

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 81/93
Dated the 1st day of July 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

LAURIE COLLIER
of Upper Hutt

Broadcaster
TELEVISION NEW ZEALAND
LIMITED

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

DECISION

Introduction

Actor Neil Gudsell in his role as a female impersonator with the stage name of Mika appeared on TV1's *Celebrity Wheel of Fortune* broadcast at 7.30pm on Sunday 11 April.

Mr Collier complained to Television New Zealand Ltd that the broadcast of the programme in family viewing time, as it contained a distasteful song and suggestive bodily movements, breached the broadcasting standards requiring good taste and decency.

Pointing to the popularity of female impersonators as entertainers, particularly in pantomimes for children, TVNZ said the behaviour portrayed had not breached the standards and declined to uphold the complaint. Dissatisfied with that decision, Mr Collier 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 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.

Mr Collier complained to TVNZ about the appearance of actor Neil Gudsell on *Celebrity Wheel of Fortune* in his role as a female impersonator with the stage name of Mika. Emphasising the nature of the show as one designed for families, Mr Collier said that Mika's comments, suggestive body movements and distasteful song breached the broadcasting standards requiring good taste and decency. In subsequent correspondence, he explained that he was not objecting to the appearance of female impersonators generally on television but to the contents of Mika's performance on the programme on 11 April 1993.

TVNZ assessed the complaint under standards G2 and G12 of the Television Code of Broadcasting Practice which require broadcasters:

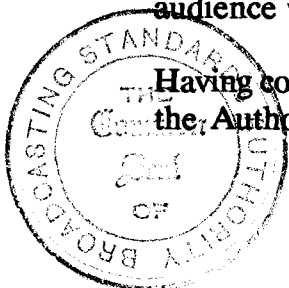
- G2 To take into consideration currently accepted norms of decency and taste in language and behaviour bearing in mind the context in which any language or behaviour occurs.
- G12 To be mindful of the effect any programme may have on children during their normally accepted viewing times.

Pointing to the tradition of female impersonators as entertainers (Danny La Rue, Barry Humphries and pantomime dames), TVNZ expressed the belief that Mika's appearance was neither offensive nor unsuitable for children. It later said that the performances by Neil Gudsell and Danny La Rue were similar and that Mr Collier's reference to the Easter Day (the day of the broadcast complained about) was irrelevant.

The Authority began its examination of the complaint by noting that Mr Collier was not complaining about the appearance of female impersonators generally but that Mika's performance on *Celebrity Wheel of Fortune* breached the standards of good taste and decency and the requirement for broadcasters to be mindful of the effect a programme may have on children. The Authority acknowledged Mr Collier's concern that the broadcast had taken place on Sunday 11 April - Easter Sunday.

Before examining the specific points raised by Mr Collier, the Authority observes that broadcasters must exercise some degree of caution when broadcasting an item in which a female impersonator has a significant role. Approaching Mika's performance from that perspective, the Authority studied the comments and the body gestures during the show and song and dance routine at the end of the show. It quickly concluded that the comments and gestures during the show did not breach either standard. In deciding whether the concluding song and dance routine breached the standards, the Authority decided that although some of the lyrics and movements were suggestive, it was unlikely that young children would have understood the double entendres. In confirmation of that conclusion, the Authority took into account the enthusiastic reaction from the audience which included a number of children.

Having considered the specific lyrics and movements of the song and dance performance, the Authority decided that it did not contain material which was offensive to such a



degree that it amounted to a breach of standard G2 of the Code. Furthermore, it decided that the content was such that it was not unacceptable for broadcast at a time when children would be part of the viewing audience.

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

Signed for and on behalf of the Authority



Iain Gallaway
Chairperson



1 July 1993

AppendixMr Collier's Complaint to Television New Zealand Limited

In a letter dated 11 April 1993, Mr Laurie Collier of Upper Hutt complained to Television New Zealand Ltd about the performance of a contestant called Mika during the broadcast of TV1's "Celebrity Wheel of Fortune".

Describing the programme as a "family show", Mr Collier said Mika's performance was distasteful particularly in view of the age of some of the studio audience and younger viewers. He referred to Mika's answers to the questions, his "gyrations" and the song he had sung which, Mr Collier said, breached the standards requiring good taste and decency. He wrote:

Such performances surely should be restricted to adult clubs - certainly not on a TV family type show.

He concluded by noting that the offensive nature of the item was increased by being broadcast on Easter Sunday.

TVNZ's Response to the Formal Complaint

TVNZ advised Mr Collier of its Complaints Committee's decision in a letter dated 10 May 1993. It reported that the complaint had been assessed under standards G2 and G12 which requires broadcasters to maintain standards of good taste and decency in context and to be mindful of the effect of programmes on children.

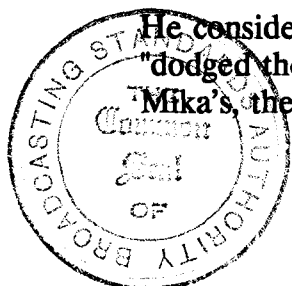
It reported that Neil Gudsell in his "well-known role" as Mika had appeared on TV1's *Celebrity Wheel of Fortune* broadcast at 7.30pm on Sunday 11 April. Pointing to the popularity of female impersonators as entertainers, eg Danny La Rue and Barry Humphries, and noting their role in children's pantomime, TVNZ expressed the belief that Mika's appearance was neither offensive nor unsuitable for younger viewers.

Recording the company's regret should he have been offended, TVNZ declined to uphold Mr Collier's complaint.

Mr Collier's Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's decision, in a letter dated 18 May 1993 Mr Collier referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

He considered that TVNZ, by referring to two well-known female impersonators, had "dodged the issue". He described their performances as being different in that, unlike Mika's, they were inoffensive.



TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 28 May 1993 and TVNZ's reply, 2 June.

TVNZ maintained that the analogy to the two named impersonators was apt, particularly the reference to Danny La Rue whose performances were not unlike those of Neil Gudsell's Mika.

With regard to the effect on younger viewers, TVNZ repeated the point that female impersonators in the form of the "dame" were common in pantomime and that any sexual innuendo in Mika's performance would have gone over the heads of the prepubescent.

TVNZ maintained that Neil Gudsell's appearance on the *Celebrity Wheel of Fortune* was appropriate for him as an actor and added that Mr Collier's reference to Easter was irrelevant.

Mr Collier's Final Comment to the Authority

When asked to comment briefly on TVNZ's response, in a letter dated 6 June 1993 Mr Collier maintained that a "family show" should be free of any sexual innuendo or suggestive gyrations. Moreover, he disputed TVNZ's contention that those aspects of the show would not be understood by the pre-pubescent. He concluded by observing that Danny La Rue and Dame Edna did not appear on "family" entertainment shows and repeated his concern that the performance to which he objected was broadcast on

Easter Sunday.

