

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 96/93

Decision No: 97/93

Dated the 19th day of August 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of complaints by

KERRY SHARP

of Palmerston North

and

STUART LEONARD-TAYLOR

of Waikanae

Broadcaster

TELEVISION NEW ZEALAND

LIMITED

I.W. Gallaway Chairperson

J.R. Morris

R.A. Barraclough

L.M. Dawson

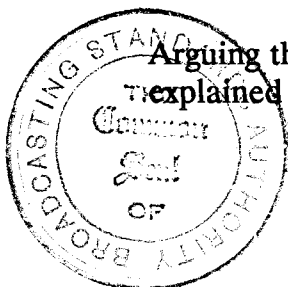
DECISION

Introduction

The fashionability of dressing like a "slut", production of amateur porn videos, parties for "swinging" couples where sexual partners were swapped, a display of items for sale in a sex shop, pictures of male and female genitals infected with the herpes virus, a demonstration of how pap smears are performed and finding the G-spot were some of the subjects discussed in Episodes 4 and 5 of the second series of *Sex* screened by Television New Zealand on Channel Two on April 20 and 27 1993 between 9.30 - 10.30pm.

Mr Sharp and Mr Leonard-Taylor complained to Television New Zealand Ltd that these items were offensive and objectionable and were denigratory of women and thus were in breach of broadcasting standards.

Arguing that one of the aims of the series was to inform through entertainment, TVNZ explained that some of the items conveyed important educational information, while



others were simply amusing or intriguing pieces designed to retain the attention of the target audience. TVNZ explained that it believed that these items were appropriately included in a series which was aimed at sexually active people and screened in adult viewing time. Arguing that the dissemination of information contributed to a better informed public, it declined to uphold any of the complaints.

Dissatisfied with TVNZ's decision, Mr Sharp and Mr Leonard-Taylor referred their complaints to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

### Decision

The members of the Authority have viewed the programmes complained about and have read the correspondence (summarised in the Appendices). As is its practice, the Authority has determined the complaints without a formal hearing.

Mr Sharp and Mr Leonard-Taylor complained to TVNZ that some of the items in episodes 4 and 5 of the second series of *Sex* which were broadcast on Channel Two on 20 and 27 April 1993 were in breach of broadcasting standards.

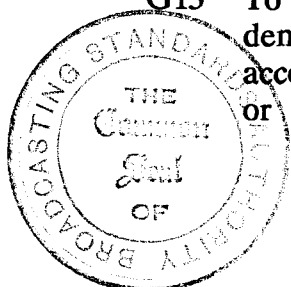
Mr Sharp argued that the item on slut wear was not only offensive and repulsive but also denigratory to women and the items on producing amateur home videos and on a swingers' party were both objectionable and unacceptable for screening on national television.

Mr Leonard-Taylor identified six items which he considered to be in breach of broadcasting standards. In addition to the segment on amateur porn videos and the swingers' party complained about by Mr Sharp, his complaint included an item which focused on the paraphernalia available in a sex shop, a discussion of sexually transmitted diseases such as herpes where infected genitals were shown, a diagram which showed how to tickle the "G-spot" and a close-up shot of female genitals in the context of a discussion on pap smears. Mr Leonard-Taylor maintained that all of these items were indecent and inappropriate for screening on national television, and that the items which displayed female genitals demeaned women and the item on swingers was demeaning to both men and women.

TVNZ advised both of the complainants that it had assessed their complaints against standards G2 and G13 of the Television Code of Broadcasting Practice. Those standards 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.

In its response to each of the complainants TVNZ reminded them that these episodes, like all of the others in the series, were preceded by warnings advising viewer discretion, that they were screened one hour into AO viewing time, that the content and style of the series was widely known and that censorship cuts had been made to the programmes before being screened in New Zealand.

### Standard G2

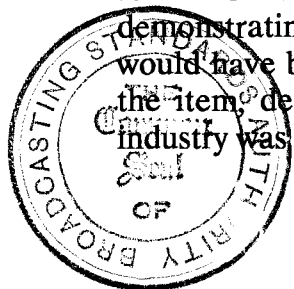
With reference to Mr Sharp's complaint that the item about "slut wear" breached the good taste and decency standard, TVNZ described the item as a light-hearted report on a fashion trend which made no judgment on the morality of those for whom such fashion appeals. In declining to uphold the complaint, it explained that in the context of the programme, this was one of the interesting, intriguing items designed to retain viewer interest and was not outside the bounds of decency and taste.

