

Now therefore, pursuant to section 48 of the Local Government Act 1974 (as substituted by section 2 of the Local Government Amendment Act (No. 3) 1977), the Secretary for Local Government, without defining or altering in any way the boundaries of the City of Invercargill and the County of Southland as those boundaries existed immediately before the publication of the notice dated the 14th day of November 1979 and published in the *Gazette* of the 22nd day of November 1979 at page 3624, hereby revokes that notice.

Dated at Wellington this 15th day of May 1980.

J. N. SEARLE, Secretary for Local Government.

(I.A. 103/5/277)

*Canterbury Raspberry Marketing Committee Election*  
(No. 2385, Ag. 12/3/17)

PURSUANT to the Second Schedule to the Raspberry Marketing Regulations 1979, notice is hereby given that the roll of producers qualified to vote for the election of 4 producers' representatives to the Canterbury Raspberry Marketing Committee, will be open for public inspection during ordinary office hours for a period of 7 days from 21 May 1980, at the following places, the offices of the Ministry of Agriculture and Fisheries at Christchurch, Ashburton, Rangiora, and Head Office, Wellington.

Nomination forms may be obtained on application to any of the above offices, or from the Returning Officer, Ministry of Agriculture and Fisheries, Christchurch.

Nominations must be received by the Returning Officer not later than noon on the 9th day of July 1980.

Dated at Christchurch this 5th day of May 1980.

D. P. KIRKER, Returning Officer.

*Otago Raspberry Marketing Committee Election*  
(No. 2384, Ag. 12/3/17)

PURSUANT to the Second Schedule to the Raspberry Marketing Regulations 1979, notice is hereby given that a roll of those persons qualified to vote for the election of 2 producers' representatives in the Northern Ward to the Otago Raspberry Marketing Committee, will be open for inspection during ordinary office hours at the following places viz., Ministry of Agriculture and Fisheries, Head Office, Wellington, also at the offices of the Ministry of Agriculture and Fisheries at Dunedin, Timaru, and Waimate; the Post Office, Temuka, and at the office of A. P. Hayes (Secretary), 37A Thames Street, Oamaru.

The roll will be available for public inspection for a period of 7 days from May 24 1980, during which period any person may lodge with the Returning Officer, an objection in writing under his hand to any entry on the roll.

Nomination forms may be obtained on application to any of the above offices or from the Returning Officer, Ministry of Agriculture and Fisheries, Dunedin. Nominations must be in the hands of the Returning Officer not later than noon on the 11th day of July 1980.

Dated at Dunedin this 8th day of May 1980.

N. W. McCULLOCH, Returning Officer.

Com. 3/80 Decision.

*Before the Broadcasting Tribunal*

IN the matter of the Broadcasting Act 1976, and in the matter of a complaint by Clifford Reginald Turner:

WARRANT Holder—Broadcasting Corporation of New Zealand (Television One).

B. H. Slane, Chairman  
Lionel R. Sceats, Member  
Janet C. Somerville, Member  
S. H. Gardiner, Co-opted member  
Robert Boyd-Bell, Co-opted member

Hearing: 25 March 1980.

Counsel: B. L. Darby for the Broadcasting Corporation of New Zealand.

DECISION

Mr Turner complained to Television One about the telecast of the *Benson & Hedges Fashion Design Awards* on Television One, 9 November 1979. He considered that the prominence given to the words Benson & Hedges amounted to an advertisement of that brand of cigarettes.

In his reply, the Director-General of Television One referred to the dilemma faced by broadcasting organisations internationally, especially in coverage of sport on television. He distinguished a previous complaint by Mr Turner and went on to say a company name may be referred to in a broadcast where it is part of the recognised title of sporting or other public events which are sponsored. This was a qualification (Rule 4.2) to the main Rule 4.1 Television Rules and Standards, which reads:

Sponsored material may be broadcast by a television service provided that it does not relinquish editorial rights or control over the extent and presentation of such material, and provided that the association of a sponsor with a programme is acknowledged in the programme credits.

Television One contended the decision to cover the awards was a normal programming judgment made in the public interest.

If the complainant's views were upheld the Director-General considered there would be no coverage of many events of major public interest.

Rule 1.1 reads:

Advertisements shall be clearly distinguishable from other programme material.

Mr Turner took his complaint to the Corporation which noted that the event had been staged for a number of years but had been televised in full only in 1978 and 1979. The company name, in the view of the Corporation, had become a recognised part of the title of the event. The two signs shown in the television programme were not Benson & Hedges, but Benson & Hedges Fashion Design Awards.

No part of the programme constituted an advertisement in terms of the definition of the Broadcasting Act because no money was paid to the Corporation for its broadcast. The board concluded that the programme was not a paid advertisement, and that no breach of the Broadcasting Rules had occurred.

Mr Turner then brought the complaint to the Tribunal, which viewed sufficient of the programme to establish the extent of the content which featured the company and brand name.

The event was staged publicly in Auckland. There was an apron stage with a cat walk into the auditorium. Across the back drop to the stage was a sign "Benson & Hedges Fashion Design Awards 1979", but the words Benson & Hedges were in a type face that was very much bolder than the remaining part of the sign. The "coat of arms" associated with Benson & Hedges was also displayed.

At the back of the centre entrance was another sign, the logo of Benson & Hedges, and below that the words "Fashion Design Awards, 1979".

In viewing the programme we found there was a visual dominance of the words "Benson & Hedges". The placing of the logo at the stage entrance meant that it was shown prominently whenever there was a central stage entry and at times when events were about to occur on that part of the stage. Admittedly, the lower sign was obscured from time to time by the mannequins but no viewer could have watched the programme without knowing that Benson & Hedges were the sponsors. In fact the degree of prominence of the Benson & Hedges signs was to be contrasted with the less prominent signs given to three co-sponsors whose logos and names were not obtrusive.

We were assured by Mr Darby for the Corporation that no payment or any consideration in money or otherwise was given directly or indirectly or by way of contra by Benson & Hedges for the showing of this event on television.

We find therefore that it was not an advertising programme, which, under the Act, must be a programme or part of a programme intended to promote the interests of any person, or to promote any product or service for the commercial advantage of any person, for which, in either case, payment is made whether in money or otherwise (emphasis added).

If the programme does not amount to an advertising programme the advertising rules which prohibit cigarette advertising would not apply. The relevant rule is:

1.8 Advertisements must not specifically refer to cigarettes, cigarette paper or cigarette tobacco or mention the brand name of any product. However, a retailer may indicate that he stocks such products provided that there is no elaboration of the statement or reference to brand names.