

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 63/93

Dated the 20th day of May 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

LYN-LOUISE MILNES

of Auckland

Broadcaster

TELEVISION NEW ZEALAND
LIMITED

I.W. Gallaway Chairperson

J.R. Morris

R.A. Barraclough

DECISION

Introduction

"Nothing to Fear", a number featuring singer/songwriter Chris Rea, was broadcast on TV1 at about 3.00pm on 24 December 1992. It was broadcast as a "musical filler" which is a short music video used by presentation directors to fill the time through to the scheduled start of the next programme should a programming gap occur.

Mrs Milnes complained to Television New Zealand Ltd that the song was blatant pro-Arab propaganda. Moreover, it encouraged the denigration of Jews, it was unfair and inaccurate, it encouraged terrorism, it contained subliminal political arguments hidden by music, and was not balanced by pro-Jewish items.

Maintaining that the theme of the item was peace and that the message was the same as in numerous songs by famous folksingers, TVNZ declined to uphold the complaint. Dissatisfied with TVNZ's decision, Mrs Milnes referred her complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Decision

The members of the Authority have watched 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.

A musical interlude or "filler" lasting some 9 minutes, "Nothing to Fear" sung by Englishman Chris Rea, was broadcast at about 3.00pm on the afternoon of 24 December 1993. Describing the item as "blatant pro-Arab propaganda" which contrasted the romantic shots of desert dwellers with a grim, grey suited and hostile businessman, Mrs Milnes maintained that the item, by depicting them as oppressors, denigrated Jews. Furthermore, it not only encouraged Arab terrorist activities but also:

... by extension the (usually Catholic) pro-Nazi activities in other countries like New Zealand which find excuses for violence in the media propaganda put out by Catholic journalists (usually) against Israel.

In addition, Mrs Milnes alleged that the good taste and decency standard had been breached by the item "presenting political arguments dressed up as music" and, finally, TVNZ's programming lacked balance as pro-Catholic programmes, in contrast with pro-Jewish ones, were far more numerous and were broadcast in prime time.

TVNZ assessed the complaint under standards G1, G2, G5, G6 and G13. They require broadcasters:

- G1 To be truthful and accurate on points of fact.
- G2 To take into consideration accepted norms of decency and taste in language and behaviour, bearing in mind the context in which any language or behaviour occurs.
- G5 To respect the principles of law which sustain our society.
- G6 To show balance, impartiality and fairness in dealing with political matters, current affairs and all questions of a controversial nature.
- G13 To avoid portraying people in a way which is likely to encourage denigration of or discrimination against any section of the community on account of sex, race, age, disability, occupation status, sexual orientation or the holding of any religious, cultural or political belief shall be avoided. This requirement is not intended to prevent the broadcast of material which is:
 - (i) factual, or
 - (ii) the expression of genuinely-held opinion in a news or current affairs programme, or



(iii) in the legitimate context of a humorous, satirical or dramatic work.

Describing the theme as popular among musicians, TVNZ said the item was a call for peace and understanding. It had been set in the Middle East, TVNZ continued, as one of the world's trouble spots and because the desert landscape enabled the western and Arab cultures to be starkly contrasted visually. TVNZ said the song's message was similar to that found in countless songs. Because TVNZ did not share Mrs Milnes' interpretation of the song, it maintained that standards G1, G2, G5 and G13 had not been breached. TVNZ did not accept that its programming was not balanced in contravention of G6, adding that it was not a standards matter in any case.

The Authority agreed with Mrs Milnes that the item portrayed the meeting of two cultures - one of which could be described as a developed western culture while the other was a less developed eastern one. However, it was unable to share her interpretation that the item depicted a sneering and cold Jew exploiting or oppressing the simple Arabs depicted. In contrast to Mrs Milnes, the Authority members emphasised differing details - for example, the peace message contained in the song, some unpleasant aspects contained in the visual portrayals of the Arabs and the friendliness of all the parties in the cafe. The Authority acknowledged that each member had a different interpretation of aspects of the item and that Mrs Milnes' understanding, while not shared by any of the members, was a view which could be shared by some other viewers. In view of the many varying interpretations the Authority decided that the item did not feature the Arab-Israeli conflict, nor did it contravene standards G1, G2, G5 or G13.