The Authority concluded that the item was inoffensive and harmless in context and accordingly was not in breach of standard G2.

The production of amateur porn videos was the subject of complaints from both Mr Sharp and Mr Leonard-Taylor. TVNZ argued that the fact that a young married couple should want to make their own sex movie provided an interesting story, and that comment from a psychologist offered an insight into why some people felt the need to display themselves in this way. It also noted that the item was a non-judgmental report on an interesting aspect of the sex industry about which people became better informed as a result.

The Authority shared the complainants' surprise at a young couple choosing to exhibit their sex life for financial gain. A majority of the Authority was of the view that, although borderline, the item was not in breach of standard G2. It felt that the story had some news value in the context of a series about sex, and that the scenes of sexual activity were similar to others broadcast on the *Sex* series and were not exceptionally gratuitous or salacious.

A minority took the view that the unusual story did not justify the screening of intimate sexual conduct, especially when the viewer knows that the couple was not acting, but was demonstrating full intercourse. The minority challenged TVNZ's assertion that people would have been better informed about the sex industry as a result of the broadcast of the item, deciding that although the idea of a married couple cashing in on the sex industry was unusual, it was not necessary to illustrate the sequence with the intimate sex



scenes and that nothing informational was revealed by their inclusion. It concluded that the scenes of the couple being filmed while making a porn video were offensive and in breach of the good taste and decency standard.

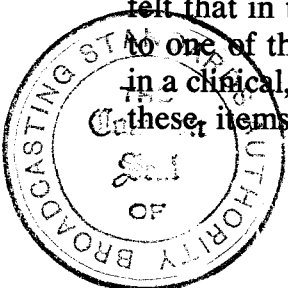
Referring to Mr Leonard-Taylor's claim that the item on products available in a sex shop was in breach of standard G2, TVNZ explained that it was a non-judgmental report on an aspect of the sex industry which it believed viewers would have found interesting and informative and did not accept that it had breached currently accepted norms of decency and taste. In response to Mr Leonard-Taylor's argument that "such smelly and dangerous sex" would have been watched by children, TVNZ responded that the programme had a clear AO classification and was screened one hour into AO time.

The Authority decided that in the context of a series about *Sex*, it was justifiable to include a report on the business of sex shops, since relatively few viewers would have been inside one themselves. However, in the view of the majority, the item was too long and too graphic in its focus on the devices and accoutrements of different sexual practices and their accompanying description and would have offended a large number of people. It concluded that the prolonged focus on the novelty items such as butt plugs and restraining devices which were displayed was in breach of standard G2 and accordingly upheld the complaint.

The minority disagreed: in its view, the story had a humorous angle and, because it was reported in a rather light-hearted manner, it would have satisfied the curiosity of people who would never venture inside such a shop. The minority observed that the reporter made critical judgments about what he was seeing and expressed incredulity about some of the practices which were described. It believed that the item was suitable for adult viewing.

Two items which showed close-up shots of genitals were the subject of complaints from Mr Leonard-Taylor. The first, which showed shots of herpes infected male and female genitals, was described by TVNZ as a straightforward clinical explanation about herpes which conveyed important information to the target audience of sexually active people. The second item concerned pap smears and depicted a woman undergoing the procedure. With regard to both of these items, TVNZ noted that the Authority's public opinion survey had revealed that viewers were prepared to accept such explicit visual depictions, provided that the medical and educational rationale was emphasised. It declined to uphold the complaints that these items breached the standard for good taste and decency.

Acknowledging the results of the research, and accepting that in the context of the programme, discussion about medically-oriented aspects of sex was important, the Authority decided that the depictions of the herpes-infected genitals and of the pap smear procedure were not in breach of standard G2. It recognised that for some viewers, such explicit depictions would have been confronting and even disturbing, but felt that in the context of this series, the information conveyed to viewers was relevant to one of the series' themes - of sexual health, including safer sex - and was presented in a clinical, professional manner. It did not accept Mr Leonard-Taylor's argument that these items were used as an excuse to show genitals and declined to uphold his



complaint.

