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**CANADIAN BROADCAST STANDARDS COUNCIL  
BRITISH COLUMBIA REGIONAL COUNCIL**

CKVU-TV re an episode *Nightstand*

(CBSC Decision 96/97-0140)

Decided June 19, 1997

E. Petrie (Chair), R. Cohen (*ad hoc*), B. Edwards (*ad hoc*), R. Mackay

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**THE FACTS**

CKVU-TV (UTV) (Vancouver) broadcast an episode of *Nightstand* entitled "A Green Dick" at midnight on February 20, 1997. Although the program follows the *format* of a talk show, it differs significantly from the typical talk show in that it is essentially a parody of the genre and the guests are all actors. The episode in question included "Nancy", her "father" and her boyfriend "Stone" for the first half hour, the segment complained of. These actors told Dick Dietrick, the "host" of the show, the contrived story of the death of Nancy's mother during a bear attack.

The presentation of the sketch included, as a part of its backstory, the historical conflict between Nancy and her father, the owner of a logging company at which Stone worked. Dick introduced Nancy as an environmentalist "who likes to wear flannel and hiking boots but surprisingly is not a lesbian." In the various plays on words, the host referred to a male logger's "morning wood" and implied that he would like to see her "forest". The climax of the sketch involved an obvious tall tale (described below in the complainant's letter) which permitted the writers to lead to the conclusion that the bear "had your wife and ate her too. Sir, that is one grisly story."

**THE LETTER OF COMPLAINT**

The letter of complaint, dated February 27, 1997, was sent directly to the station and copied to the CBSC, among others. It stated:

I viewed this show last Thursday and was quite frankly appalled. In one of his many sick "Dickumentaries", Dick describes how a "man's daughter laments the death of her mother by a bear. Her father explains how he tied her mother to a tree nude and spread-eagled

because they were both horny and wanted to have wild sex. He covered his wife's naked body with honey, then went back to the car when he realized he had forgotten his bull-whip. When he got back, a bear had licked all the honey off her, then had sex with her. So I guess you could say the bear had his wife and ate her too.

I believe this kind of programming is insulting, degrading and debasing as well as repulsive and disgusting. It is clearly in violation of the "Sex-Role Portrayal Code" of the Canadian Broadcasting Standards Council.

## **THE BROADCASTER'S REPLY**

On behalf of CKVU-TV, the National Program Director of Canwest Global wrote to the complainant on March 12, 1997. He stated that

"Nightstand" is a program written, acted and intended to be a comedic parody of the television talk show genre. The interpretation of comedy is highly subjective, whether a situation comedy, stand-up, satire or parody. The vast variety of comedic programs on the air permits viewers to determine their favorites and enjoy those programs which appeal to each. We strive to present a wide range of comedy series, from "Frasier" to "Friends", from "Seinfeld" to "Saturday Night Live" for our viewers.

The content in the program you refer to was merely an anecdotal parody and not a depiction of gratuitous harm toward individuals in a sexual context, pursuant to General Principles, Subsection (d) of the Sex-Role Portrayal Code for Television and Radio Programming to which we are bound as a condition of licence. Further, with reference to Subsection (e), our scheduling of "Nightstand" as a late-night program reflects our sensitivity to [the] adult orientation of the program.

Although the program may be considered by some individuals to be in bad taste, we do not believe that it crosses the line into the promotion of sexual hatred or degradation.

Viewer perceptions of programming which we air varies with the individual. As responsible broadcasters it is important for us to reflect the needs and concerns of our viewers. We are one part of the process, a process which begins with the producers of the programs we broadcast. Accordingly, we will be sending a copy of your letter along with this reply to the producers of "Nightstand", through Worldvision Enterprises, the Canadian distributor of the program.

The interpretation and determination of what is appropriate for broadcast is an issue we are continually evaluating, both as an industry and as broadcasters serving our individual markets. It is through viewer feedback like yours that we are able to ensure the proper evolution of our standards, and in what manner we will mirror the needs and concerns of our society.

