

5 December 2007

Andrea Fasching
Programme Standards Manager
TVNZ
Box 3819
Auckland

Dear Ms Fasching:

We wish to make a complaint regarding the reality television show, *The Baby Borrowers*, airing on your network (TV2) on 22 November 2007 and 29 November 2007, with another episode scheduled for tomorrow, 6 December 2007. Our complaint pertains to the show's treatment of infants, toddlers, and young children and is comprised of the following concerns:

- (a) that the *Baby Borrowers* lacks clear, publicly documented ethical procedures surrounding the use of infants and young children in this show;
- (b) that there is maltreatment of infants and young children in this show who are separated at crucial developmental times from their parents causing psychological and physiological stress and are placed in the hands of strangers who because of age, experience and neurological development are fundamentally risky caregivers. This is a breach of New Zealand Broadcasting Free to Air Code Standard 9, Guideline 9i (exploitation of children);
- (c) that the *Baby Borrowers* does not conform with New Zealand Broadcasting Free to Air Code Standard 5, Guideline 5b "...material which is misleading or unnecessarily alarms viewers." This show is presented as a contribution to parent education when it is not, in fact, an adequately designed show based on appropriate or informed research;
- (d) that the *Baby Borrowers* violates the New Zealand Broadcasting Free to Air Code Standard 6g ("Broadcasters should avoid portraying persons in programmes in a manner that encourages denigration of, or discrimination against, sections of the community on account of sex, sexual orientation, race, age, disability, or occupational status...') by consistently portraying babies and small children in inflammatory, inaccurate and misleading ways. This is the very definition of age discrimination – which underlies the subsequent mistreatment based on age - and the show's entertainment value largely relies on denigration due to age within the advertisements for the show and the show itself.

We therefore contend that your broadcast of this show violates the New Zealand Standards of Broadcasting within the Free to Air Code and that ethically your Broadcasting Corporation TVNZ is negligent in the misrepresentation of the actual needs of infant and toddlers as well as their exploitation through a public, tax-payer funded medium.

A) Lack of Ethical Procedural Disclosure for Parental Consent in use of Infants and Children in the *Baby Borrowers*

The show purports to be a social experiment, yet the procedures for obtaining parental consent for babies to be separated and the ethical review procedures applied to this television production are not available in detail in any public forum nor are they adequately described in the content of the show. In New Zealand, any experiments or research involving children must conform to acceptable ethical standards as laid down by university ethics committees, social service ethics committees or district health board ethics committees. No public evidence exists in the UK or here in NZ to indicate how parental consent was obtained in this television show so that infants and young children could be separated and used in the show. Additionally, no published information exists indicating how consent was obtained, under what conditions, whether there was financial remuneration (which could constitute coercion), or whether the repercussions of separation for infants were explained to the parents. The appearance of infants and toddlers being separated and left with strangers indicates a flagrant disregard for the emotional well-being of young children and is in violation of ethical standards established in this country to protect young children and families.

The parents of infants, toddlers, and young children in the *Baby Borrowers* are presented with the appearance of giving fully informed consent to subject their children to stress and separation. This is deceptive as no detailed information exists in a public forum detailing the procedures of this consent. Therefore, the rights of infants and children in the *Baby Borrowers* to have informed consent obtained on their behalf by caregivers is questionable under the UNCORC and therefore breaches the NZ Broadcasting Free to Air code. If they have not been provided with the full scope of information regarding the potential damage this can cause, then the consent is uninformed. If you have provided the complete picture of potential damage, then you are aware that what you are sanctioning is detrimental to the wellbeing of children and both you, the creators and the parents themselves are participating in child neglect and maltreatment.

B) Maltreatment of Infants and Young Children in *The Baby Borrowers*

1. *Separation of babies and young children from their parents/primary caregivers is a documented stressful experience.*

Separation from the primary caregiver – even if temporary or time-bound - has been documented to cause significant distress in the young child, including changes in cortisol levels and other physiological responses to stress (Gunnar & Donzella, 2002; Bowlby, 1973, Cozolino, 2007). Before the age of 3, it is quite common for small children to suffer distress at separation from their primary caregiver (Marvin & Britner, 1999; Bowlby, 1973 & 1982; Kobak, 1999). Separations should occur incrementally and gradually over time, following the child's lead and allowing the child to gain mastery and comfort in the new environment. Failure to do so can result in damaging physiological and neurological changes. Studies of day care/early child care show that children who experience a full day of care have elevated cortisol levels during the second half of the day, indicating that they are experiencing stress. This is not experienced by children in the care of their primary caregivers (Ahnert et al, 2004; Watamura et al, 2003; Dettling et al, 1999). Long hours in non-parental care in the first three years of life are also correlated with insecure attachment and behavioural problems later in childhood (Ahnert et al, 2006; Belsky 1986 & 2001; NICHD,

1996, 1997 & 1998). The *Baby Borrowers* extends and amplifies these risks by subjecting babies and young children to three consecutive days and nights, which is well beyond what is tolerable to a baby, and by doing this all unnecessarily and without the psychological wellbeing of babies being protected.