Responding to Mr Leonard-Taylor's complaint about the item on tickling the G-spot, TVNZ explained that the item provided information which might help couples "get greater enjoyment and greater fulfilment from their lovemaking". It pointed out that the information was conveyed by use of a diagram and was neither gratuitous nor voyeuristic. It declined to uphold the complaint.

The Authority accepted that the matter-of-fact approach of Dr Phelps, the presenter of this segment, and the use of a diagram to identify the G-spot were appropriate in context and declined to uphold the complaint that this item breached standard G2.

The final item, subject of complaints from both Mr Sharp and Mr Leonard-Taylor concerned swingers' parties, where sexual partners were exchanged. TVNZ categorised this item as one which provided "interesting information". It emphasised that the reporter had drawn attention to the dangers of unsafe sex and that substantial cuts had been made to the item before it was screened in New Zealand. It explained that the item dealt with a subject unfamiliar to most people who would have been curious about why such parties appeal. TVNZ noted that the item attempted to explain, without making any judgment, an activity which occurs in the community. In declining to uphold the complaint, it argued that dissemination of such information contributed to a better informed public.

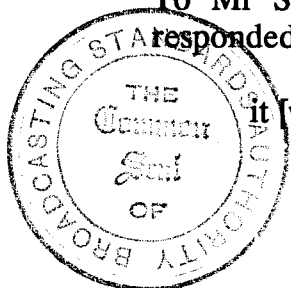
A majority of the Authority considered that the story was sufficiently newsworthy to justify inclusion in the programme. It believed that a message about safe sex was appropriately conveyed by a sceptical reporter who questioned one couple quite strenuously about their careless attitude to using condoms and swapping partners. Observing that most of the scenes of the swingers' party were dimly-lit and indistinct, the majority did not believe they would have breached the standard of good taste and decency. It accepted that the idea of a swingers' party would have been offensive to many viewers, but the discussion was objective and interesting and sufficient cuts had been made to render it acceptable. The majority declined to uphold the complaint.

A minority of the Authority agreed with the complainants that the scenes from the swingers' party were in breach of standard G2. It considered that the item had few redeeming qualities that would justify its inclusion in the programme. It acknowledged that a safer sex message was conveyed, but considered that the major emphasis was on the gratuitous display of intertwined naked bodies apparently involved in group sex. The minority observed that had the item confined itself to the couples talking and revealing why they were attracted to swingers' parties, the item would not have contravened the good taste standard.

### Standard G13

To Mr Sharp's complaint that the item on slut wear denigrated women, TVNZ responded:

it [was] hard to conclude that fashions which some women choose to wear could



possibly lead to their denigration. Who, in this item, the [Complaints] Committee asked, was denigrated? Pamela Stephenson? She did not seem to think so.

The Authority did not accept TVNZ's reasoning that if the persons featured did not feel they were denigrated, then it was impossible to conclude that the item denigrated women. It would remind TVNZ of its previous decisions where it has interpreted the standard. In Decision No: 75/93, it recorded:

The Authority noted that in previous decisions it has interpreted denigration to mean that the activities portrayed were responsible for blackening the reputation of women as a class. Discrimination, the alternative limb of standard G13, is, in the Authority's view, a lower threshold test which it would interpret to mean that the activities portrayed encouraged different treatment of women as a class.

In the Authority's view, the item on slut wear, while it may have reinforced sexual stereotypes, did not encourage the denigration of women generally. It decided that the item did not constitute a breach of standard G13 and declined to uphold the complaint.

To Mr Leonard-Taylor's assertion that the item on pap smears denigrated women because it focused on a woman's genitals and was included only to satisfy the interest of male voyeurs, TVNZ responded that the information was conveyed in a clinical manner and was of importance to women in reinforcing the importance of regular check-ups as part of a health regime.

The Authority accepted that the portrayal of a potentially life-saving procedure was not inappropriate in the context of the series and declined to uphold the complaint.

Mr Leonard-Taylor also complained that the item on the swingers' parties was demeaning to both men and women. Without referring to this standard specifically, TVNZ responded that it was unable to conclude that programme rules had been breached in the screening of the item.

