

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 47/93

Dated the 22nd day of April 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

COALITION OF CONCERNED  
CITIZENS (NZ)  
of Otaki

Broadcaster  
TELEVISION NEW ZEALAND  
LIMITED

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

DECISION

Introduction

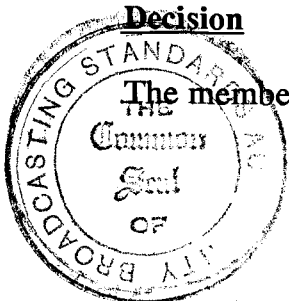
When interviewed on TV1's *Holmes* programme on 2 November 1992, British comedian Julian Clary, among other comments, spoke about and drew attention to the genitals of his pet model horse.

The Secretary of the Otaki Branch of the Coalition of Concerned Citizens (NZ), Mrs Lorna Mitchell, complained to Television New Zealand Ltd that the vulgar item was offensive and tasteless.

Noting that the reference to the model horse was made by an entertainer who had won fame because of his camp humour and outrageous comedy and arguing that the off-hand remark was not offensive in context, TVNZ declined to uphold the complaint. Dissatisfied with TVNZ's decision, the Coalition referred its complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Decision

The members of the Authority have viewed the item to which the complaint relates and



have read the correspondence (summarised in the Appendix). As is its practice, the Authority has determined the complaint without a formal hearing.

The Secretary of the Otaki Branch of the New Zealand Coalition of Concerned Citizens (Mrs Lorna Mitchell) complained to TVNZ about what she described as the vulgar, offensive and distasteful interview with British comedian Julian Clary. She expressed particular concern about the references to his pet model horse. The interview had been broadcast during the *Holmes* show between 6.30 - 7.00pm and she was concerned about its effect on children. Mrs Mitchell also contended that the broadcast intruded on her privacy. In her correspondence to the Authority, Mrs Mitchell has also expressed her concern about what she describes as the deteriorating standards of television programmes.

TVNZ considered the complaint under standard 2 of the Television Code of Broadcasting Practice which requires broadcasters:

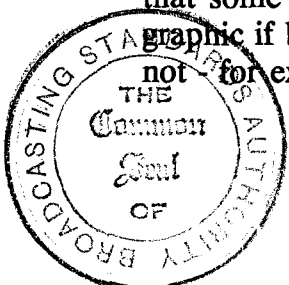
2. To take into consideration currently accepted norms of decency and taste in language and behaviour, bearing in mind the context in which any language or behaviour occurs.

Declining to uphold the complaint, TVNZ stated that Julian Clary had won fame for his "gay/camp" humour and outrageous comedy. As standard 2 allowed a programme's context to be taken into account, TVNZ maintained that that provided for the portrayal of Julian Clary's personality and his unique type of humour. It also pointed out that Julian Clary was part of the British tradition of humour which involved the "under-played one-liner, the saucy innuendo, and apparent preoccupation with body parts and lavatories".

In responding to Mrs Mitchell's complaint that the broadcast invaded her privacy, the Authority would record that the privacy standard in the Broadcasting Act refers to people involved in or referred to in broadcasts.

With regard to the specific complaint that an interview with Julian Clary on the *Holmes* programme breached standard 2 of the Television Code, the Authority is required by the standard to take the programme's context into account. Taking context into account, the Authority acknowledges the British tradition of humour to which TVNZ referred. It also notes that the programmes in which that type of humour is depicted are usually screened later than 6.30pm. Thus, the fact that an item fits within an acceptable tradition does not in itself necessarily justify a broadcast of a particular item within the "General" period. However, that view in itself does not determine the specific complaint.

The item complained about, the Authority observed, was a semi-serious interview with a comedian who made some "double entendres" and referred briefly to the genitals of his model pet horse. The direct comments and visuals were such, the Authority believed, that some of them might have been understood by young children - for example the graphic if brief portrayal of the model horse's penis - but the "double entendres" were not for example the reference to "mounting" the horse.

