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**CANADIAN BROADCAST STANDARDS COUNCIL  
ONTARIO REGIONAL COUNCIL**

CIII-TV (Global Television) re an episode of *Seinfeld*

(CBSC Decision 96/97-0074)

Decided May 8, 1997

A. MacKay (Chair), R. Stanbury (Vice-Chair), R. Cohen (*ad hoc*),  
P. Fockler, M. Hogarth, M. Ziniak

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**THE FACTS**

CIII-TV (Global Television) airs the situation comedy *Seinfeld* each week in Toronto and throughout Ontario on its repeater stations. The complainant involved in the episode in question had seen the program in Ottawa.

The December 19, 1996 episode of *Seinfeld* contained five subplots, each featuring the regular characters of the *Seinfeld* series. It is the subplot featuring Elaine which generated a complaint. The overall episode depicted Elaine on a blind date with a man named Allan, Kramer suffering from a cough, George attempting to convince a tenants' board to rent him an apartment, Newman quitting his job as a postman and Jerry delivering Newman's mail as well as trying to take Kramer to the doctor.

In the first scene of the subplot which includes Elaine and Allan, she is in a restaurant, waiting for Allan, her blind date, to arrive. The waiter appears and says that a man named Allan has called, but he won't be able to make their date because he has been stabbed. Elaine looks horrified. In the next scene, she is discussing this event with Jerry and tells him that an ex-girlfriend of Allan stabbed him. Jerry reacts and advises Elaine the "You're not going near this hooligan any more." Elaine disagrees, finding it interesting, "There must be something exciting about this guy if he can arouse that kind of passion. I mean, to be stabworthy, it's kind of a compliment." Jerry responds with "Yeah, too bad he didn't get shot, he could have been the one."

As the episode continues, Elaine is seen in a restaurant with Allan on their first date. She is eating shrimp and talking at the same time, gesticulating with her knife, saying how much she loves shrimp. He is shown leaning back with each wave of her knife, apparently very nervous.

**Allan:** “No, it’s okay. I’m still just a little bit jumpy.”

**Elaine:** “Between you and me, what happened there, with the stabbing?”

**Allan:** “Just one of those things, you know.”

**Elaine:** “Why, was she just so crazy in love with you, she just couldn’t take it any more, or ...?”

**Allan:** “I don’t know, could be...”

Then a woman approaches the table and, recognizing Allan, throws a bowl of soup in his face. Elaine jumps to her feet, horrified and asks “Was that the one who stabbed you?” Allan: “No, it was a different girl.” Elaine finds out more about Allan and reports to Jerry that Allan is a bad “breaker-upper” and that it is his way of ending relationships that apparently causes his girlfriends to react so aggressively to him. She decides that she can not date him again. In the coffee shop, she tells Allan this.

**Allan:** “So that’s it we are breaking up?”

**Elaine:** “What? We went out on one date!”

**Allan:** “Okay fine, yeah, whatever you say. So. See you around big head. You got a big head, it’s too big for your body.”

**Elaine:** (laughing) “That’s it, that is the best you got?” (Allan walks out.)

Elaine is then shown sitting in the middle of the back seat of a cab. The taxi driver asks her “Lady, could you move your head a bit, I can’t see out the back.” Elaine has to crouch down. Later, she is walking through a park when a small bird flies into her head and is knocked to the ground. A man on a park bench sees this and says to Elaine “A bird hit your head. It’s like he couldn’t avoid it.” Back in the coffee shop with Jerry and George, Elaine arrives with a scarf over her head saying “A bird ran into my giant freak head... I’m a walking candy cane.” Jerry tells her that Allan’s break-up comment is getting to her so Elaine decides to get back at Allan by showing him “that it doesn’t bother me, you know, laugh it off. Or jam a fork into his forehead.”

As the episode progresses, Allan and Elaine are again seen in the restaurant. Allan says “I want to apologize...So you have a big head, it goes well with the bump on your nose.” Elaine appears incredulous and the scene cuts to a woman rushing out of the restaurant. She seeks help from Kramer, who is walking down the street. The woman exclaims “Please get help, there is a crazy, big-headed woman beating up some guy, hurry!!!”