In declining to uphold this aspect of the complaint, the Authority observed that the item did not demean either men or women as a class nor did it encourage their denigration.

In concluding, the Authority made the observation that the tone for many of the items was set by the presenter, Pamela Stephenson, in her introductory remarks. It noted, for instance, a comment about it being "her turn to take the camera home tonight" in the item on amateur porn videos. It believed that the effectiveness of the series was undermined by her editorial comments, which at times bordered on lewdness. The Authority acknowledges that it has taken the presenter's comments into account when making its decision.

**For the reasons set forth above, a majority of the Authority upholds the complaint that the item on sex shops in Episode 4 of the second series of Sex broadcast by Television New Zealand Ltd on 20 April 1993 was in breach of standard G2 of the Television Code of Broadcasting Practice.**



**The Authority declines to uphold any other aspect of the complaints.**

Having upheld a complaint, the Authority may make an order under s.13(1) of the Broadcasting Act 1989. It does not intend to do so on this occasion because the breach was not major given the context of the programme which was about various aspects of sex and sexuality.

Signed for and on behalf of the Authority



Iain Gallaway  
Chairperson  
19 August 1993



Appendix IMr Sharp's Complaint to Television New Zealand Limited

In a letter dated 2 May 1993, Mr Kerry Sharp of Palmerston North complained to Television New Zealand Ltd about episodes 4 and 5 of the second series of *Sex* broadcast on Channel Two on 20 and 27 April 1993 between 9.30 - 10.30pm.

The programmes contravened broadcasting standards, he wrote, because they contained items which were offensive, objectionable and denigratory to women. In particular he complained that the item on "slut wear" was offensive and repulsive, and it was denigratory to women to suggest that they wanted to dress as prostitutes. Further, he argued, the item treated women as sex objects whose prime purpose was to titillate men. He described the item on producing amateur home videos as objectionable and offensive, accusing TVNZ not only of screening pornography, but of screening its production. The third item, on swinging, where couples swapped partners for sex and participated in group sex, Mr Sharp complained was outright pornography and totally unacceptable on television.

Mr Sharp accused TVNZ of holding standards criteria that were far too liberal and pleaded for a change to more wholesome television in New Zealand. He also argued that the behaviour fuelled by pornography had greatly increased rape and sexual molestation.

TVNZ's Response to the Formal Complaint

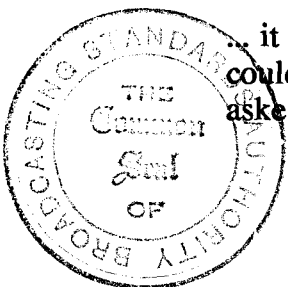
TVNZ advised Mr Sharp of its Complaints Committee's decision in a letter dated 31 May 1993. It explained that these episodes, like all of the others in the series, were preceded by verbal and on screen warnings and were screened in AO time at 9.30pm.

Responding to the complaint about "slut wear", TVNZ observed that it was a light hearted item which examined the fact that some women were attracted by the fashion of the streets. It quoted Pamela Stephenson, the presenter, as saying:

... looking like a slut is now fashionable with heaps of women.

TVNZ noted that the item simply reported on the fashion trend and neither condoned nor condemned it and that the item was one of those included to retain viewers' attention for the more serious "safer sex" messages. It declined to uphold the complaint that the item was beyond the currently accepted norms of good taste and decency. TVNZ also declined to uphold the complaint that the item denigrated women, arguing:

... it [was] hard to conclude that fashions which some women choose to wear could possibly lead to their denigration. Who, in this item, the Committee asked, was denigrated? Pamela Stephenson? She did not seem to think so.





With respect to the item on X-rated home videos, TVNZ observed that it was screened in the final segment of Episode 4, at approximately 10.20pm. It argued that the fact that a young couple should want to make their own sex movie provided an interesting story. TVNZ noted that a psychologist offered an insight into why some couples feel the need to exhibit themselves in this way. It concluded by repeating that the programme merely reported in a non judgmental way on an aspect of the sex industry which TVNZ believed many people would have found absorbing. It declined to uphold the complaint that the item was in breach of standard G2.

