

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 39/93

Dated the 15th 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
TV3 NETWORK SERVICES
LIMITED

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

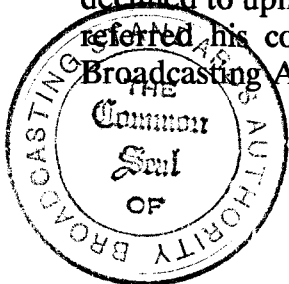
DECISION

Introduction

Rap music, humour and frank discussions about sexuality were some of the features of the programme entitled *Prime Sex* which was broadcast by TV3 on Thursday October 8 1992 at 8.30 pm.

Mr Kerry Sharp complained to TV3 Network Services Ltd, the broadcaster, that parts of the programme were offensive and objectionable, that it denigrated men and women, that it was unbalanced in the information it gave and that it was attempting to change traditional values by social engineering.

Arguing that the programme fulfilled a perceived need to educate sexually active young people, TV3 maintained that none of the broadcasting standards was breached and declined to uphold the complaint. As he was dissatisfied with TV3's response, Mr Sharp referred his 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 complained about and have read the correspondence (summarised in the Appendix). As is its practice, the Authority determined the complaint without a formal hearing.

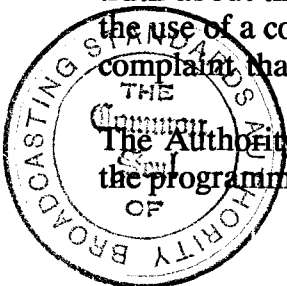
Mr Sharp complained that *Prime Sex* which was screened on TV3 on Thursday October 8, 1992 at 8.30pm breached standards 2, 4, 6 and 7 of the Television Code of Broadcasting Practice because it contained material which was offensive and objectionable, because it demeaned virginity, denigrated both men and women and because the information it gave was unbalanced. He also claimed that it attempted to manipulate traditional moral values and thus was guilty of social engineering. Those standards require 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.
- 4 To deal justly and fairly with any person taking part or referred to in any programme.
- 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 referred to a sequence which he described as "straight out pornography" which depicted two naked women "kissing and manually stimulating each other in the genital area", claiming that it was in breach of standard 2. TV3 did not address that specific aspect of the complaint, but in declining to uphold any part of the complaint, it made the general argument that the programme was targeted at a specific group of "at risk" teenagers - that group which had been identified by the New Zealand Family Planning Association as those whose backgrounds did not give them enough information about sexual responsibility. TV3 maintained that the frank discussions and the use of humour and music were techniques employed to appeal to that audience and to convey important information about sex and sexuality and that standard 2 had not been breached.

TV3 rejected Mr Sharp's complaint that the programme lacked balance and was thus in breach of standard 6 because it had not given enough emphasis to the values of abstinence and chastity by pointing out that one young woman suggested that the safest sex was abstinence. In addition, it rejected his allegation that it had not given the whole truth about the failure rate of condoms, responding that the message conveyed was that the use of a condom was preferable to unprotected sex. TV3 also declined to uphold the complaint that standards 4 and 7 were breached.

The Authority assessed Mr Sharp's complaint with reference to each of the aspects of the programme complained about and standards raised. In rejecting Mr Sharp's standard



2 complaint about what he called the pornographic lesbian sequence, the Authority observed that the segment was a stylised drawing which was part of the background montage of images in the introductory section of the programme and that it was barely two seconds in duration. Because of its brevity and inexplicit nature, the Authority was unanimously of the view that the broadcast of the drawing did not breach standard 2.

The Authority also rejected Mr Sharp's complaint under standard 4 that the virtue of virginity had been demeaned by the programme, noting that the standard was incorrectly cited because in previous decisions it had been interpreted to apply only to an individual. Nonetheless, that aspect of the complaint was considered by the Authority under standard 6.

In assessing the complaint under standard 6 that aspects of the programme lacked balance, the Authority took into account the numerous references to safer sex, including the comment that saying no was the best contraceptive, the discussion of sex without intercourse, the dialogue on saying no with the teenagers who appeared on the programme and the emphasis on the theme of sexual responsibility, and concluded that *Prime Sex* was a well-balanced programme. It declined to uphold this aspect of the complaint.