TVNZ objected strenuously to the aspect of the complaint that its programming included any anti-semitic attitude. As the programming complaint made under standard G6 did not raise a standards matter, the Authority declined to determine it.

For the reasons set forth about, the Authority declines to uphold the complaint that the broadcast of the musical interlude "Nothing to Fear" on 24 December 1994 breached standards G1, G2, G5 and G13 of the Television Code of Broadcasting Practice. The Authority declines to determine the aspect of the complaint which alleged a breach of standard G6 of the same Code.

Signed for and on behalf of the Authority


Iain Gallaway
Chairperson



20 May 1993

Appendix

Mrs Milnes' Complaint to Television New Zealand Limited

In a fax sent on the 24 December 1993, Mrs Lyn-Louise Milnes of Auckland complained to Television New Zealand Ltd about a musical interlude broadcast on TV1 at about 3.00pm that day.

Noting that she was non-Jewish, Mrs Milnes described the song as "blatant pro-Arab propaganda" in depicting the Arabs, erroneously, as innocent, simple and peaceful and contrasting them with a hostile, nasty looking, grim and grey-suited businessman. She also argued that the item was juxtaposed with an earlier BBC programme which had treated Jews sympathetically in order to cancel out the earlier programme's impact.

She listed five specific grounds for her complaint:

- 1) The people portrayed, other than the Arabs, were obviously Jewish and the item encouraged their denigration.
- 2) By portraying the Jews as oppressors and the Arabs as simpletons, the item was neither fair nor accurate and was not balanced by the presentation of opposing views.
- 3) By encouraging terrorism, the item supported illegal activities.
- 4) By subliminally suggesting fault on one side only and by "dressing up" political argument with music, the item breached the good taste and decency standard.
- 5) The broadcast of the item after a pro-Jewish programme showed a lack of balance.

TVNZ's Response to the Formal Complaint

TVNZ advised Mrs Milnes of its Complaints Committee's decision in a letter dated 10 February when it reported that the complaint had been assessed against standards G1, G2, G5, G6 and G13.

Explaining that the interlude involved the song "Nothing to Fear", sung by Chris Rea, TVNZ said that its theme was a call for peace and understanding and it had been set in the Middle East as one of the World's flashpoints. However, it could have been set in a number of places and the message was similar to that carried in numerous songs from such singers as Joan Baez and Peter, Paul and Mary. On that basis, TVNZ denied that the item depicted Jews as oppressors. Indeed, no one was definitely Jewish and as the Arabs were not portrayed as simpletons, the requirement



for factual accuracy in standard G1 was not breached.

The good taste and decency requirement of standard G2 had not been breached as the item involved the broadcast of a "straightforward peace song". As it did not encourage terrorism, standard G5 had not been contravened.

Pointing out that a programming matter, not a standards issue, had been raised under the balance criterion, TVNZ declined to uphold the complaint under standard G6. As the song for peace denigrated neither Jews nor Arabs, standard G13 was not breached. Concluding, first that the previous programme was a British comedy which did not include a racial message, and secondly, that the musical interlude was broadcast simply because it was the right duration, TVNZ said that no standards were breached and the complaint was not upheld.

Mrs Milnes' Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's decision, in a letter dated 3 March, Mrs Milnes referred her complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989. She began:

I write as a non-Jewish viewer who was appalled by the bigotry promoted by the ... interlude.

She described the contents of the item and said that it left the impression that Arabs, depicted as a simple, tribal and sweet natured people, had been living peacefully for many years until their lifestyle was threatened by cold hard-faced business types. The lyrics, "There's nothing to fear", at first were trite but were later mocking and menacing. She elaborated on the points contained in the complaint to TVNZ, adding that its response had been superficial and smug.

In a letter accompanying the Authority's Complaint Referral Form dated 4 April, Mrs Milnes described the complaints process as difficult, demanding and time-consuming. She provided detailed comment about the item and summarised her remarks as follows:

- * If it was a "straightforward peace song", why did the Jewish character appear mean and nasty, while the Arabs appeared soft, smiling, gentle and sweet natured?
- * Why was the truth bent to make it appear that Arabs are simple peasant people living in the desert, while a typical Jew generally drives round in a Mercedes dressed in a business suit and watches over things with a grim, sneering expression on his face?

