

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 88/93  
Dated the 3rd day of August 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

PAUL MATTHEWS  
of Otaki Beach

Broadcaster  
TELEVISION NEW ZEALAND  
LIMITED

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

DECISION

Introduction

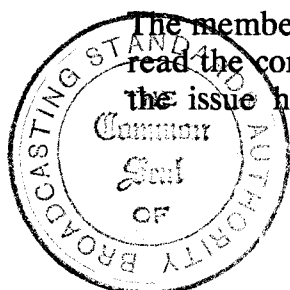
A discussion about cannabis use and cannabis dealing in schools was broadcast during a *Crimewatch* programme on TV1 on 23 March 1993 between 8.30 - 9.40pm.

Mr Matthews complained to Television New Zealand Ltd that the item misrepresented the cannabis issue, contained inaccuracies, distortions and deceptions and was unbalanced.

Explaining that the focus of the programme was not on casual cannabis users but on those who sold cannabis in schools, TVNZ argued that the item was an accurate portrayal of the dangers to young people of cannabis abuse and declined to uphold the complaint that the item was unbalanced. Dissatisfied with that decision, Mr Matthews referred his complaint to the Broadcasting Standards Authority under s.8(1)(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). Because of the extensive way the issue has been dealt with by the parties in the correspondence, the Authority



declined the request from Mr Matthews for a formal hearing.

Mr Matthews complained to TVNZ about its coverage of the cannabis issue in an item on *Crimewatch* broadcast on TV1 on 23 March 1993. He claimed that the item contained inaccuracies, distortions and deceptions about cannabis which would have contributed to ignorance about the facts and encouraged abuse of cannabis.

He argued that there was no research which showed that moderate cannabis use caused short term memory loss, unless used in conjunction with excessive alcohol and poly-drug abuse. In contrast, he pointed out the known health dangers of alcohol abuse. Mr Matthews maintained that the suggestion that young people stole to pay for cannabis was a gross distortion of reality, as was the inference that it was possible to become addicted to cannabis. He also claimed that the line espoused by the Police and the Life Education Trust was one that had "no grounding in reality", accusing the Life Education Trust of being funded by the tobacco and alcohol lobbies.

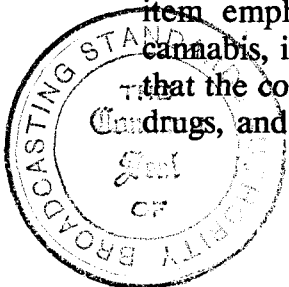
TVNZ reported that it had assessed the complaint under standard G6 of the Television Code of Broadcasting Practice which requires broadcasters:

- G6 To show balance, impartiality and fairness in dealing with political matters, current affairs and all questions of a controversial nature.

Accepting Mr Matthews' opinion that *Crimewatch* had given an anti-cannabis message to viewers, TVNZ explained that the subject of the item was not the casual cannabis user, but the serious social problem of cannabis dealing in schools. It observed that the item took no moral stance about cannabis use (and cannabis dealing), but did take account of the dangers of cannabis use by teenagers, noting that cannabis, because it is fat soluble and interferes with the body's ability to use oxygen effectively, may have an adverse effect on the rapidly maturing body of a teenager.

TVNZ rejected Mr Matthews' criticism that the information conveyed was either inaccurate or unbalanced, pointing to the fact that the material for the item was sourced not only from the Police and Life Education Trust, but also from the National Society for Alcohol and Drug Dependency and the Health Department. It noted that all of these groups approved the script before the item was broadcast, and further, that it was satisfied with assurances from the Health Department and those working with recovering addicts that the information conveyed was accurate and truthful.

In its assessment of the complaint, the Authority noted that the item was not designed to discuss the comparative merits or otherwise of various drugs, both legal and illegal. It also took into account the *Crimewatch* style and accepted that in that context, it was legitimate for the police view to be emphasised. It noted that viewers would not be surprised should the police have taken the view that drug use was a cost to the community and that it was a significant social problem. It noted in addition that the item emphasised possible practical problems rather than moral imperatives about cannabis, its use and how it was acquired by young people. It observed, for example, that the commentary referred to the fact that "some" cannabis users "may" turn to other drugs, and that cannabis abuse "can" start in schools. The Authority believed it was



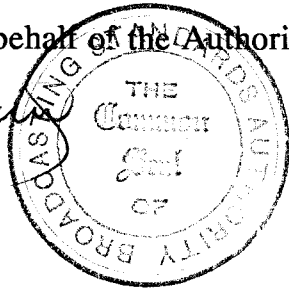
legitimate to focus on cannabis use, since it is an illegal substance and is often acquired by young people through dealers. Finally, it observed that the *Crimewatch* perspective - that the selling of illegal drugs such as cannabis in schools must be stopped - was clearly the Police view. However, in the context of a programme on crime, the Police view on the distribution of an illegal substance did not have to be balanced by the view of those advocating a change to the law.

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

Signed for and on behalf of the Authority



**Iain Gallaway**  
**Chairperson**



3 August 1993

AppendixMr Matthews' Complaint to Television New Zealand Limited

In a letter dated 24 March 1993, Mr Paul Matthews of Otaki Beach complained to Television New Zealand Ltd that an item in *Crimewatch* broadcast on TV1 on 23 March 1993 between 8.30 - 9.40pm contained inaccuracies and distortions and was lacking in balance.

