

fern and the words "New Zealand All Blacks" and in larger type "New Zealand's Finest".

Final titles show the Steinlager logo with the following information:

Television One
Saturday, 1 July 3 p.m.
Steinlager
Official Sponsor of the New Zealand
All Blacks

Mr Turner's Complaint to TVNZ Ltd.

Mr Turner wrote on 30 June formally complaining that it was "reprehensible for Television New Zealand to allow a brewery to use a child in its advertising".

Television New Zealand wrote back on 5 July 1989 saying it was necessary for Mr Turner to indicate on what grounds the complaint was based, before it could be considered.

Mr Turner replied on 8 July 1989 that he considered it was in bad taste to use a young boy in a liquor advertisement and asked that the advertisement be considered under the rule that requires programmes to be in good taste.

Television New Zealand's Response

On 3 August 1989, Television New Zealand wrote to Mr Turner declining to uphold the complaint. It was considered by Television New Zealand Ltd.'s Complaints Committee in the context of TV Rule 1 (1) (b). This rule requires broadcasters to ensure that programmes are in good taste in accordance with commonly accepted standards.

TVNZ stated that there was no question that the advertisement promoted the telecasting of a test match and acknowledge the sponsorship status of Steinlager Ltd.

TVNZ said that the boy did not appear at all in the final 15 seconds of the commercial featuring adult rugby. The advertisement was not in bad taste.

Mr Turner's Complaint to the Tribunal

Mr Turner then lodged his complaint with the Tribunal.

He repeated his claim that it is in bad taste to use a child in a liquor advertisement.

"TVNZ claims that the advertisement promoted the televising of a test match. I believe it promoted Steinlager Ltd.", he wrote.

TVNZ's Response to the Tribunal

TVNZ acknowledged that it could reasonably be described as liquor-related advertising, but it submitted that of itself it is not in bad taste for a young boy to appear. Further, the boy was not seen in close proximity or adjacent to the Steinlager logo or sponsorship acknowledgment. Rather, the advertisement if anything could be described as "refreshingly different" from others of the same type. No other complaints were received by the broadcaster.

Mr Turner's Comment

Mr Turner did not accept that the boy was not part of the promotion of Steinlager Ltd. products. The boy was undeniably taking part in promoting the interests of the company.

Mr Turner did not see the lack of complaints as having a bearing on the question of taste.

Decision

The clear purpose of the advertisement was to promote the television coverage of the event. It also promoted Steinlager Ltd.'s sponsorship.

The Tribunal does not consider that the advertisement was in bad taste given currently accepted norms and the way the child was used only in the part of the advertisement about dreaming to be an All Black and not when the voiced sponsorship

announcement was made and the word "Steinlager" appeared on screen.

Therefore the tribunal finds that in this respect the advertisement was not in bad taste and declines to uphold the complaint on that ground.

Co-opted Members

Messrs Carter and Stephenson were co-opted as persons whose qualifications and experience were likely to be of assistance to the Tribunal. They took part in the deliberations of the Tribunal but the decision is that of the permanent members.

Signed for the Tribunal.

B. H. SLANE, Chairman.

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Decision No. 54/89

COM 3/89

Before the Broadcasting Tribunal

In the matter of the Broadcasting Act 1976, and in the matter of a complaint lodged with the Tribunal by a complainant (name suppressed by court order):

Warrant Holder: Broadcasting Corporation of New Zealand (now Radio New Zealand Ltd.)

Chairman: Judge B. H. Slane.

Member: Robert Boyd-Bell.

Co-opted Members: R. M. Carter and B. W. Stephenson.

Decision

Dated the 14th day of December 1989.

Introduction

The complaint concerned part of a report on child abuse broadcast in Radio New Zealand's "Checkpoint" programme on 6 September 1988. The report quoted the director of the Plunket Society to the effect that unless changes were made in legislation governing child abuse, there were likely to be more infants die at the hands of their parents as a result of child abuse.

The specific words of the reporter complained of were:

"... there are many other areas which need urgent attention. The cases such as the one in [locality named] recently where the foster parents of a girl beat her with a broom, forced her to drink from a toilet bowl and made her kneel with soap in her mouth for 16 hours..."

(Further details of the complaint appear later in this decision.)

At the time this report was broadcast, the complainant, one of a foster parent couple, was the subject of a depositions hearing to decide whether they should be sent for trial on certain charges. They were later found not guilty in the District Court of those charges and orders were made forbidding publication of names.

The complainant had decided not to complain to Radio New Zealand at the time the broadcast was made. The complainant did however complain in a solicitors' letter dated 10 January 1989 after having been sent for trial but before the trial took place in February.

Due to an initial failure of Radio New Zealand to identify the complaint in January 1989 as a formal one, it was referred to the Tribunal before consideration by Radio New Zealand. On 23 March 1989 the Tribunal suggested the complainant await the outcome of Radio New Zealand's formal consideration of the complaint. If the complainant did not consent to do so, the Tribunal was obliged to deal with the matter.

The complainant's solicitors said the complainant did not consent to await Radio New Zealand's determination.

The Tribunal decided no oral hearing was necessary as the facts were not substantially in dispute. However, as Radio New