Why were the camera techniques different, eg soft golden filter for one and not the other?



TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 5 April 1993 and TVNZ's response, 13 April.

TVNZ began by explaining that the item "Nothing to Fear", featuring English singer-songwriter Chris Rea, was a "musical filler" which was a short music video used by a presentation director to fill time should a daily schedule contain a "hole". One was usually chosen because it was the right duration to fill the gap in the schedule and, TVNZ continued:

It would seem from the complainant's correspondence that she detects a more deep and sinister reason for the placement of this particular filler - but the fact is that in almost every case a musical filler is shown because it is of the right duration. The presentation director on duty on 24 December confirms that was the case on this occasion.

Providing the full lyrics, TVNZ argued that the song did not contain sinister anti-semitic messages. It outlined Chris Rea's background and his singing career and said the sales of his albums were considerable. Returning to the specific complaint, TVNZ observed:

The Company finds it virtually impossible to respond on a point by point basis to the comments made by Mrs Milnes because she makes some basic assumptions about the song and its presentations with which we do not agree.

In particular, TVNZ commented, it did not accept Mrs Milnes' assumption that the song contained an anti-semitic message, adding:

Because we do not believe there is any trace of anti-semitism in the song we find irrelevant comments by Mrs Milnes which says "the Israeli setting denigrated Jews and encouraged anti-Jewish discrimination and prejudice", "it was unfair to Jews", "It was inaccurate in depicting the supposedly typical Jew or the supposedly typical Arab", "It encouraged an attitude, antisemitism" and "it encouraged terrorism if seen by an Israeli Arab who happened to be in New Zealand".

TVNZ proceeded to call "absurd", Mrs Milnes comment about "subliminal hate messages". It took "particular exception" to her comment that the filler was an aspect of deliberate anti-Jewish programming on TVNZ's part, noting:

With respect to Mrs Milnes such a statement seriously impugns the integrity of this company and its programming staff and without evidence or justification ascribes to them most unworthy motives. We emphatically deny the implication contained in this paragraph.

In conclusion, TVNZ said it detected no difference in the lighting or coloration of the



different scenes depicted or that the scenes of the Arabs involved an "air of romance".

TVNZ supplied the following transcription of the song's lyrics:

I feel your heat in dusty whispers
The wind is cold around your moon
Its getting hard to keep our distance
I know your time is coming soon

Don't point your dream on my horizon
Don't take your rose too far from home
Please don't forget we're not each other
Each soul has black thongs of his own

I see you dancin'
Your song is clear
You've got to show me
There's nothing to fear

Nothing to fear ...
Nothing to fear.

I have my loved ones, you have yours
So let us gaze upon the feast
In God's own name let's eat together
In God's own name please come in peace
See how our children play together
While you and me - we stand alone.

I know we'll never be each other
If I leave you, leave me alone

I see you dancin' etc (reprise)

Mrs Milnes Final Comment to the Authority

When asked for a reply to TVNZ's response, in a letter dated 19 April 1993 Mrs Milnes made four points:

- 1) TVNZ repeated its assertions that the interlude was a peace song and referred to the item's words while her complaint focused on the objectionable images depicted.
- 2) In reply to TVNZ's claim that duration was the main reason for the selection of any particular filler, Mrs Milnes reported she had spoken to a supplier of videos who said that the duration of videos were similar and, consequently, contrary to TVNZ's assertion, it showed that some selection based not just on



duration had taken place.

- 3) In response to TVNZ's claim that the suited man represented Christendom, Mrs Milnes referred to the events taking place and maintained:

One must conclude that the political issue depicted in the VISUALS of the video (not just the words) is that of Israel, and that TVNZ's late attempt to suggest otherwise merely highlights the weak and shifting ground of their argument.

- 4) Finally, Mrs Milnes maintained that the lighting was different in the Arab sequences to those which portrayed the man in the suit.