## **The Letter of Complaint**

On December 21, 1996, complainant wrote to the CRTC. That letter was in turn forwarded to the CBSC. The complainant stated:

The programme portrayed a man who was apparently stabbed twice by women he was dating. This was treated as a laughing matter and he was portrayed as not seriously hurt, and, if anything, the perpetrator for what he said to women. If women were portrayed as the men were, this programme would not last a week on Global or any other channel. Global has run ads on domestic violence, portraying victims as always women and perpetrators as always men. I object to the sexist, double standard for relationship violence. This was gratuitous gender abuse, indicating deep seated gender bias in portrayal. If you tolerate these programmes against men why not against other groups? And why does Global only air PSA's which call for sympathy and support for women only, while blaming men?

Would the CRTC accept a Global portrayal of whites, the majority as are women, stabbing natives, a minority, as are men, amid great laughter? Global and "Seinfeld" promote relationship violence, revenge, hatred and escalation of verbal disputes to physical assault. And this, of course, is funny, provided the victim is a man. If gender violence is funny when the victim is a man, why is it not when the victim is a woman?

This programme violates the Global commitment to the CRTC by portraying female violence against males with stereotyping and ridicule. Gender-based stabbing of males is a clear breach of the CRTC guidelines on gender.

### **The Broadcaster's Response**

In his letter of January 16, 1997, the National Director, Promotions and Publicity, for the CanWest Global System responded to the complainant as follows:

Seinfeld is a situation comedy which uses its original point of view to explore life's everyday occurrences that provide humour when viewed from afar. Things like losing your car in a parking garage, working for an eccentric boss, problems with dating or the peculiarities of gender.

The December 19 episode of Seinfeld contained the storyline of Elaine Benes (Julia Louis-Dreyfus) dating a fellow who had been stabbed twice by 2 of his ex-girlfriends. Once Elaine discovers this fact about her new boyfriend, she finds him more attractive. The context in which this revelation is made is absolutely absurd and in true Seinfeld fashion, any and every subject is subject to ridicule.

Seinfeld is currently in its eighth season and is the recipient of the *1993 Emmy for Outstanding Comedy Series* and the *1996 Peoples Choice Award for Best Comedy*. However, as your concern deserves attention we wish to inform you that the production company responsible for Seinfeld is Columbia Tristar Television and you should feel free to contact them with your complaint at...

The complainant was unsatisfied with this response and requested, on January 17, 1997, that the CBSC refer the matter to the appropriate Regional Council for adjudication.

### **THE DECISION**

The CBSC's Ontario Regional Council considered the complaint under Clause 2 of the *CAB Code of Ethics*, and Clause 1 of the *Voluntary Code Regarding Violence in Television Programming*, which read as follows:

*CAB Code of Ethics*, Clause 2 (Human Rights):

Recognizing that every person has a right to full and equal recognition and to enjoy certain fundamental rights and freedoms, broadcasters shall endeavour to ensure, to the best of their ability, that their programming contains no abusive or discriminatory material or comment which is based on matters of race, national or ethnic origin, colour, religion, age, sex, marital status or physical or mental handicap.

*Voluntary Code Regarding Violence in Television Programming*, Clause 1:

**1.0 CONTENT**

1.1 Canadian broadcasters shall not air programming which:

- contains gratuitous violence in any form\*
- sanctions, promotes or glamorizes violence

("Gratuitous" means material which does not play an integral role in developing the plot, character or theme of the material as a whole).

The Regional Council members viewed a tape of the program in question and reviewed all of the correspondence. The Council considers that the program in question does not violate either the *CAB Code of Ethics* or the *Voluntary Code Regarding Violence in Television Programming*.

### **The Content of the Program**

The complainant argues that the portrayal of "a man who was apparently stabbed twice by women he was dating ... was treated as a laughing matter" and that, had the genders been reversed, the public reaction to the episode would have been different. The Ontario Regional Council disagrees. It is the *situation* which has been treated as a laughing matter by a program which traditionally seeks laughing matters for its survival. The writers have created what they considered a humorous scenario based on a most unlikely event, one which the Council considers a nearly ridiculous event. Moreover, by dealing with the stabbings as past events not shown in the episode and as not life-threatening, the writers were clearly avoiding any glamorization of such actions.