The third item complained about was a two part report about a "swinger's party" in episode 5. TVNZ noted that the item endeavoured to explain why couples were attracted to such an activity without making any judgment on the behaviour depicted. It also noted that in spite of the fact that the couples did not practice safe sex, it believed that a "firmly-delivered" safe sex message was given. It declined to uphold the standard G2 complaint, noting that considerable cuts had been made to the item prior to screening in New Zealand. It concluded by noting that each of the items reflected activities which occur in the community, and that the dissemination of information about them contributed to a better informed public.

### Mr Sharp's Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's decision, in a letter dated 6 June 1993, Mr Sharp referred his complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

He repeated his contention that the three items contravened broadcasting standards. He argued:

Pornography and items such as "slut wear" screened on national television denigrate women in general and promote the dangerous myth and lie that women are "sex objects" or "sexual play things" exclusively for the pleasure of men.

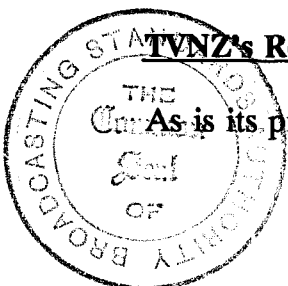
He accused TVNZ of using far too liberal criteria in judging the Sex programmes because far too much explicit and offensive material was being screened. He complained that the lack of standards allowed TVNZ:

to screen the pollution of pornography in virtually every episode of this second series of SEX. This is absolutely offensive and completely unacceptable for national television in New Zealand, at any time of the day or night.

He concluded by accusing TVNZ of aiding and abetting the destruction of our nation.

### TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint.



Its letter is dated 9 June 1993 and TVNZ's reply, 14 June.

TVNZ explained that it had little to add to its Complaints Committee's decision, outlined in its letter of 31 May. To Mr Sharp's claim that the series promoted an unhealthy lifestyle, TVNZ responded that:

the series reports in a straightforward manner on aspects of sexual behaviour that already exist within society, treating each in a non-judgmental fashion. It neither condones nor condemns those it depicts.

It acknowledged that the items which were the subject of this complaint were more lightweight, but maintained that they helped to provide an insight into the sex industry and to add to the public's knowledge.

Finally, TVNZ disputed Mr Sharp's allusion to the role of the advertising industry in influencing viewers' attitudes and values being the same as the role of a television current affairs programme. It noted that very different techniques were employed in the two.

#### Mr Sharp's Final Comment to the Authority

In a letter dated 19 June 1993, Mr Sharp disagreed strongly with TVNZ's contention that items of the type screened could add to the public's general knowledge and thus benefit the community. He maintained that they were offensive and pornographic.

In his view there was already enough pornography in New Zealand without it being screened on television. He wrote:

To date insensitive and irresponsible legislation has allowed the multi-million dollar pollution business of pornography to continue to degrade the family in general and womanhood in particular. Increased child abuse, increased rape, increased attacks on women and girls, and the early corruption of young people are among the results of this thriving business.

He quoted extracts from an article by Sandra Coney in *The Sunday Times* on 13 June 1993 in which she criticised various items in the *Sex* programmes.

He concluded:

It is time for TVNZ to act much more responsibly and replace offensive and embarrassing programmes like *SEX* with wholesome television. Most of New Zealand would strongly support this positive change for the better!



## Appendix II

### Mr Leonard-Taylor's Formal Complaint to Television New Zealand Limited

In a letter dated 6 May 1993, Mr Stuart Leonard-Taylor of Waikanae complained to Television New Zealand Ltd that items in episodes 4 and 5 of the second series of *Sex* broadcast on Channel Two on 20 and 27 April 1993 were in breach of the broadcasting standards which require that broadcasters observe standards of good taste and decency and avoid portraying women in a manner that might encourage denigration.

The items he referred to included scenes in a sex shop where paraphernalia was displayed, a discussion on sexually transmitted diseases such as genital herpes where infected genitals were shown, an item which featured a young couple who made porn videos, a diagram which showed how to tickle the G-spot, a close-up shot of female genitals in a discussion about pap smears and scenes of a swingers' party where sexual partners were swapped. In addition to being indecent and inappropriate to screen on television, Mr Leonard-Taylor maintained that the items which showed female genitals were demeaning or denigrating to women and the item on swingers was demeaning to both women and men.

