

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 94/93
Dated the 9th day of August 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

AYLEATH CLYNE
of Christchurch

Broadcaster
TV3 NETWORK SERVICES
LIMITED

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

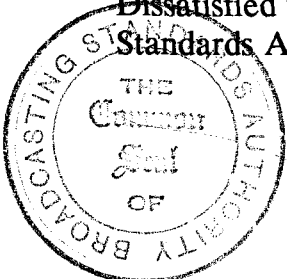
DECISION

Introduction

The effect of "adult" magazines on some university students in the United States was discussed in a 20/20 item called "Dream Girls" broadcast by TV3 between 7.30 - 8.30 pm on Sunday 7 February 1993.

Referring to the depiction of a cover of "Hustler" magazine which portrayed a woman being minced in a mincing machine which was broadcast both in the item and its promo, Ms Clyne complained to TV3 Network Services Ltd that those broadcasts breached the broadcasting standards requiring good taste and decency and the prohibition on material which could encourage the denigration of women.

Explaining that the total item focussed on the harmful effects of "adult" magazines as perceived by some young people, TV3 said the shot of the notorious "Hustler" magazine cover was not out of place in that context. It declined to uphold the complaint. Dissatisfied with TV3's decision, Ms Clyne referred her 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 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 woman being ground by a mincing machine was depicted some years ago on the cover of "Hustler", a magazine for adults published in the United States. Because of the vivid way in which a demeaning image of women was portrayed, it is a cover which has gained some notoriety.

An item entitled "Dream Girls" was included in the 20/20 programme broadcast by TV3 on Sunday 7 February. It told of the impact of "adult" magazines on some university students (principally young men) in the United States and how they felt that the magazines had stunted their development as mature sexual adults. The contents of a number of "adult" magazines were shown briefly during the item to illustrate the type of material which the student now regarded as unhealthy pornography. The infamous cover of "Hustler", mentioned above, was included among the illustrative material.

The promo for the programme 20/20 broadcast on Friday 5 February included brief extracts from comments from some of the students outlining the impact of the magazines and, as an example of the illustrative material in the programme, the promo showed the cover of "Hustler" portraying the mincing of a woman.

Ms Clyne of Christchurch expressed her concern to TV3 that the use of that particular image was highly objectionable and that it contributed to a negative attitude towards women. Furthermore, she complained that it breached the broadcasting standard requiring good taste and decency and the standard which encourages their denigration.

TV3 assessed the complaint against standards G2 and G13 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.
- 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. 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.

Emphasising that the item focussed on what a group of young men perceived to be the harmful effects of pornography and that the "Hustler" cover was central to the story being told, TV3 wrote:

Its infamy places it squarely in the realm of responsible use but only within the context of such a story.

With reference to its use on the promo, TV3 said that had its intention been to be sensational, then images of unclothed women shown during the item could have been used. TV3 recorded:

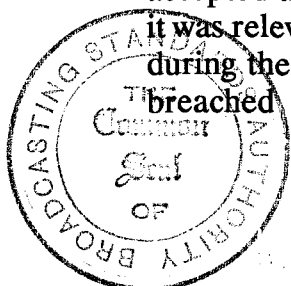
20/20 is a current affairs programme which often examines controversial issues or consists of controversial content - that is the essence of this programme genre. Whilst declining to uphold your complaint the [Complaints] Committee agrees with your perception that the Hustler image in isolation and taken out of context is derogatory of womankind and indiscriminate broadcast of this image would not be condoned by TV3.

In assessing the complaint, the Authority agreed with many of the arguments advanced both by Ms Clyne and TV3. It agreed that the "Hustler" cover was extremely unpleasant and was indeed a shocking image. It concurred with TV3 that the item which was broadcast involved a serious discussion about the impact of such images in some magazines on adolescents and that it had attempted to foster a positive attitude towards women and sexuality. The good taste requirement in standard G2 directs the Authority to take into account the context in which the objectionable item is broadcast. In view of the fact that the item reported on a serious criticism of pornography, the Authority concluded that the portrayal of the "Hustler" cover during the broadcast of the item "Dream Girls" on 20/20 did not breach standard G2.

Moreover, as the item seriously discussed the impact of the magazines on a group of students, the Authority decided that it did not encourage the denigration of or discrimination against women contrary to standard G13.

The Authority then considered whether the broadcast of the promo, as opposed to the item in full, breached the standards. As the comments from some of the young men included in the promo were barely comprehensible and the "Hustler" cover was shown only briefly, the Authority found it difficult to ascertain exactly what the promo was promoting. Accordingly, it decided that it did not encourage denigration or discrimination contrary to standard G13.

When assessing whether the promo breached the good taste requirement of standard G2, a majority of the Authority returned to TV3's comment noted above. A majority accepted that its broadcast during the promo was in fact isolated from the story in which it was relevant and, although brief, they decided that the broadcast of the shocking image during the promo was insufficiently related to the context of the item and, accordingly, breached the standard. A minority decided, because the picture's appearance was



fleeting, that it did not breach the standard.