Ironically, the letter-writer points out that

Global has run ads on domestic violence, portraying victims as always women and perpetrators as always men. I object to the sexist, double standard for relationship violence.

If anything, this particular episode of *Seinfeld* should be seen by him as helping to redress the alleged imbalance resulting from Global's playing of PSAs depicting men as the prime perpetrators of violence in relationships. In any event, the program could even arguably have contained its own internal "balance" in the treatment of men and women, since both

men and women had been subjected to ridicule in the course of the episode, Allan for his obvious relationship failures and Elaine for her oversized head.

This complaint falls into the broad category of other complaints raised by this complainant in connection with his vision of men's rights issues. It is of a slightly different genre but no more valid, in the Council's view, than the related issues which it has already treated in *CFRA-AM re International Women's Day* (CBSC Decision 95/96-0157, October 21, 1996), *CFRA-AM re Family Fortune* (CBSC Decision 95/96-0145, October 21, 1996), *CFRA-AM re PSA* (CBSC Decision 95/96-0149, October 21, 1996) and *CFRA-AM re Dr. Tomorrow* (CBSC Decision 95/96-0152, October 21, 1996).

### **The Broadcaster's Response**

It is a fundamental responsibility of CBSC membership that broadcasters must be responsive to complainants. It is, moreover, an issue dealt with, to a greater or lesser degree, in every decision. In this case, the Regional Council considers that the written reply from the broadcaster was "on the edge" of not fulfilling the obligation of providing a full and fair response to the issues raised by the complainant.

The process by which the CBSC becomes involved in adjudicating a dispute between a broadcaster and a listener/viewer places reasonable, but not insignificant, demands on the complainant. A simple phone call is not enough to trigger the process. The CBSC procedures require that a complainant must take the time to put his/her concerns *in writing*, and while no knowledge of broadcast codes is required of the complainant, the concerned individual must outline why he or she believes that the content of the broadcast was not appropriate. Often, in the experience of the Council, the letters provide lengthy explanations of the reason for the complainant's concern.

There exists a corresponding demand upon the broadcaster to treat the complaint with respect. Ideally, the station's reply should reflect its own review of the challenged program in light of the concerns of the complainant and explain in a clear and direct fashion why the program does not violate any of the industry Codes and standards to which the station has agreed to adhere. At the very least, it ought to be responsive to the concerns of the complainant. The CBSC does understand that, from time to time, large numbers of complaints make it difficult to provide individually composed letters to *each* complainant but it has been the experience of the Council that, in such cases, few though they have been, the broadcasters have gone out of their way to try to encompass the issues raised collectively by the complainants.

In this instance, a simple two paragraph description of the episode's storyline and the program's overall premise, followed by an invitation to write to the American producers of the program - with no effort made to respond to the viewer's concerns about the portrayal of violence - is a borderline response at best. The letter appeared to the Council to attempt to shift responsibility for the program from the broadcaster to the producers. There can be no doubt regarding the broadcaster's responsibility for the programming which it airs, *wherever* it is produced. Nor is there anything improper with the provision of the address of

the program's producers. As the Ontario Regional Council found *in CFMT-TV re an Episode of "The Simpsons"* (CBSC Decision 94/95-0082, August 18, 1995),

A broadcaster may, for quite positive reasons, wish to encourage a viewer to *also* contact the producer of the program but should not attempt to sidestep its *own* responsibility in that regard on the grounds that *it* was not the producer of the show at issue.

Canadian broadcasters are also required to direct complainants to *Canadian* resources, specifically the Canadian Broadcast Standards Council, when they have a problem with material they have aired which they have been unable to resolve directly with the complainant. As members of the CBSC, broadcasters are encouraged to enclose the Council's brochure with their initial response as a means of advising viewers that they have an additional recourse available to them.

In this case, however, the Council was uncertain, from the wording of the Global letter, whether the broadcaster was attempting to "pass the buck" or merely to provide *additional* information to the complainant. It would like to remind the broadcaster that the latter course is the appropriate one.

*This decision is a public document upon its release by the Canadian Broadcast Standards Council. It may be reported, announced or read by the station against which the complaint had originally been made; however, in the case of a favourable decision, the station is under no obligation to announce the result.*