The viewer was not satisfied with this response and, on March 14, 1997, requested that the CBSC refer the matter to the appropriate Regional Council for adjudication.

## **THE DECISION**

The CBSC's B.C. Regional Council considered the complaint under Clause 4 of the *Sex-Role Portrayal Code for Television and Radio Programming*. The relevant clause of the Code reads as follows:

4. Exploitation

Television and radio programming shall refrain from the exploitation of women, men and children. Negative or degrading comments on the role and nature of women, men or children in society shall be avoided. Modes of dress, camera focus on areas of the body and similar modes of portrayal should not be degrading to either sex. The sexualization of children through dress or behaviour is not acceptable.

Guidance: "Sex-ploitation" through dress is one area in which the sexes have traditionally differed, with more women portrayed in scant clothing and alluring postures.

The Regional Council members viewed tapes of the episode in question and reviewed the correspondence. The Council considers that, for the reasons given below, the program is not in violation of the *CAB Sex-Role Portrayal Code*.

## THE CONTENT OF THE PROGRAM

The Council understands the program to be rather straightforward comedy. It also considers that the sketch in question is far-fetched and clearly unrealistic. This does not mean, of course, that the show *cannot* be in breach of the *Sex-Role Portrayal Code*; however, where a show is *clearly* comedic rather than serious in nature, the CBSC has previously decided that there may be a different level of expectation on the part of the listener or viewer. In *CHUM-FM re Sunday Funnies* (CBSC Decision 95/96-0064, March 26, 1996), the Ontario Regional Council explained this distinction in the following terms:

There is an essential distinction to be drawn between the serious and humorous dialogue. Each has its content limitations but *what* those limitations are will vary according to the *nature* of the broadcast in question.

...

The Council believes that it is essential to draw a distinction between a broadcast which is *intended* to be serious or at least leaves the impression that it intends to be serious and one which *clearly* does not. It is not that the *standard* to be applied to the potentially offending statement will be different. It is rather the question of audience perception. The Brian Henderson and Dick Smyth commentaries foundered on *that* rock.

The situation is different where the context is clearly comedic. After all, where the audience is given no reason to expect that the substance of the comments made is serious, their attitude could *reasonably* be expected to be different. A remark which might reasonably be assessed as abusive in a serious context and thus in breach of the *Code of Ethics* may not be so viewed in the comedic environment.

Furthermore, humour is commonly based on national, ethnic, racial or gender traits, as often as not related to background matters best-known to the comedian. Even stereotypes are not unknown in such a context. Such issues cannot *alone* be the cause of a broadcast sanction. They must be *coupled* with another defining criterion; namely, they must be abusive or discriminatory.

...

The issue, ultimately, is to decide *when* a humorously intended comment may *reasonably* be viewed as having gone too far.

The view of the B.C. Regional Council is that, at worst, the segment was in very poor taste, but it did not exploit women. It was an extended pun, styled in some respects along the lines of what used to be called “shaggy dog” stories. The humour may have been childish and somewhat sexual or off-colour but it was no more exploitative of the one sex than of the other. As the CBSC has long established, it will not measure questions of taste in terms of the Codes it administers; such questions are to be left for the resolution of the audience by means of the on/off switch. It is only when matters of taste pass the threshold of the Codes by reason of their abusive or discriminatory nature or other Code-offending nature that the Council will measure them against the Codes. This is not the case here. Moreover, the program was aired in a very late time slot, when there was no risk that persons other than adults would be watching. Consequently, there was no breach of the *Sex-Role Portrayal Code*.

## **BROADCASTER RESPONSIVENESS**

The CBSC always recognizes the broadcaster's obligation, as a CBSC member, to be responsive to complainants. In this case, the Regional Council considers that the response from Canwest Global's National Program Director dealt thoroughly with the viewer's concerns, even though not as the complainant would have wished. Consequently, the station did not breach the Council's standard of responsiveness.

*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.*