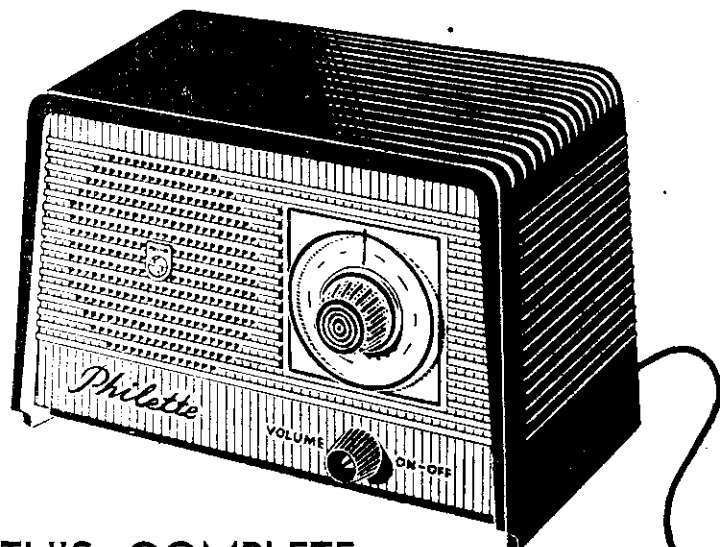
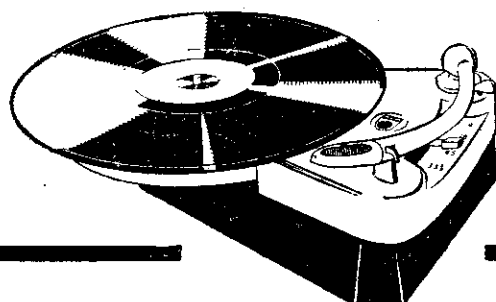


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Bad News is Good News

A LIBEL case heard recently in London may lead to some revision of standards in popular journalism. Mr. Jaime Ortiz-Patino was awarded £20,000 damages against the proprietors of the *Sunday Graphic*, which had published an article that was judged to be defamatory. The circumstances were of exceptional interest. Mr. Patino, a member of the Bolivian tin family, is a wealthy man who has no need of monetary compensation. But his character and reputation had been in dispute. In the words of the presiding judge, he had for months "been branded as a sadist and a pervert, and had had to chase a lie through the limelight of the public Courts." The damages were therefore punitive and exemplary, and were intended to discourage newspapers from flirting with libel in the interests of circulation.

The article in question had made allegations about Mr. Patino's marriage. Counsel for the plaintiff described it as "muddy," and went on to suggest that some newspapers "deliberately weigh what they are likely to have to pay in libel costs against the circulation they would get by printing libellous stories." This may well be true. According to the *Daily Telegraph*, London newspapers have had to pay considerable sums for libel in the past six months; four cases were settled in February alone. It seems unlikely that metropolitan editors are so inexperienced, or so badly advised, that they fall innocently into error. And to invest deliberately in scandal is a perversion of one of the most valued functions of a free Press.

It is not denied that the public is entitled to know what is happening in the community. The publication of news from the Courts, where the news is so often bad, is a guarantee that legal argument and judicial decision will be widely known. Under modern conditions it is a proper extension of the people's right to be present at Court hearings. Unfortunately, it has been found that news of this kind is profitable. Some news-

papers take most of their material from the Courts: the *News of the World*, which has done so for many years, has the largest circulation of any Sunday paper in Britain. The simple truth is that people like to read of human frailty and misfortune. Enlightened people may read with compassion and anger, or with a clinical interest in behaviour; but they also feel a little of the avidity which in too many is the sole response.

The proprietors and editors of newspapers that sell in millions are well aware of this morbid attraction. In their struggle for circulation they assume quite logically that sales will be larger if they can be more sensational than their competitors. The search for news therefore becomes daring. They cannot be satisfied with Court proceedings, and must try to anticipate them, or even to conduct their own investigations. News value rises sharply when the persons concerned are wealthy and famous. Every rumour about men and women whose photographs appear frequently in the papers may be a potential scoop. The risks are weighed, the pursuit of facts—or some of the facts—begins, and a life may be ruined or grievously hurt for the Sunday entertainment of newspaper readers. It is true that beyond a certain point the law can be invoked and justice done. But no man, rich or poor, should have his private life opened to the gaping millions unless he has been brought to trial. The invasion of privacy and the traffic in misery are signs of decadence. It is not long since the law of defamation was relaxed, mainly for the benefit of newspapers; but it may well be tightened again if abuses continue, possibly with harmful results in the field of "fair comment," where freedom needs to be preserved and guarded. The Patino case may have a restraining influence, though not much can be said for a section of the Press which needs any restraint beyond conscience and common decency.—M.H.H.

N.Z. LISTENER, MARCH 15, 1957.