

*Co-opted Members*

Messrs S. H. Gardiner and R. Boyd-Bell were co-opted as persons whose qualifications or experience were likely in the opinion of the Tribunal to be of assistance to the Tribunal in dealing with that complaint. They took part in the hearing of submissions and the deliberations of the Tribunal but the decision, in accordance with the Act, is that of the permanent members.

Dated the 29th day of April 1981.

For the Tribunal:

B. H. SLANE, Chairman.

*Story Board: Dunhill Commercial*

Seconds	Vision	Sound
00	Lifeguards on horseback Super London	01: (-Music runs throughout-) London—
03	Pan to coupe on Rolls convertible	City of tradition, of fashionable people and exclusive shops
03.30	Mix to Rolls frontal shot	
05	Pull back to reveal Dunhill shop frontage as car pulls up	1
08	Close-up pipe rack and pipes Pull back as Couple walk behind	Here at Alfred Dunhill,
10	Close-up group of cigarette lighters	St Jame's, you will see fine examples of Dunhill craftsmanship
12	Hand picks one up	
13	Cut-away to shop attendant man	(-Music up-)
14	Wide shot of group as couple choose a lighter	
17	Mix to Paris—Wide shot Notre Dame across the Seine, Paris supered	In Paris, too, people who appreciate quality and style choose Dunhill
21	Wide shot—Dunhill shop frontage, couple enter	(-Music up-)
22	Close-up—chess pieces	
24	Pull back—couple and attendant girl	
25	Close-up—Jewellery on display	
26	Close-up—gold bracelet on display cloth	
27	Couple react—model picks up	
29	Drapes bracelet on her wrist	
30	Couple seated at cafe, holding hands and bracelet displayed	
31	Close-up bracelet	
32	Close-up—model	
33	Mix to New York Manhattan skyline, New York super	Far from romantic Paris, in New York's busy Fifth Avenue, you will also find Dunhill
34	Mix to 5th Avenue aerial shot	(-Music up-)
37	Girl exits from car at kerb	
39	Wide shot store interior—meets man	
42	Backgammon set displayed	
43	Couple and attendant in display	
45	Close-up man	This, then, is the world of craftsmanship and style
47	Wide shot, couple in lounge setting with backgammon set (casket/cigarette box on table?)	
49	Close-up backgammon set	
50	Close-up model	Dunhill — London, Paris and New York
52	Couple	
54	Zoom in to gold casket (cigar/cigarette box?)	
55	Mix to caption= DUNHILL London - Paris - New York A selection of luxury products now available from MILES & CARLAW International Duty Free Shop, Auckland	Internationally acknowledged to be the finest quality in the world (-Music up to End-)
59	Ends	

Decision No. 7/81

Com. 15/80

*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, Radio New Zealand 1ZH.

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

DECISION

MR TURNER complained that the Lion Breweries race results advertisement was in breach of radio advertisement rule 1.11 which reads:

"1.11 Advertisements Which Mention Alcoholic Liquor or Are Associated With Alcoholic Liquor.

The broad intention of this rule is to limit the scope of these advertisements so that advertisements which are designed to encourage and/or promote the general consumption of alcoholic liquor are not broadcast. Therefore, only those advertisements which conform with the following requirements may be broadcast:

- (1) Advertisements may be made only on behalf of a wholesale or retail point of sale, such as a vineyard, a wholesale store, a wine shop or licensed premises.
- (2) Advertisements must not use brand names as such. A brand name is one which is the name of a particular wine, spirit or beer, etc., such as 'Blue Nun', 'Gordon's Gin', 'Leopard Beer'; or one which refers to a range of wines, spirits, beers, etc., from a particular vintner, manufacturer or distributor, such as 'Corbans' wines, 'Lion' beers, 'Gilbeys' spirits.

NOTE—There are some sale outlets which incorporate brand names in their title, e.g., Corbans Wine Shop, Montana Weinkeller, etc. These titles may be used in advertisements only in such a way that they refer clearly and consistently to the point of sale, and not to the brand of wine, etc.

- (3) No descriptions of the qualities of any wine, beer or spirit, etc., are allowed in any advertisement.
- (4) Advertisements may refer to:
  - (a) Details of the points of sale and the services e.g., location, hours of sale, details of parking, delivery, and type of sale (wholesale or retail).
  - (b) Description of the general range of merchandise, e.g., 'A full stock of New Zealand and overseas wines, New Zealand and imported spirits and cordials, and a wide range of beer in cans, bottles and flagons.'
  - (c) Details of any associated service, such as entertainers, dancing, etc.
- (5) Advertisements for alcohol must not be presented from licensed premises, whether wholesale or retail.
- (6) Advertisements associated with alcohol must not be presented in association with or during programmes directed specifically at children.

NOTE—For the purposes of this rule alcoholic liquor means any spirits, wine, ale, beer, porter, cider or perry or any other fermented or spirituous liquor, which on analysis is found to contain more than 2 parts per cent proof spirit."

These amended rules, which were effective from Tuesday 10 June 1980, followed a decision of the Tribunal (Com. 3/80 dated 16 May 1980). The Tribunal had upheld a complaint from Mr Turner that the same advertisement was in breach of rule 1.11 as then worded and of the condition in warrants imposed by regulation 14 (3) Broadcasting Regulations 1977.

Both the Corporation and Lion Breweries Ltd have claimed that the words "Lion Breweries" are not a brand name but are a corporate title (for operations involving grain growing and processing, cordial manufacturing, accommodation, catering and credit card facilities, as well as brewing). The Corporation argued that the advertising rule could only be applied to the advertisements broadcast on behalf of such companies by reference to the contents of the advertisement and not the identity of the advertiser, otherwise the Tourist Hotel Corporation could broadcast advertisements for its hotel chain but Lion and Dominion Breweries could not advertise their accommodation services available at their hotels. That argument ignores the note to Rule 1.11 (2). (As the Tribunal has pointed out the company changed its name to identify itself with its product and it must at least have taken into account the rules of broadcasting which limited radio advertising of liquor.)