.

### TVNZ's Response to the Formal Complaint

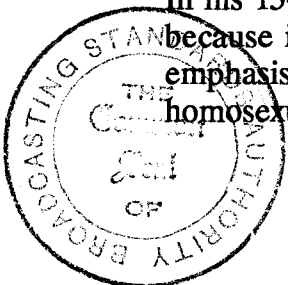
TVNZ advised Mr Sharp of its Complaints Committee's decision in a letter dated 21 December 1992.

Reporting that it had assessed the complaint under standards 1, 6 and 7 which were cited by Mr Sharp, TVNZ advised that it had not upheld the complaint. It noted that the programme was a factual account of the AIDS epidemic and its tragic consequences which aimed to provide people with information so they could make informed decisions about their lifestyles. It deliberately avoided judging the morality of the individuals involved, concentrating instead on frank and open discussions of sex and sexuality. In TVNZ's view there was nothing inaccurate or unbalanced in the programme.

### Mr Sharp's Complaint to the Broadcasting Standards Authority

As he was dissatisfied with TVNZ's decision, on 3 January 1993 Mr Sharp referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

In his 13-page letter, Mr Sharp repeated his claim that the programme was inaccurate because it failed to give all of the facts about the failure rate of condoms and did not emphasise chastity and abstinence as the only safe sex. He also argued that homosexuality was promoted in this programme as a normal, acceptable lifestyle,



when in his opinion, it was wrong and bad and should be discouraged.

He argued that TVNZ had a social responsibility to screen chastity/abstinence programmes and sex education programmes that gave all of the facts about AIDS and STDs. He also argued that the entertainment industry should share the blame for the AIDS epidemic because it has had an active role in manipulating society's values.

### TVNZ's Response to the Authority

As is its practice, the Authority referred the complaint to the broadcaster for comment. Its request is dated 13 January 1993 and TVNZ's reply, 2 February.

TVNZ noted that the arguments raised by Mr Sharp had been traversed in a number of his earlier complaints to the Authority and that it would have been unnecessarily repetitive for it to respond to them again. It argued that the programme took a realistic and responsible approach to the subject and that it provided constructive and relevant information. TVNZ wrote:

Similarly we do not accept Mr Sharp's view that providing advice on condom use is unacceptable. We believe medical opinion confirms that the likelihood of contracting AIDS or other sexually transmitted diseases is reduced by the use of condoms. The programme does not say or imply that condom use eliminated risk altogether.

TVNZ also rejected Mr Sharp's allegation that the entertainment industry must share the blame for the epidemic of AIDS and STDs, observing that it had been the media which had drawn attention to the problems associated with AIDS.

### Mr Sharp's Final Comment to the Authority

When asked to comment on TVNZ's response, in a letter dated 9 February 1993, Mr Sharp responded that the programme's answer to the question posed in its title "was totally inadequate, irresponsible, deceptive and dangerous to life and health." He maintained that the programme was totally lacking in balance because no information was given on the failure rate of condoms.

Mr Sharp appended two newspaper articles concerning the AIDS debate.

