

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 24/90

Dated the 16th day of November 1990

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

H.E. JENSEN

of Wellington

Broadcaster

TELEVISION NEW ZEALAND
LIMITED

I.W. Gallaway Chairperson

J.B. Fish

J.L. Hardie

J.R. Morris

DECISION

Introduction

A television advertisement for the *Listener* was screened on TV1 and TV2 on or about 21 April. The commercial lasted 15 seconds and referred to a particular article appearing in the then current issue about the Maori Battalion.

The soundscript for the advertisement read as follows:

So mighty was their reputation that Field Marshal Rommel once said if he had a thousand Maori bayonets he could take on the world. Men from the Maori Battalion remember the war that made them a legend in the TV and Radio Times in the *Listener*, out now.

Mr H.E. Jensen challenged the accuracy of the statement attributed to Rommel and made a formal complaint to Television New Zealand Limited.

Mr Jensen's Complaint to Television New Zealand Limited

In a brief letter dated 24 April he stated that:

At no time did the then Major General Rommel make the statement on Maoris as claimed.



In September 1942 as Commander of the Deutsche Afrika Korps Rommel, I quote, stated:

" ... if I had the NZ Division I would win the North African campaign", NOT just the Maoris ...

Have this corrected immediately!

TVNZ's Response to Mr Jensen's Complaint

On 27 June TVNZ informed Mr Jensen that his complaint had been considered by its Complaints Committee in the light of Programme Standard 1 of the Codes of Broadcasting Practice for Television which requires broadcasters, in the preparation and presentation of programmes, to be truthful and accurate on points of fact.

TVNZ's Complaints Committee had acknowledged that the quotation given by Mr Jensen is recorded in historical documents and that the quotation used in the *Listener* commercial is not so documented. For this reason, the quotation was not used in the programme about the Maori Battalion.

However, the Committee was advised that:

... there is a positive belief held by members of the Maori Battalion that Rommel did say that if he had a thousand Maori bayonets he could take on the world. So strong is this belief that it is part of the legend that is the Maori Battalion ... the fact that it is not written down does not mean that it is untrue, particularly when account is taken of the strong oral traditions of the Maori people.

The letter went on to say that:

Because there is no written record, it is virtually impossible to convince historians about the Maori claim [which] was used in the article ... in good faith.

The Committee was satisfied that the use of the quotation in the advertisement was certainly not used with any intention of demeaning the New Zealand Division. There was speculation that Rommel could have made both statements.

The crux of the matter [is] that the *Listener* commercial was referring to a particular article about the Maori Battalion and there was no cause or reason to delete in an advertisement a quotation that was in the article.

In the circumstances, the Committee had been unable to conclude that "there had been a case made out identifying factual inaccuracy". The complaint was not found to be in breach of Programme Standard 1 as the advertisement was a correct reflection of what was in the *Listener* article. If the complainant wanted the matter corrected, he would do best to write to the Editor of the *Listener*.



Mr Jensen's Referral of the Complaint to the Broadcasting Standards Authority

Mr Jensen was dissatisfied with TVNZ's decision and on 9 July referred the matter to the Authority for investigation and review.

Mr Jensen stated that:

Both TV media are going to great lengths to exploit Maori myths and unsubstantiated legend and my complaint proves this fact.

He maintained that TVNZ's "assumptions" about Maori beliefs and legends, and speculation that Rommel could have made both of the statements in question, were "pathetically inaccurate".

It was "sheer lies" to attribute to Rommel a statement which was "totally inaccurate".

Mr Jensen's letter was referred to TVNZ for a response.

TVNZ's Response to the Authority

TVNZ responded in a letter dated 6 September, emphasising that:

... the quotation in question, as incorporated in the *Listener* article, was accurately reflected in the advertisement ... if the *Listener* material had been inaccurately quoted in the advertisement, then the company could have had a case to answer. The fact at issue was what was stated in the article

If the writer of the article was inaccurate in quoting Rommel, that was a matter which should be taken up with the Editor of the *Listener*.

Attached to TVNZ's letter was a copy of the particular page in the *Listener* which featured the quotation in question. The relevant passage read:

Rommel is reputed to have said, "If I had 1000 Maori bayonets I could take the world." Certainly Rommel had great respect for the Maori warrior but the documentary team could not accurately source that quote. It's just one of the half-myths that surround the battalion.

Mr Jensen's Final Comment to the Authority

Invited to comment on TVNZ's response, Mr Jensen did so in a letter dated 16 September.

He reiterated that the quotation attributed to Rommel is as quoted in his first letter, i.e. it referred to the New Zealand Division and not to the Maori Battalion. The *Listener's*



quotation, and the broadcaster's, were "play[s] on words and should have been factual".

Lastly, Mr Jensen suggested that the Authority should have powers "to scrutinise the *Listener* in the same manner as TV and broadcasting [since] there is no way a complainant can get sympathy from the Editor of this publication on any aspect of their supposed accuracy, let alone get a corrective letter published".

Decision

The Authority has carefully perused all the correspondence in this complaint and has studied the arguments put forward both by Mr Jensen in support and TVNZ Ltd in rejection thereof.

It does not intend to traverse the claims and counterclaims as to whether or not Field Marshal Rommel did at any time make the eulogistic comments attributed to him concerning the Maori Battalion, or words similar.

It acknowledges unhesitatingly that the New Zealand Division and one of its notable components, the Maori Battalion, deservedly won international acclaim for their fighting qualities during the Second World War and earned a reputation of which successive generations of New Zealanders have been intensely proud.

The Authority confines itself to the issue of whether the words used in the commercial for the *Listener* were truthful and accurate on points of fact. Here the Authority parts company with TVNZ Ltd where it states that the quotation in the *Listener* article was accurately reflected in the advertisement and the *Listener* material was not inaccurately quoted. There is a significant difference in meaning between the actual words used in the *Listener* i.e. "Rommel is reputed to have said", and those in the television advertisement, i.e. "Rommel once said". It would be difficult to take issue with the first comment. As TVNZ Ltd has mentioned, Rommel's alleged quote may well form part of the legend of the Maori Battalion. However, TVNZ Ltd acknowledges that there is no documentation or other proof available to substantiate these words, and thus the statement that "Rommel once said" is, strictly speaking, neither truthful nor accurate. TVNZ Ltd has suggested that Mr Jensen should take the matter up with the Editor of the *Listener* if the article was inaccurate but it is not the article of which Mr Jensen complains.

The Authority appreciates that it would be tedious in the extreme to check the source and accuracy of every quotation contained in its advertising programmes. Nevertheless, broadcasters will be very well aware that particular care is always required in the use of quotations and in factual instances such as this, where the originating article can be easily checked, it is important that the source and the content be accurate. In this case the content is not accurate and therefore breaches Programme Standard 1 of the Codes



of Broadcasting Practice for Television.

The Authority accordingly upholds the complaint.

Signed for and on behalf of the Authority



Iain Gallaway
Chairperson
16 November 1990