For the reasons set forth above, a majority of the Authority upholds the complaint that the broadcast by TV3 Network Services Ltd of a promo for 20/20 between 1.00 - 2.00pm on Friday 5 February 1993 breached standard G2 of the Television Code of Broadcasting Practice.

The Authority declines to uphold any other aspect of the complaint.

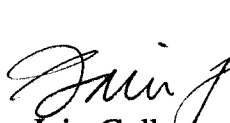
Having upheld a complaint, the Authority may make an order under s.13(1) of the Broadcasting Act 1989. On the basis that the decision was a majority one and as the broadcast was not, in the Authority's opinion, a serious breach, it does not intend to impose an order on this occasion.

Pursuant to s.8(1)(b) of the Broadcasting Act 1989, complainants may refer complaints to the Authority if they have not been advised of the broadcaster's decision within 60 working days. Because of the reference to "working" days, a broadcaster is given in effect three months in which to respond to a complaint.

Ms Clyne's letter of complaint to TV3 was dated 14 February. TV3's response was dated 20 May which is outside the 60 working day limit.

The Head of Programme Services at TV3 wrote to Ms Clyne to express his apologies at the delay. The Authority acknowledges the apology but in view of the often heard criticism that the complaints process as set out in the Broadcasting Act is unduly lengthy, it wishes, first, to record its dissatisfaction at the length of time taken to respond on this occasion, and secondly, to remind broadcasters of the need to respond promptly to formal complaints.

Signed for and on behalf of the Authority


Iain Gallaway
Chairperson



9 August 1993

Appendix

Ms Clyne's Complaint to TV3 Network Services Limited

In a letter dated 14 February 1993, Ms Ayleath Clyne of Christchurch complained to TV3 Network Services Ltd about an item "Dream Girls" broadcast on 20/20 between 7.30 - 8.30pm on Sunday 7 February. She also complained about the broadcast of a promo for the programme screened between 1.00 - 2.00pm on Friday 5 February.

Ms Clyne stated that the broadcasts breached the broadcasting standards requiring good taste and decency and the avoidance of material which encouraged the denigration of or discrimination against women.

Referring specifically to the shot of the cover of "Hustler" magazine which showed a woman being minced in a mincing machine, Ms Clyne stated that such images were in extremely poor taste and that they lead to a poor social attitude towards women and thus encouraged violence. The shot of the cover, she added, was used in the promo as a "sensational inducement" and, moreover, its broadcast was unnecessary in the item itself.

TV3's Response to the Formal Complaint

In a letter dated 20 May 1993, TV3 apologised to Ms Clyne for the delay in its response and reported its Complaints Committee's findings.

Explaining that the item focussed on the "harmful effects of pornography" as perceived by a group by a group of young Americans, TV3 said that the item disclosed that the young men believed their reading of "adult" magazines had resulted in them developing a derogatory view of women. TV3 acknowledged that the magazine cover shown was infamous because it was an extremely derogatory image of a woman but added that it was central to the subject matter being discussed. It stated:

Its infamy places it squarely in the realm of responsible use but only within the context of such a story.

Had it wished to sensationalise the item in a promo, TV3 said it could have used a number of other images of unclothed women. It reported:

20/20 is a current affairs programme which often examines controversial issues or consists of controversial content - that is the essence of this programme genre. Whilst declining to uphold your complaint the Committee agrees with your perception that the Hustler image would not be condoned by TV3.



Ms Clyne's Complaint to the Broadcasting Standards Authority

Dissatisfied with TV3's reply, in a letter dated 24 May 1993 Ms Clyne referred her complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

First, she noted that the broadcaster's response was well out of time and she relied on this point as an alternative and further ground of complaint.

She maintained that the broadcast of the cover of "Hustler" magazine on two occasions breached the two standards cited. Referring to its use during the promo, she pointed to TV3's admission that its use out of context would be unacceptable. The use of the image during the promo, she continued, was just such an unacceptable occasion. Should TV3 have used some other material for the purposes of creating a sensational promo was irrelevant, she added, as the promo it had used breached the standards.

As for the programme itself, she accepted that it had an essentially positive message. However, it had been irresponsible to use what was acknowledged to be one of the most derogatory images of women yet published. Moreover, the image was screened for longer than the other examples and, unlike the others, was included in the promo.

Ms Clyne concluded:

In my submission the use of the image in the programme was a pre-arranged 'selling point' and not central to the programme at all. Both the use of this image and the way it was used crossed the line into the very sort of material about which the programme seeks to warn.

TV3's Response to the Authority

As is its practice, the Authority sought the broadcaster's comments. Its letter is dated 28 May and in its reply dated 14 June, TV3 acknowledged that its response to Ms Clyne was out of time - for which it had apologised to her - and it had no further comment to make.