2. *Insensitive care by caregivers impairs healthy development.*

Insensitive, unresponsive and/or inconsistent care by a caregiver results in an impairment of the healthy bonding process (Karen, 1994; Bowlby, 1988; Gerhardt, 2004). Young children need a loving, familiar and consistently responsive caregiver to manage stress and regulate their brain and bodies (Cozolino, 2007; Schore, 2003). A parent who has the capacity to provide this continuously from infancy throughout childhood will provide a child with a secure attachment and create a likelihood of psychological health throughout the child's lifespan (Main et al, 1985; Sroufe, 1997). A stranger, even in the form of a professional such as a nanny, is not able to perform these functions until that stranger becomes familiar *and* forges a healthy relationship with the child.

3. *Overnight separation of young children from their primary caregiver has been shown to have potentially devastating emotional consequences on both the child and the child's connection with his/her parents.*

In research with children up to 20 months old, overnight visitation (as in the case of an infant staying with a non-custodial parent after divorce) is correlated with insecure attachment to both parents (Solomon & George, 1999) and destabilising of the parental relationship with the child, showing a worsening of quality of attachment to both the mother and the father (Solomon & George, 1999). The recommendation for overnight visitation –and this is with divorcing parents, so one can assume that sending a child to a stranger would require much more stringent caution – is that it is to be avoided through the third year of life (Solomon & Biringer, 2001). Additionally, research shows that nighttime separation from parents where children are left with competent but non-familial adults results in higher risk of insecure attachment in these children (Sagi, 1994).

4. *Crying, which is seen by The Baby Borrowers as a normal and frequent expectation for babies and toddlers, is detrimental to the physical and psychological health of children.*

Crying alters cerebral blood volume in infants (Brazy, 1988) and is associated with increases in heart rate, skin temperature, body temperature, depression, frustration and pain (Bolstad, 2002) as well as a reduction in immune function (Labott, 1990). Hence, protecting infants and children from unnecessary crying, and avoiding situations which promote crying in combination with the absence of their trusted caregivers, is to protect the child from unnecessary physiological and emotional deterioration.

Because all four of these serious components are central to the *Baby Borrowers* show, we contend that this marks a serious breach of the broadcasting standards designed to protect children from maltreatment.

C) *The Baby Borrowers*, in our opinion, breaches the New Zealand Broadcasting Free To Air Code Standard 5 Accuracy, Guideline 5b "Broadcasters should refrain from broadcasting material which is misleading or necessarily alarms viewers."

1. This show necessarily alarms viewers because infants and young children are subjected to separation stress from parents and stress from incompetent caregiving by strangers that is not necessary and is avoidable.

2. This show misleads the audience by:

- suggesting that it is acceptable to remove an infant from his/ her primary caregiver to strangers even for only three nights (see above for an in depth discussion of why this is unacceptable practice)

- suggesting that the presence of a trained nanny or even the parent who is watching by video monitor only is sufficient for alleviating stress in the infant. In NZ, this is not accepted best practice caregiving within early childhood practice, as the nanny is not a recognised primary caregiver to the infant- ie is a stranger as well and no information about their training is available. Therefore, the show is misleading because this practice is not recommended under Ministry of Education guidelines for Early Childhood Education providers in New Zealand (or the United Kingdom, either) and in-home care over 24 hours where parents leave is only recommended by groups such as NEONZ after a period when the caregiver has established a secondary attachment relationship with the infant;

- suggesting that a format that allows a teen couple to 'borrow' a baby will result in a reduction in teen pregnancy rates among those who are participating in and/or exposed to the show. There is no research to support this suggestion and, in fact, research on prevention of teen pregnancy indicates that teens who feel connected to and supported by their parents (Brooks-Gunn, 1989) are more likely to delay sex in their relationships and that teen pregnancy is associated with unmet needs for intimacy, affection and closeness (Jorgensen, 1991; Landy, 1983). Hence, the premise of the show is gravely misleading.