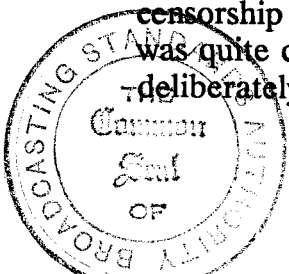
Mr Leonard-Taylor expressed his belief that the series contained material that was extremely offensive and would contribute to a lowering of future standards and an increase in the moral permissiveness of society. He also objected to the implied suggestion that the behaviours portrayed were normal. He concluded:

Looking at the programme as a whole, one can see that the few serious and useful pieces of information on sex were just being used as a vehicle to carry a form of "soft porn", which would otherwise have been banned. Any doubts on this subject were settled by the commentator's snide jokes about what was being shown.

### TVNZ's Response to the Formal Complaint

TVNZ advised Mr Leonard-Taylor of its Complaints Committee's decision in a letter dated 1 June 1993. It reported that it had assessed his complaint in the context of standards G2 and G13 which require broadcasters to observe standards of good taste and decency and to avoid portrayal of people in a way which is likely to encourage denigration on account of their sex.

At the outset TVNZ explained that the programmes were screened one hour into AO time, that they were preceded by verbal and on-screen warnings advising viewer discretion, that the content of the series was widely known and was subject to censorship cuts before it was screened in New Zealand. It also noted that the series was quite clearly aimed at young adults as well as older people and that it deliberately took a non-judgmental stance. It wrote:



The series aims to provide a wide spread of information - some of it medical, some of it aimed at reducing the risk of sexually transmitted diseases, some aimed at assisting those who are unhappy about their sexual relationships, some of it providing and insight into what goes on within the worldwide sex industry and some simply interesting.

TVNZ noted that programmes such as these episodes have been referred to the Authority and its predecessor which had endorsed the legitimacy of the non-judgmental approach to the subject of sex and sexuality.

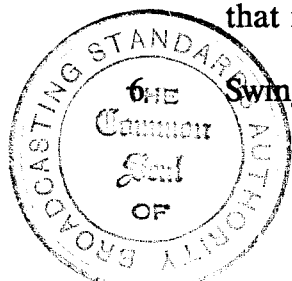
It then referred to the specific complaints, explaining why it had declined to uphold any.

- 1 The scenes in the sex shop. TVNZ explained that this was one of the items included to provide general information about the sex industry and that it was an accurate report which contributed to a better informed public.
- 2 Sexually transmitted diseases. The item which showed close-up shots which showed herpes-infected male and female genitals was one which offered valuable advice to the target audience. It was TVNZ's view that the item was a straightforward clinical explanation of herpes. It also noted that a public opinion survey commissioned by the Authority concluded that people were prepared to accept such explicit visuals provided the educational and medical rationale was emphasised.
- 3 X-rated home videos. TVNZ explained that most people might be surprised that a couple should choose this behaviour and would have been interested to hear the psychologist's explanation. Like the item on sex shops, it believed that this gave information about what went on in the community and that people were better informed as a result.
- 4 Finding the G-spot. This item provided information to assist couples to maximise enjoyment in lovemaking. The information was presented factually, with the use of diagrams and was not voyeuristic nor gratuitous.
- 5 Pap smears. This item provided important information about pap smears and during the discussion a brief view of the testing procedure was shown. TVNZ wrote:

Like the explicit pictures of the penis during an item on testicular cancer in last year's "Sex" series, the explicit view of the vagina was necessary to confront viewers with the reality of cervical cancer and to stress the value of simple procedures in saving lives.

TVNZ rejected the view that this item denigrated women, expressing its belief that it would have helped couples to share each other's medical problems.

Swingers' parties. This, according to TVNZ fell into the category of



"interesting information". It noted that it pointed out the dangers of unsafe sex and that substantial cuts had been made to the item before it was screened.

### Mr Leonard-Taylor's Complaint to the Broadcasting Standards Authority

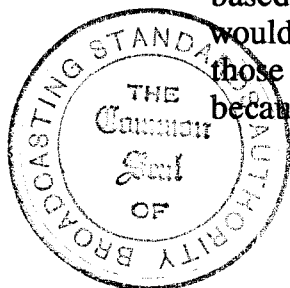
Dissatisfied with TVNZ's response, in a letter dated 26 June 1993, Mr Leonard-Taylor referred his complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

He prefaced his remarks by noting his concern at the steady erosion of standards and the continual push at the boundary of what was acceptable and his belief that in years to come all sorts of detailed sexual activity will be able to be screened.