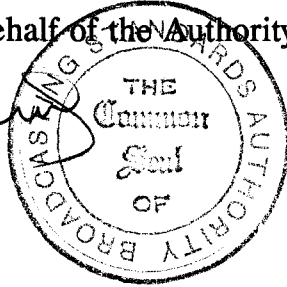


Taking into account that the interview contained a considerable amount of information which did not threaten standard 2 of the Code, and that the small amount of tawdry material in the interview only briefly brought the requirements of standard 2 into consideration, the Authority decided that the broadcast did not breach the standard.

**For the reasons set forth above, the Authority declines to uphold the complaint.**

Signed for and on behalf of the Authority

*Gavin Gallaway*  
Gavin Gallaway  
Chairperson



22 April 1993

## Appendix

### Coalition of Concerned Citizens (NZ), Otaki Branch's Complaint to Television New Zealand Limited

In a letter written in early November 1992, the Secretary of the Otaki branch of the Coalition of Concerned Citizens (NZ), Mrs Lorna Mitchell, complained to Television New Zealand Ltd about an item on the *Holmes* show broadcast between 6.30 -7.00pm on TV1 on 2 November 1992.

The item involved an interview with British comedian Julian Clary and Mrs Mitchell complained that Julian Clary's reference to the genitals of his pet model horse left little to the imagination. She described the item as vulgar, distasteful and offensive both to her, her friends and their children and an invasion of her privacy. She also expressed her concern about the general deterioration in the standards of decency in television programmes.

### TVNZ's Response to the Formal Complaint

TVNZ advised Mrs Mitchell of the Coalition of its Complaints Committee's decision in a letter dated 17 December 1992. The complaint had been considered under standard 2 of the Television Code of Broadcasting Practice which requires broadcasters to maintain, in context, standards of taste and decency.

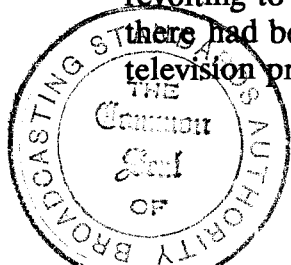
Pointing out that Julian Clary had won fame through his "gay/camp" humour and outrageous comedy, TVNZ said that the item reminded viewers of the Julian Clary style. As standard 2 allowed for the context of an item to be taken into account, TVNZ argued that the item, in order to be complete, had to acknowledge his specific type of humour. Declining to uphold the complaint, TVNZ stated:

In the context of that particular and unique brand of humour, the [Complaints] Committee found the remarks to which you refer inoffensive. Indeed it noted they were delivered almost in an off-hand way, and were not accompanied by any offensive visual material.

### The Coalition's Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's response, in a letter dated 24 December 1992 Mrs Mitchell on the Coalition's behalf referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Mrs Mitchell maintained that the item was vulgar and degrading, and that it was revolting to include such an item during an early evening broadcast. Furthermore, there had been no warning. She expressed deep concern about the standards of many television programmes adding that the present deterioration would soon result in no



standards at all.

**TVNZ's Response to the Authority**

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 26 January 1993 and TVNZ's reply, 8 February.

TVNZ repeated its opinion that, as most viewers would have known, "gay/camp" humour was the hallmark of Julian Clary's performances and an item which omitted that aspect of his character could have been disappointing. Emphasising that the standard requires that the context of a broadcast be taken into account, TVNZ said the humour displayed was legitimately broadcast. Further, it maintained that children would not be offended as they would either not understand the item or would appreciate the humour.

As an aside, TVNZ maintained that Julian Clary followed the British tradition of humour which in many comedies had delighted viewers worldwide by using the underplayed one-liner, the saucy innuendo and the apparent preoccupation with body parts and lavatories.

**The Coalition's Final Comment to the Authority**

When asked for a brief comment on TVNZ's reply, in a letter dated 19 February 1993 Mrs Mitchell on the Coalition's behalf maintained that the lavatorial humour, as displayed by Julian Clary, was vulgar and should not intrude unbidden into the privacy of viewers' homes. She expressed her disgust at TVNZ's lack of sensitivity in broadcasting such material.