- indicating that parents gave consent but, misleading the audience by not fully describing the details of that consent or the conditions under which it was given. One of the parents counselling teens on the show is mother of one of the babies, so this is also misleading as it indicates that parent involvement in the show makes the subjection of the infant to stress acceptable.

- indicating that teens parenting a stranger's baby is similar to parenting one's own infant

- indicating that a teenager, with assistance of a back-up nanny, has the capacity to care for a baby or small child *without* having a bond or relationship of any kind with this child. Research on teenage neurological development tells us that the teenage brain has an immature prefrontal cortex and hence cannot be relied upon for complex decision-making and still requires the assistance of trusted adults in the teen's life, as well as supervision (Giedd, 2007; Lenroot, 2006). To place a baby or dependent child of any age in the care of two strange teenagers is risky at best and yet the *Baby Borrowers* exploits this by including statements like this in their marketing hype: "The parents of the babies watch via monitors and some have to step in and warn the teenagers over their behaviour. Which couple face the ultimate disaster – having 'their baby' taken away from them?" And then, "After

having their baby taken away yesterday, Ava and Fisnik must prove they're fit to care for another youngster", indicating that once a teenager has proven their inability to provide adequate care that they will now get to experiment with someone else's child (and they do).

Therefore, the misleading and distressing nature of this show means it is an inaccurate account of teen parenting and prevention of teen pregnancy, of the current guidelines and regulations regarding in-home child care by trained professionals like nannies, and the norms by which current informed consent of parents in such "experiments" are conducted in NZ or in the UK according to accepted university or health body ethics committees.

As such, we believe that the misleading nature of the show is likely to create false viewer impressions of the impact of separation on infants, the meaning of informed parental consent, and misinformation about what constitutes infant and child maltreatment in terms of subjection to separation as infant stress in the care of strangers is condoned in this show. The latter issue indicates that the TVNZ broadcaster is negligent with respect to standard 9 of the Broadcasting Code Children's Interests, Guideline 9i "Broadcasters should recognise the rights of children and young people not to be exploited, humiliated or unnecessarily identified". Airing a show where infants are traumatised willingly by producers and parents is not acceptable according to this part of the code.

D) *The Baby Borrowers*, in our opinion, breaches the New Zealand Broadcasting Free To Air Code Standard 6g that broadcasters should avoid portraying persons in programmes in a manner that encourages denigration of, or discrimination:

The marketing, written materials and content of the programme repeatedly refers to toddlers in disparaging, denigrating ways, allowing participants and audience to view them unkindly and without sympathy despite expressions of legitimate upset, mostly stemming from the circumstances surrounding their participation in the programme. Examples of this in printed marketing include, "Meet the most unpredictable and chaotic set of children imaginable: toddlers. Can our couples survive a three-day weekend of tears, tantrums and toilet training from their new bundles of joy?" and from one of the participants referring to a child he cared for, "I didn't think anyone was that nasty."

The portrayal of the infant and child participants in this show, the marketing surrounding the show, and the treatment allowed as acceptable of this age group within the content of the show all constitute a breach of standards that strive to discourage discriminatory behaviour and characterizations.

We therefore contend that TVNZ is in breach of the Broadcasting Standard of protection of children and in particular Code 9(i) Rights of Children as sanctioned under the United Nations Convention on the rights of the Child, Code 6(g) which disallows material that is denigrating or discriminatory and Code 5(b) relating to material not being misleading or alarming.

Your Duties as a Publicly Funded New Zealand Broadcaster

We therefore urge your Broadcasting Company, TVNZ, to immediately cease broadcasts of *The Baby Borrowers* and comply more closely with the New Zealand Free to Air Broadcasting Standards so as to fulfil your duties as a publicly funded broadcasting service. The second series of this show is now being aired in the United Kingdom, so we also urge you to refrain from airing any subsequent sequels to *The Baby Borrowers*.

We urge you to consider these issues with the sincerity and concern that drives our complaint. We believe you have an interest in upholding child protection within New Zealand broadcasting. We are also available to answer any further questions with regard to our complaint. We are also happy to provide you with the complete reference list that underpins the research cited, as well as materials regarding the complaints and negative feedback that emerged when this show aired in the UK.

We appreciate your time and look forward to your response. We have also attached our media release to the public for your information. Please direct any enquiries regarding this complaint to Lauren Porter, Centre for Attachment.

Most sincerely,

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