

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 52/93

Dated the 26th day of April 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

LISLE EDWARDS

of Levin

Broadcaster

TV3 NETWORK SERVICES  
LIMITED

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

DECISION

Introduction

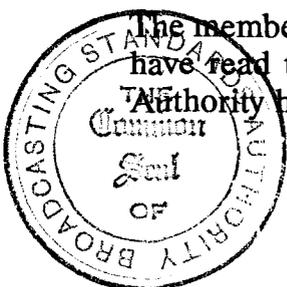
A man removing a woman's bathing costume's shoulder strap while both were in a pool and a couple lying on the floor in front of a fire kissing were among the scenes depicted in a promo for the film "Cocktail" broadcast on TV3 at 5.30pm on 3 December 1992.

Mr Edwards complained to TV3 Network Services Ltd that showing such scenes from an "Adults Only" programme breached the broadcasting standard requiring good taste and decency.

Maintaining that both scenes briefly showed two adults being nice to each other and that no private body parts were seen, TV3 declined to uphold the complaint. Dissatisfied with TV3's decision, Mr Edwards 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 promo (or trailer) 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 Edwards complained to TV3 that the trailer, or promo, for the film "Cocktail" broadcast at about 5.30pm showed, first, a man removing a woman's shoulder strap as a prelude to love-making, and secondly, a couple kissing while lying on the floor in front of a fire. Noting that the film was classified "Adults Only" ("AO") and referring to the high pregnancy rate among teenagers in New Zealand, Mr Edwards maintained that the broadcast of the promo at that time breached the broadcasting standard requiring good taste and decency.

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.

Pointing out that both scenes were brief and that neither depicted any "private" body parts, TV3 declined to uphold the complaint. Indeed, it added, the scenes were gentle and showed the people portrayed being nice to each other. TV3 stated that the scenes used in the promo were not of the "AO" kind, that the promo had been shown during a programme (*Carson's Law*) which appealed to the more mature audience, and that it did not contain any material likely to cause an increase in teenage pregnancies.

Because it is a matter of concern to many parents, the Authority has examined recently the issue of broadcasting promos for "AO" programmes in General, "G", or Parental Guidance Recommended, "PGR", time. Its conclusion is contained in standard G22 in the new Television Codes of Broadcasting Practice, dated 15 January 1993, which states:

- G22 Promotions (promos) for AO programmes may be screened during PGR or G time bands provided the promo is made in such a way that it can be classified as PGR or G, as appropriate. Promotions which carry an AO classification may only be screened within AO time bands.

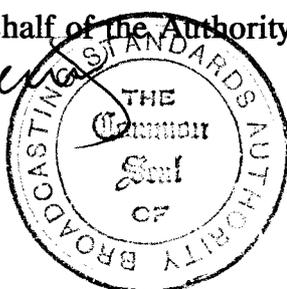
The Authority bore these stringent requirements in mind when assessing the current complaint and concluded that neither the rock pool scene, involving the removal of a shoulder strap, nor the fireside scene could be regarded as a breach of the good taste criterion in standard 2.

That conclusion was reinforced when, as required by the standard, the context of the item was taken into account. Each portrayal was very brief, the lighting of the fireside scene was dim and, although the broadcast took place during a "G" time when it must be assumed that unattended children will be watching, the principal programme, *Carson's Law*, was not likely to appeal to young children. In these circumstances, the Authority decided that the broadcast did not breach the good taste requirements of standard 2.

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

Signed for and on behalf of the Authority

*Iain Gallaway*  
 Iain Gallaway  
 Chairperson  
 26 April 1993



## Appendix

### Mr Edward's Complaint to TV3 Network Services Limited

In a letter dated 7 December 1992, Mr Lisle Edwards of Levin complained to TV3 Network Services Ltd about a trailer or promo for the film "Cocktail" broadcast on at about 5.30pm on 3 December and repeated at about the same time on 4 December.

He described the scenes depicted:

- (1) a prelude to love-making, a young man removing the lady's shoulder strap,
- and (2) the couple lying on the floor, in front of a fire, engaged in kissing.

Referring to the point that the film was listed as "Adults Only" and to the high pregnancy rate among teenagers in New Zealand, Mr Edwards maintained that the broadcast of the promo at that time breached the broadcasting standard requiring good taste and decency.

### TV3's Response to the Formal Complaint

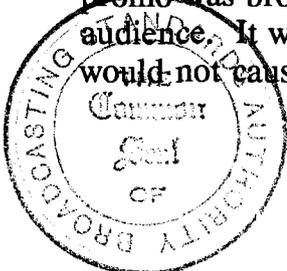
TV3 advised Mr Edwards of its Complaints Committee's decision in a letter dated 9 February 1993 when it reported that the complaint had been considered against standard 2 of the Television Code of Broadcasting Practice which requires broadcasters to maintain standards of good taste and decency in context.

Elaborating on the scenes in the film complained about, TV3 said that the first depicted a couple in a natural rock pool when the man (Tom Cruise) removed the strap of the woman's bathing suit from her shoulder. It continued:

The water comes up to just below their shoulders - the water was not translucent and no 'private' body parts were shown. This scene was on-air for one second only. The scene was gentle, the people were nice to each other. The scene accurately depicted what could be expected in the movie. The people depicted were adults.

In regard to the second scene of the couple kissing in front of the fire, TV3 pointed out that the fire was the only form of lighting, and the adult couple were seen briefly in silhouette.

TV3 stated that "Adults Only" scenes were not used in the trailer and that the "soft" promo was broadcast during a programme which appealed to a more mature audience. It was not, TV3 added, instructional material on how to make love and it would not cause an increase in teenage pregnancies. The complaint was not upheld.



**Mr Edwards' Complaint to the Broadcasting Standards Authority**

Dissatisfied with TV3's response which he described as a "smoke screen", in a letter dated 28 February 1993 Mr Edwards referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

He stated that he had not complained about the exposure of genitals, the length of the scenes depicted or that the promo might be misleading about the actual contents of the film. He agreed with TV3 that the promo was screened during a programme (*Carson's Law*) which might appeal to a more mature audience but that it was a time when young children might well be watching.

Describing himself as a broad-minded ex-serviceman, he said that the two scenes depicted were "ill-timed and very insensitive", noting:

The two preview scenes were obviously intended to indicate that the film was "Sexy", and showed the two scenes to which I took exception on the grounds that both were the beginning of love-making - the lips are one of the body's erogenous areas, and to me, to see prolonged kissing on T.V. is unnecessary and objectionable. The words "gentle" and "soft" are no excuse.

**TV3's Response to the Broadcasting Standards Authority**

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 12 March 1993 and TV3's reply, 19 March.

TV3 acknowledged that "private parts" were not mentioned in the original complaint but, as no language was included in the segments complained about, it had assumed that the behaviour depicted had been the cause of concern. The duration of the promo was relevant as it helped to measure the minimal impact of the scenes depicted.

Questioning the extent that lips were erogenous zones, TV3 concluded:

In our initial formal response to the complainant, we stated TV3 did not use any of the adults only scenes from the movie in this promotion. We did not say the segments complained of did not appear in the movie - the complainant, rightly or wrongly, made that claim.

**Mr Edwards' Final Comment to the Authority**

When asked to comment briefly on TV3's response, in a letter dated 25 March 1993 Mr Edwards argued that the length of time for which items were shown was irrelevant as research proved that brief items became implanted in the brain.

Ignoring what he described as TV3's waffle and legally ambiguous jargon, Mr Edwards repeated his complaint that the item was shown at a time reserved for programmes for children and young people.

