

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 3/92

Dated the 10th day of February 1992

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

KATHLEEN LYONS
of Woodville

Broadcaster
XS RADIO LTD
Of Palmerston North

I.W. Gallaway Chairperson
J.R. Morris
R.A. Barraclough
L.M. Dawson

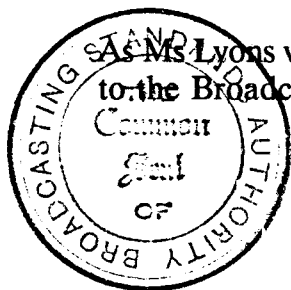
DECISION

Introduction

Alternatives to condoms in a time of economic stringency were discussed on talkback on Radio 2XS FM on the morning of 26 September 1991. The issue was treated in a light hearted manner and suggestions included a plastic bag, a rubber band, a sausage skin, a banana skin and a cucumber with its centre removed.

Ms Lyons protested to the broadcaster at the tasteless and irresponsible way the issue had been discussed, noting that the topic, because of AIDS, should be treated seriously. The broadcaster, pointing out that the issue was discussed at 9.30am and that one teenager had been disconnected when the youth's age was determined, stated that nothing escaped ridicule in the 1990s. Nevertheless, the two announcers involved had been advised to choose their topics for discussion more carefully.

As Ms Lyons was dissatisfied with the broadcaster's response, she referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.



Decision

The members have listened to a tape of part of the programme complained about and have read the correspondence (summarised in the Appendix). Having listened to the tape supplied by the broadcaster, the Authority decided that it was sufficient to glean the tenor of the programme.

When it decided to discuss the use of condoms on the morning of the 26 September, Radio 2XS FM selected an important topic. Their use has become a matter of increasing relevance in recent years because of the issue of AIDS although AIDS was peripheral to the apparent reason for choosing condoms as the subject at the time. It seems that alternatives to condoms in a time of economic stringency was chosen as the topic because of an item focusing on the point in the morning's press.

The Authority accepts that discussion of this topic is likely to increase in a variety of public forums and that it need not necessarily be discussed only in a sombre manner. A staid approach may be entirely appropriate in some circumstances while, in others, wit, satire and irony may be the appropriate way to attract and retain the attention of an audience. However, regardless of the approach taken, the broadcasting standards must be complied with.

Section 4(1)(a) of the Broadcasting Act 1989 which requires broadcasters to maintain standards consistent with the observance of good taste and decency. As the Authority has noted in a number of earlier decisions, the concept of good taste and decency in a given situation or context pertains to conformity with such standards of propriety as the Authority considers to be in accord with the generally accepted attitudes, values and expectations of New Zealand society.

The Authority decided that although the broadcast took, quite justifiably, a humorous approach to a serious topic, the humour lacked panache and style and bordered on the immature. Indeed, its style could be likened to a discussion among school pupils behind the bike sheds. That impression was confirmed by the acceptance of a call from an apparently youthful caller who was not disconnected until the youth had commented on the topic. However, as crass as the comments about cucumbers and sausage skins might have been, that conclusion did not in itself necessarily justify the decision that it breached broadcasting standards.


Of the comments made by the broadcasters on the programme, one stood out as being especially revealing of the attitude being taken to the topic under discussion. A caller suggested that to say "No" was an appropriate response in the absence of or as an alternative to condoms. After being told to "Get off the grass", her call was cut short. The Authority concluded that the rudely dismissive nature of the broadcaster's comment was such that, when combined with the generally vulgar way in which the discussion was conducted, the broadcast had breached the requirement for good taste and decency.

For the reasons set forth above, the Authority upholds the complaint that the broadcast by Radio 2XS FM in the morning of 26 September 1991 breached s.4(1)(a) of the Broadcasting Act 1989.



The Authority agrees with the complainant's comment that the broadcaster took the complaint seriously when it advised the Authority that both announcers had been reprimanded. In the circumstances, the Authority considers that any further action on its part is not necessary.

Signed for and on behalf of the Authority


Iain Gallaway
Chairperson

10 February 1992



Appendix

Ms Lyons' Complaint to XS Radio Ltd

In a letter dated 26 September 1991, Ms Lyons complained to Radio 2XS FM about its talkback show broadcast that morning. The topic had been alternatives to condoms in times of economic stringency. Ms Lyons protested at the offensive and lighthearted way in which the two announcers had treated the topic. She regarded their attitude as irresponsible when the threat of AIDS was considered.

She noted that some of the suggestions made as alternatives to condoms were a plastic bag, a rubber band, a sausage skin, a banana skin or a cucumber with its centre removed.

XS Radio Ltd's Response to the Formal Complaint

Mr Steve Rowe, the manager of XS Radio Ltd, replied to Ms Lyons in a letter dated 2 October.

He acknowledged that the topic of condoms was potentially sensitive and, although nothing was protected from ridicule in the 1990s, he had told the two announcers involved to choose their topics more carefully. The broadcast had occurred at 9.30am when children were at school and one teenager who had telephoned had been disconnected.

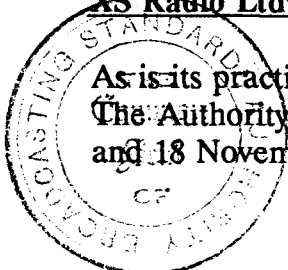
Ms Lyons' Complaint to the Broadcasting Standards Authority

Ms Lyons in a letter dated 26 September advised the Authority of her complaint to the broadcaster. Her letter was drawn to the attention of the Authority's chairperson and his opinion that the broadcaster had dealt with a serious matter in an "unacceptably trivial and frivolous way" was conveyed to Ms Lyons in a letter dated 17 October.

Later, as Ms Lyons was dissatisfied with the broadcaster's response, in a letter dated 31 October she referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989. She mentioned specifically in her letter that she considered that the broadcast breached the good taste and decency standards. She said that she was particularly concerned that an obviously under-age caller was allowed airtime and that the announcers were amused by that call.

XS Radio Ltd's Response to the Authority

As is its practice, the Authority sought the broadcaster's comments on the complaint. The Authority's letter is dated 1 November and XS Radio Ltd's replies are dated 12 and 18 November.



The broadcaster explained that the broadcast was intended to be humorous and was not meant to be offensive. Nevertheless, the broadcasters should not have chosen the subject of condoms and the announcers had been disciplined. The broadcaster noted that it took pride that it received virtually no complaints, that it took the complaint seriously and that the announcers had assured the manager that there would be no repetition.

Ms Lyons' Final Comment to the Authority

When asked to comment on the broadcaster's response, Ms Lyons said that she was pleased that the station's manager now seemed to be taking the complaint seriously. Nevertheless, she continued to hold the opinion that the broadcast had been irresponsible and in bad taste. She recalled that she had been working with some other women at the time of the broadcast and all of them had been appalled by it.