Arguing that the item contained a totally irresponsible portrayal of the cannabis issue, Mr Matthews claimed that instead of educating young people, it would only contribute to their ignorance of the real facts about cannabis and encourage its abuse. He maintained that there was no definitive research which showed that moderate cannabis use caused short term memory loss, unless used in conjunction with excessive alcohol or poly-drug abuse. He noted that there was definitive research which showed that memory loss and other health dangers resulted from alcohol abuse.

He described the portrayal of children stealing to get cannabis as a gross distortion of reality, as was the inference that one could become "addicted" to cannabis. In his view the item should have been preceded by a statement acknowledging that it espoused the view of the NZ Police, and of the Life Education Trust, a body funded by the alcohol and tobacco lobbies.

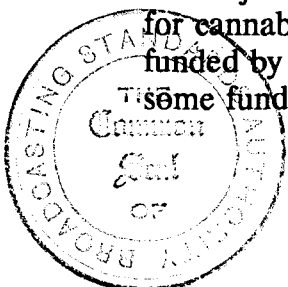
TVNZ's Response to the Formal Complaint

TVNZ advised Mr Matthews of its Complaints Committee's decision in a letter dated 10 May 1993. It reported that it had assessed the complaint under standard G6 of the Television Code of Broadcasting Practice which requires broadcasters to show balance, impartiality and fairness in dealing with questions of a controversial nature.

Describing the item as a dramatic representation of a possible scenario of cannabis dealing in New Zealand schools, TVNZ explained that it was the view of the police that this was a serious community problem. It pointed out that both the Police and the Life Education Trust approved the script prior to filming and that:

It [the Complaints Committee] was satisfied with assurances from the Health Department and those working with recovering addicts that the scenario was credible and the information conveyed was accurate and credible.

It disputed Mr Matthews' claim that it was a distortion of the truth to portray young people stealing to get cannabis, responding that according to the Life Education Trust the majority of children it dealt with admitted that they had resorted to crime to pay for cannabis. It also rejected Mr Matthews' claim that the Life Education Trust was funded by the alcohol and tobacco lobbies, pointing out that although it did receive some funds from Brierley Investments which in turn had interests in both a tobacco



and a liquor company, its interest in these was so small that it did not affect nor direct the policy of the companies in any way.

TVNZ concluded by expressing its belief that Mr Matthews' concerns were unfounded and that the programme effectively drew attention to an issue of compelling public interest. It did not believe the programme was inaccurate or unbalanced in any way and declined to uphold his complaint.

### Mr Matthews' Referral to the Authority

Dissatisfied with TVNZ's decision, in a letter dated 1 June 1993 (hand delivered on 11 June), Mr Matthews referred his decision to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

Repeating his arguments that opinion was presented as fact, Mr Matthews contended that the effects of toxicity of cannabis were irrelevant to a discussion about cannabis use in schools. He objected to the fact that the Police were able to use the forum of *Crimewatch* to push the anti-cannabis line espoused by the Life Education Trust (a group which he maintained was funded by the alcohol and tobacco lobbies).

He took issue with TVNZ's description of cannabis users as "addicts", explaining that physical withdrawal symptoms were not one of the contra-indications of cannabis use. He maintained that the piece was unbalanced and gave a distorted impression of both cannabis use in schools and the debate about cannabis generally.

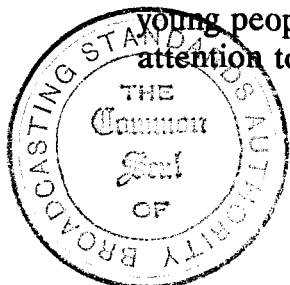
He appended three articles about drugs and problems of drug use.

### TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 11 June, and TVNZ's reply, 16 June 1993.

Noting that it had little to add to its earlier comments, TVNZ repeated that it stood by the medical evidence provided in the programme and that it was satisfied that it was drawn from reputable and reliable sources - the Life Education Trust, the National Society for Alcohol and Drug Dependency, the Health Department and the Police. It reiterated that the impact of cannabis on young people was greater than on adults because it interfered with the body's ability to use oxygen efficiently.

TVNZ also commented that it believed that much of the material in Mr Matthews' letter went beyond the subject of the item, which was the problem of cannabis usage in schools. It noted Mr Matthews' scepticism about the work of the Life Education Trust and explained that the focus of the item was those who supplied cannabis to young people. In conclusion, TVNZ stated its belief that the item properly drew attention to a pressing problem in New Zealand schools.



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

In a letter dated 28 June 1993, Mr Matthews questioned TVNZ's insistence on the medical evidence about cannabis use, reiterating that the programme was not the time nor place to explore that theme.

He explained that he was not alone in his scepticism about the Life Education Trust and that many people believed that the Trust was doing much damage. In his view, the Trust would pass itself off as an expert in the field of drug education, when in fact it was exploiting the fear and ignorance of people but did not offer solutions. He wrote:

The cry of abstinence (their cry) is fatuous, simplistic and unrealistic. We have enormous social problems in this country and if we attack the symptoms rather than the causes we will achieve nothing except the enduring resentment and anger of the younger, dispossessed generation, unlucky enough to be singled out for punishment. We ignore, at our own peril, the cry from the young, unemployed of Aotearoa.