In response to TVNZ's letter he wrote:

- 1 The "viewer discretion" warning would NOT encourage a young person to turn off the television, on the contrary, it would invite them to watch. He stated that up to 40,000 children aged 5-14 have watched the programme and he believed that the wave of juvenile pregnancies was largely caused by young people having so much exposure to sex programmes and advertisements.
- 2 The claim that the series provides useful information does not accord with the depiction of artificial erect penises and the trappings for bondage sessions etc. The information on important medical subjects could be disseminated in other ways than on national television.
- 3 If the intention of the series was really, as TVNZ claims, to adopt a non-judgmental stance, there is no justification for inclusion of the tour of the sex shop, or the scenes at the swingers' party.
- 4 Regarding Dr Phelps' statement that the series was worth it if it saved one life, Mr Leonard-Taylor noted that it could also result in more adolescent pregnancies by encouraging children to experiment in sex. The sex shop equipment may encourage some to experiment with other behaviours and some may die of AIDS.
- 5 Regarding the Authority's observation that it was permissible to regard promiscuity as a fact of the target audience, he wrote:

I strongly disagree with the implication that, because some of the community are promiscuous, the rest of us won't be offended by programmes which assume that we all have similar inclinations. The "Community standards", which must not be breached, logically should be based on the average - not on the worst fraction of the community. I would point out the reason that only an extremely small percentage of those offended by the "Sex" series make the effort to protest, is simply because many feel it would have no effect.



He concluded by emphasising that he believed that standards G2 and G13 had been breached. He also submitted that the reference in the Broadcasting Act to "currently accepted norms of decency and taste" was intended to refer to those of the average viewer and not the "promiscuous target audience" identified by TVNZ.

### TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 29 June 1993, and TVNZ's reply, 20 July.

TVNZ clarified that the programmes which were the subjects of the complaint were episodes 4 and 5 and explained that both episodes were subject to editing in line with the previous decisions of the Authority and its commissioned research results.

It challenged Mr Leonard-Taylor's assertion that 40,000 children watched the programme, pointing out that it began an hour into adult viewing time and each episode was preceded by a warning advising viewer discretion. It argued that it was nonsensical to suggest that programmes intended for mature viewers should never be screened because children might watch them.

TVNZ also responded to Mr Leonard-Taylor's argument that standards were declining, observing that standards were constantly evolving and it was unrealistic to expect them not to change.

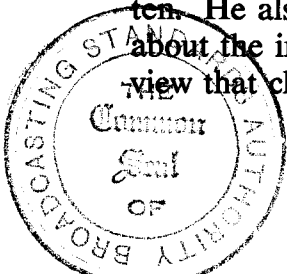
In concluding, it observed that the educational aspect of the programme was an important consideration and television had a role in spreading the safe sex message. It reminded Mr Leonard-Taylor of the deliberately amoral and non-judgmental approach of the series and apologised to him if he was offended.

### Mr Leonard-Taylor's Final Comment

In a letter dated 29 July 1993, Mr Leonard-Taylor responded to some of the points made by TVNZ.

He maintained that 40,000 children watched the *Sex* series, and although TVNZ might have warned them not to, it was unable to prevent them from doing so. He claimed that it was totally inadequate for TVNZ to claim that a programme did not offend the "target audience", pointing out that it must not offend a significant portion of viewers. He dismissed TVNZ's argument that an intellectual void might ensue if there was no programming for mature audiences.

Mr Leonard-Taylor persisted with his argument that since standards have lowered in the last ten years, it was logical to assume that they will drop even further in the next ten. He also referred to a comment from a psychologist (on another programme) about the influence of porn magazines and videos on sexual assault and expressed his view that children viewing the *Sex* programme would suffer some detrimental effects



from viewing material they were not old enough to cope with.

In conclusion, he agreed that it was important to tell young adults about the dangers of sexually transmitted diseases, but that there were more appropriate ways than on television.

