

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 35/93  
Dated the 5th day of April 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

CREDO SOCIETY INC.  
of Auckland

Broadcaster  
TV3 NETWORK SERVICES  
LIMITED

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

DECISION

Introduction

The statement that an estimated one woman in ten in New Zealand was a lesbian was included on TV3's programme *In Focus* broadcast on 3 October 1992.

The Secretary of the Credo Society Inc., Mrs Barbara Faithfull, complained to TV3 Network Services Ltd that the statistic was inaccurate and that it was an extravagant variation of the now-discredited figure promoted by Albert Kinsey that one in ten of the population was homosexual.

Noting that the AIDS Foundation was the source for the statistic and pointing out that Kinsey was still used as a reference by the Psychology Department of Auckland University, TV3 declined to uphold the complaint. Dissatisfied with TV3's decision, the Credo Society referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

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.

The Secretary of the Credo Society, Mrs Barbara Faithfull, complained to TV3 about a comment on *In Focus* that an estimated 1 woman in 10 in New Zealand was a lesbian. Maintaining that there was no reputable scientific source for the figure other than the discredited figure advanced by Albert Kinsey that 1 in 10 of the population was homosexual, the Credo Society stated that the broadcast was inaccurate and misleading.

TV3 assessed the complaint under standard 1 of the Television Code of Broadcasting Practice which requires broadcasters:

- 1 To be truthful and accurate on points of fact.

Pointing out, first, that the statistic was supplied by the AIDS Foundation which maintained that the figure, derived from the 1948 Kinsey Report, was internationally accepted, and secondly, that Kinsey was used as a reference by the Auckland University Psychology Department, TV3 declined to uphold the complaint.

When referring the complaint to the Authority, the Credo Society said that TV3 was confused as it implied 20% (or 1 in 5) of the population was homosexual. The Authority was unable to agree with the Society's interpretation of TV3's response. TV3 referred to "1 in 10" of the population. The Society argued that that meant 1 in 10 males and 1 in 10 females which, it then concluded, amounted to 20% of the population. The Authority disagreed with the Society's reasoning as TV3 referred to 1 in 10 women which clearly does not mean 1 in 10 of the population.

Notwithstanding the Society's misinterpretation of TV3's reply, the Authority assessed the complaint on the basis that TV3, by broadcasting the estimate that 1 woman in 10 was a lesbian, breached the broadcasting standard requiring accuracy.

The Society for Promotion of Community Standards complained to the Authority in 1991 about a broadcast by TV3 which contained the estimate that 1 man in 10 was homosexual. As the issues raised by that complaint are similar to the current complaint, the Authority recalled that in the earlier decision (No: 6/92), it had stated:

A reasonably accurate figure about the proportion of homosexual men and women in New Zealand based on competent research is not available and an estimate had to be used in the programme. If TV3 had relied solely on the Kinsey Report, the Authority would have certainly questioned the programme's balance. However, in the Authority's opinion the other sources cited are reputable organisations whose estimates are as likely to have equal credibility as the estimates from other reputable organisations such as those relied upon by the complainant Society. In the circumstances, the Authority concluded that TV3, by using the sources noted to obtain an estimate and by broadcasting that figure as an estimate, had produced a programme which neither lacked balance nor adopted a deceptive broadcasting practice.




As a reasonably accurate figure is still not available, any broadcast which refers to the proportion of homosexual men and women in New Zealand must still present the figure used as an estimate.

On this occasion, TV3 advised that the programme makers had approached the AIDS Foundation which, as a reputable organisation, had supplied the 1 in 10 estimate. Had the broadcast presented the figure as an indisputable fact, the Authority would have agreed that it was open to challenge on the grounds of accuracy. However, the broadcast described the statistic as an estimate and, accordingly, in the Authority's opinion, the reference was neither untruthful nor inaccurate in contravention of standard 1.

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

Signed for and on behalf of the Authority

  
Iain Gallaway  
Chairperson



5 April 1993

## Appendix

### Credo Society Inc.'s Complaint to TV3 Network Services Limited

In a letter dated 15 October 1992, the Secretary of the Credo Society Inc., Mrs Barbara Faithfull, complained to TV3 Network Services Ltd about a statement made on the programme *In Focus* broadcast by TV3 on 3 October 1992.

The statement reported that an estimated one woman in ten in New Zealand was a lesbian to which the Society responded:

We know of no reputable, scientific source for such an astonishing statistic. Indeed it would appear to be merely an extravagant variation of the now well-discredited 1 in 10 of the population being homosexual (ie male and female) which originated from Albert Kinsey and associates.

Enclosing an extract from a recent book which questioned the validity of Kinsey's work, the Society asked TV3 to advise the source of the statistic used or to concede that the programme was misleading.

### TV3's Response to the Formal Complaint

TV3 advised Mrs Faithfull of the Credo Society of its Complaints Committee's decision in a letter dated 25 November 1992.

Explaining that the complaint had been considered under standard 1 of the Television Code of Broadcasting Practice which requires that programmes be truthful and accurate, TV3 said that the "1 in 10" statistic was sourced from the Aids Foundation which advised that the figure, derived from the Kinsey Report of 1948, was internationally accepted. Furthermore, TV3 said, Kinsey was used as a reference by the Psychology Department at Auckland University.

TV3 declined to uphold the complaint.

### Credo Society's Complaint to the Broadcasting Standards Authority

Dissatisfied with TV3's response, in a letter dated 22 December Mrs Faithfull on the Society's behalf referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989. The Society described TV3's response to the complaint as confused as it implied that 20% of New Zealand's population was homosexual. Nevertheless, even if TV3 had intended to refer to 10% of the population, the Society claimed that that figure was thoroughly discredited.

Referring to TV3's response to the complaint, the Society made the following points:



- 1) The AIDS Foundation was unreliable as a source as it was a political lobby group with a record "of generating and disseminating false and misleading information to serve its own ends".
- 2) The statistic derived from the Kinsey Report was discredited and, as well, nearly 50 years old.
- 3) The reference to the Psychology Department at Auckland University reflected badly on that Department if it still used the 10% figure.

Maintaining that TV3 had fudged the issue, the Society continued by citing scholarly sources to show that the 1 in 10 figure was thoroughly discredited.

### **TV3's Response to the Authority**

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 15 January 1993 and TV3's response, 19 January.

Noting that debate between academics on contentious topics was common and that research, for various reasons, could well be inexact, TV3 acknowledged that various statistics which were broadcast could be disputed. It pointed out that the number of homosexuals in the population was not known precisely and, until the experts agreed, it was necessary to rely on estimates as *In Focus* had done.

### **Credo Society's Final Comment to the Authority**

The Society, in a letter dated 2 March 1993 in reply to the Authority's request for a comment on TV3's response, stated that it had nothing further to add.