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 *Prime Sex*.

In declining to uphold any aspect of the complaint, the Authority acknowledged that some viewers may have found some of the content crass and unnecessary but it was of the view that on balance the information conveyed was helpful and appropriately targeted at teenagers.

Although the programme had been targeted at a teenage audience, the Authority was of the view that TV3 had been cautious in classifying it as AO which was a responsible and sensible classification. By doing so, it signalled to the audience that there was some potentially controversial material which some people might have found objectionable.

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

Signed for and on behalf of the Authority


Iain Gallaway
Chairperson



15 April 1993

Appendix

Mr Kerry Sharp's Formal Complaint to TV3 Network Services Limited

In a letter dated 9 October 1992, Mr Kerry Sharp of Palmerston North complained to TV3 Network Services Limited about the programme *Prime Sex* broadcast on Thursday 8 October at 8.30pm.

Mr Sharp claimed that the programme was in breach of standard 2 because it was indecent and objectionable, standard 4 because it demeaned the virtue of virginity, and denigrated both men and women, standard 6 because it was unbalanced and standard 7 because it was attempting to change society's values by social engineering through television.

Particular aspects of the programme to which he objected included an item about a lesbian relationship in which two naked women were caressing and cuddling which he described as "straight out pornography!" He also objected to the programme's assumption that most teenagers were sexually active, when in fact only 30% were, and he claimed that therefore the programme was unbalanced. The programme's message of safe sex and protected sex were, according to Mr Sharp:

...dishonest deception when the real-life risks to health and even to life are withheld from the viewers. All through PRIME SEX the term "safe sex" was used with "safer sex" being used only once! **The truth is that condoms do not provide "safe sex".** Why did PRIME SEX not give all the facts about the risks to health and the **risk to life** that trusting condoms are in real-life!

Mr Sharp claimed that not enough information was given about the risk of contracting STDs from casual sexual encounters and that the subject was not treated with the seriousness it deserved. In his view the programme was unbalanced because nothing was said about the horrific consequences of contracting STDs.

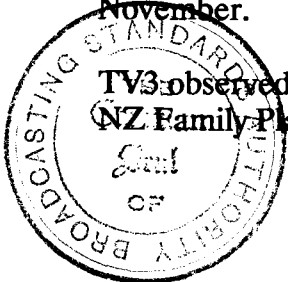
He raised the issue of relative safety of condoms and the theme of chastity and abstinence before marriage, observing that TV3 should have taken a more responsible attitude to the subject and attempted to enhance family values and marriage. In fact, he claimed, the programme did the opposite.

Mr Sharp appended a pamphlet entitled *Learning to Say No!*

TV3's Response to the Formal Complaint.

TV3 advised Mr Sharp of its Complaints Committee's decision in a letter dated 25 November.

TV3 observed that the programme was aimed at "at risk" teenagers - the group which the NZ Family Planning Association identified as those whose background did not give them



information about sexual responsibility. The programmers researched how best to communicate with teenagers and concluded:

...music, humour, and frank open discussion was what the teenagers respected and wanted in a programme that addressed the issue of contemporary sexual attitudes.

The prime message of the programme, according to the Producer's letter which TV3 referred to Mr Sharp, was:

...if and when you become sexually active, be responsible to yourself and your partner.

TV3 concluded that there was no breach of any of the codes.

Mr Sharp's Complaint to the Broadcasting Standards Authority

Dissatisfied with TV3's response, in a letter dated 2 December 1992, Mr Sharp referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Mr Sharp repeated the concerns expressed in his formal complaint that safe sex and protected sex are a "myth and deception" and that the real-life consequences of promiscuity should have been emphasised. He argued that the programme lacked balance because it did not give information on the failure rate of condoms and that the strip club sequence was demeaning and degrading to women. He challenged TV3's rationale (to educate), commenting in reference to the lesbian sequence:

Why does TV3 show such offensive pornography? What educational purpose does this serve except to assault traditional values and standards and to promote unnatural and perverse life-styles? This social engineering using the powerful medium of television!

Mr Sharp appended some notes he had compiled on Condoms and Safe Sex.

TV3's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 4 December and TV3's reply, 7 January 1993. TV3 had no further comment to make.

