

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 36/93

Dated the 5th day of April 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

B.G. WORTELBOER
of Ruakaka

Broadcaster
TV3 NETWORK SERVICES
LIMITED

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

DECISION

Introduction

Two skits on the programme *Fast Forward* broadcast by TV3 at 9.30pm on 24 November 1992 dealt, respectively, with the current sexual protocol about the supply and use of condoms and with parental attitudes towards gay adolescents. Another skit parodied Madonna's well-known music video "Erotica".

Mr Wortelboer complained to TV3 Network Services Ltd that the three items were offensive and that it was "absolutely degrading" to relate "The Madonna - Our Lady" to Madonna the singer.

TV3 pointed out the entire programme included social and political satirical sketches and parodies and that the first two items complained about did not, in context, breach the standard requiring good taste. The programme, it continued, did not draw any comparison between the religious Madonna and the singer. The complaint was not upheld. Dissatisfied with TV3's decision, Mr Wortelboer 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 programme to which the complaint relates and have read the correspondence (summarised in the Appendix). As is its practice, the Authority has determined the complaint without a formal hearing.

Mr Wortelboer complained to TV3 that two skits broadcast on *Fast Forward*, on 24 November 1992, about the protocol applying to the supply of condoms and a homosexual son respectively, were offensive. Furthermore, he described as "absolutely degrading" a skit which related "Madonna - Our Lady" to the singer named Madonna. The programme listings in the *Listener* for 24 November recorded that the programme, *Fast Forward*, started at 9.30pm.

TV3 assessed the complaint under standard 2 of the Television Code of Broadcasting Practice which requires broadcasters:

2. 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.

Taking into account that the first two skits complained about were in a programme given an "AO" (Adults Only) rating and that they were broadcast as part of a satirical show, TV3 declined to uphold that aspect of the complaint. Arguing initially that the skit which referred to Madonna the singer made no mention of the religious Madonna, TV3 also declined to uphold that part of the complaint. In its later correspondence to the Authority, TV3 acknowledged that the skit about Madonna the singer which involved two women - one of whom was hard of hearing - had included a brief confusion as to which Madonna was the subject of the discussion. However, TV3 maintained, Madonna the singer was clearly separated from the religious Madonna and no attempt was made to impose the singer's morality on the other.

With reference to the skits about the acceptable protocol concerning the supply of condoms and about the homosexual son, the Authority acknowledged that they were part of a satirical programme. That, however, was an insufficient reason to excuse what might otherwise be an offensive broadcast. Another part of the broadcast's context was the "AO" rating carried by the programme. The appropriate Television Programme Classification reads:

Adults Only - AO

Programmes containing adult themes or those which, because of the way the material is handled, would be unsuitable for persons under 18 years of age.

"AO" programmes are restricted to screening between midday and 3pm on weekdays (except during school and public holidays) and after 8.30pm until 5am.

Standard 2 requires the Authority to bear the context of the broadcast in mind and in view of the "AO" rating, the Authority decided that the skits dealing with condoms and



with homosexuality covered topics which were acceptable for broadcast at that hour. Furthermore, the topics had been handled in a way that did not breach the standard 2 requirement for the maintenance of good taste in context.

The Authority considered carefully the complaint that the broadcast had involved confusion between the religious Madonna and the singer as it is a topic which has the potential to cause widespread offence. The Authority was also cautious in view of TV3's apparent change in stance on the issue from denying any connection to one where it admitted confusion but described it as brief.

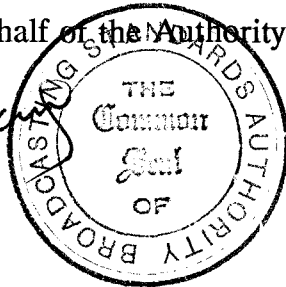
Having viewed the item, the Authority accepted as correct TV3's second version of the programme. There had been some confusion because of the deafness of one of the women portrayed in the skit. However, the confusion was brief and the passing references to the religious Madonna were not derogatory. In the circumstances, the Authority accepted that the requirement for decency in standard 2 had not been breached.

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

Mr Wortelboer's Complaint to TV3 Network Services Limited

In a letter dated 4 December 1992, Mr B.G. Wortelboer of Ruakaka complained to TV3 Network Services Ltd about aspects of the programme *Fast Forward* broadcast by TV3 on 24 November.

He said he was offended by the skit dealing with lovemaking and condoms and by the one about homosexuals. In addition, he found the item which related "Madonna - Our Lady" with Madonna the singer "absolutely degrading". The broadcast, he continued, failed to observe the broadcasting standard requiring good taste and decency.

TV3's Response to the Formal Complaint

TV3 advised Mr Wortelboer of its Complaints Committee's decision in a letter dated 7 January 1993. The complaint had been considered under standard 2 of the Television Code of Broadcasting Practice which requires broadcasters to maintain standards of good taste and decency.

The first skit complained about, TV3 stated, involved a couple spending a night together and a discussion about the supply and use of condoms. It contained a humorous observation on current sexual protocol developed to deal with the threat of AIDS and a positive message about the woman's role under that protocol.

The second skit involved a man bringing his friend home to meet his parents. The friend named Michelle Pfeiffer had been a male but the father reacted as if he was a woman. TV3 said that the item had not been degrading to homosexuals but had involved a farce in which the father refused to believe his son was gay.

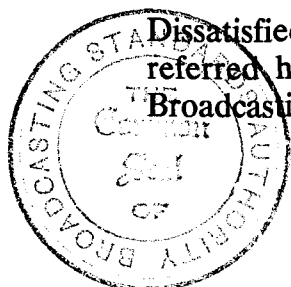
Neither item had breached the requirement for good taste and decency when taking the context into account. The context was a programme which included social and political satire and parody, which carried an "AO" (Adults Only) classification and was broadcast in "AO" time.

The sketch about Madonna the singer, TV3 maintained, contained no reference or comparison with the religious Madonna.

TV3 declined to uphold the complaint.

Mr Wortelboer's Complaint to the Broadcasting Standards Authority

Dissatisfied with TV3's response, in a letter dated 19 January 1993 Mr Wortelboer referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.



Explaining that he had only watched the first half of the programme as he was too disgusted to watch it completely, Mr Wortelboer said that the skit about lovemaking and condoms was degrading. The second was in bad taste as it had referred to a homosexual man as a "poofter". He believed that the third had involved a discussion about Madonna the singer and The Madonna from Bethlehem.

TV3's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 26 January 1993 and TV3's reply, 8 February.

TV3 reported that the word "poof" had been used, not "poofter" and it argued that it was not an inappropriate term to use in the context of satirical comedy where the concept of tolerance and an acknowledgment of diversity were pertinent.

Following the parody of Madonna, TV3 said, a skit portrayed two elderly women discussing Madonna the singer. There had been some initial and brief confusion, TV3 continued, but it was speedily clarified and no attempt was made to impose the singer's morality on the other. TV3 argued:

The mere fact both were mentioned in the same skit does not mean The Madonna - Our Lady - was the recipient of some slur.

The distinction between the two was satisfactory and would have been acceptable to the vast majority of viewers.

Mr Wortelboer's Final Comment to the Authority

When asked to comment on TV3's reply, in a letter dated 19 February 1993 Mr Wortelboer maintained that, overall, the programme was disgusting, unsuitable for viewing and breached the standard requiring good taste.

The reference to condoms was tasteless, he continued, and the skit referring to homosexuals was in poor taste. However, the item relating Madonna the singer to Madonna - the Mother of God - was the most objectionable.

