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**CANADIAN BROADCAST STANDARDS COUNCIL  
PRAIRIE REGIONAL PANEL**

CKCK-TV re Promos for *the Sopranos* and an Advertisement for *the Watcher*

(CBSC Decision 00/01-0058)

Decided August 20, 2001

D. Braun (Chair), D. Ish (Vice-Chair), D. Dobbie, S. Hall, A. MacKay (*ad hoc*)

R. Gallagher, who normally sits on Prairie Regional Panel matters, is an employee of CTV and did not participate in these deliberations

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## THE FACTS

On September 13 and 14, 2000, CKCK-TV (Regina), an owned and operated CTV station, broadcast promotional spots for the television series *The Sopranos* during the course of their broadcasts of *Who Want to Be a Millionaire?* on both dates and an advertisement for the theatrical feature *The Watcher* at 7:06 p.m. on September 14. The CTV show, which normally runs at 9 p.m. in eastern Canada, runs at 7 p.m. in Saskatchewan. Consequently, the promos and film trailer, which were not rescheduled by the Regina station, ran in a pre-Watershed time frame on those dates.

The commercial for *The Watcher*, which runs approximately 15 seconds, promotes the movie as “one of the scariest movies you’ll see this year.” It shows various very brief scenes from the movie, including a close-up of one woman screaming for her life, another frightened woman hiding under a car in a parking lot, the same woman being yanked from under the car and apparently about to be strangled by a man with a rope, as well as a distant (background) struggle between silhouetted figures.

The promo for *The Sopranos*, which runs approximately 30 seconds, highlights several scenes from the program, in one of which Tony Soprano repeatedly punches a man who is already on the ground, and in another of which a person is executed by gunshot by at least two henchman, one of whom is Tony Soprano. There is also a scene of Tony carrying on his shoulders a woman dressed only in her underwear. Throughout the promo, there is a voice-over which states: “Tony Soprano’s life is violent, sexy, funny. New Jersey is his turf. Watch out or he’ll mow you down. Television for adults. Begins Sunday at 10. Viewer discretion is advised.”

The complainant, a viewer in Swift Current, sent her complaint to the CBSC by e-mail on September 15. In it she said in part (the full text of the e-mail is reproduced in the Appendix):

The program itself [*Who Wants To Be a Millionaire?*] is a wonderful program for families to watch. However, the commercials aired during this time contained explicit violence and sexually suggestive scenes. The commercials in particular were: a CTV promo spot for the Sopranos (which was billed as adult television, viewer discretion advised and contained a murder, bedroom scene and beating) and an advertisement for a movie about a stalker (I believe called "the Walker") which was billed as the scariest movie of all time and contained terrifying scenes of women being stalked and attacked. If the show is rated "G", shouldn't the commercials also be "G" rated?

The station's General Manager replied on October 11. He said, in part (the full letter is included in the Appendix):

The commercial you refer to was a nationally purchased campaign for the movie "The Watcher". Since "Millionaire" airs in the East after 9 p.m., no consideration was given for the fact that the program airs at 7 p.m. in Saskatchewan, well before the watershed hour of 9 o'clock as dictated by the code. We have now put into place a special procedure that will give us the rating information and allow our traffic people in Saskatchewan to move mature rated movie commercials into programming that runs after 9 p.m. We apologize for this situation and are confident that these new procedures will remedy the problem.

With respect to the promotional campaign advertising "The Sopranos", our company is very aware of the controversial nature of this program. We took care in making sure that graphic violence and language were not shown in the promos and that a very strong viewer advisory was included. It was important that the majority of the viewing audience was at least made aware of the content so adults could make their own decision as to whether or not they wished to watch the series. There is no question that "The Sopranos" had to be shown after 9 p.m., but we felt that it was important to air some promotion in a popular show like "Millionaire".

We regret that you were offended by these commercials and hope that this explanation will help. Within its schedule, CKCK seeks to offer its viewers a broad range of information and entertainment choices, understanding that not all programs will appeal to each viewer.

The complainant was not satisfied by the General Manager's reply and responded to it on October 16 in the following terms (the full text of the letter is included in the Appendix), acknowledging that the measures described by the General Manager to remedy the situation in future were "a step in the right direction."

Unfortunately, he [the General Manager] also maintains that graphic violence was not shown in the promo for "the Sopranos". The station's inability to correctly define graphic violence does not allow me to have any confidence in the network's ability to rate commercials and promos appropriately. "The Sopranos" promo contained a scene of a man being repeatedly punched in the face and a scene of a man being shot. These scenes cannot be classified as anything but graphically violent, and as such are in violation of the industry code administered by the CBSC.

[The General Manager] explained that it was important to show these scenes to make the majority of the viewing audience aware of the controversial content of "The Sopranos". If the station had bothered to use a little creativity, the controversial nature of the show could have been communicated to the viewing audience without actually showing the graphically violent scenes. At any rate, the promo should not have been shown before 9PM so that our nation's children are not exposed to "the controversial nature of this program". Putting "The Sopranos" promo on at prime time was a calculated move by the network spin doctors to intentionally create controversy and boost ratings and had little to do with warning people about the show. The warning of graphic sex and violence at the beginning of "The Sopranos" show is sufficient enough warning for "sensitive viewers" (logically, the converse term "insensitive viewers" would apply to people who find this level of sex and violence acceptable). [...]

I hope that the CBSC will decide to care about this nation's children and act to make prime time programming appropriate and safe for families to watch. "It takes a community to raise a child" and our nation's community broadcasters have a responsibility in raising our children.

If our community broadcast standards continue to allow children to be exposed to violence on TV, we can expect to see our children learning to react violently in real life, particularly if they don't have a functional family which models appropriate coping skills for them.

## THE DECISION

The Prairie Regional Panel considered the complaint under the following provisions of the *Voluntary Code regarding Violence in Television Programming (the Violence Code)*.

Article 3.2 (Scheduling of promotion material)

Promotion material which contains scenes of violence intended for adult audiences shall not be telecast before 9 pm.

Article 3.3 (Scheduling of advertisements)

Advertisements which contain scenes of violence intended for adult audiences, such as those for theatrically presented feature films, shall not be telecast before 9 pm.

The Adjudicators watched the episode of *Who Wants To Be a Millionaire?* in the course of which the challenged promo and advertisement were broadcast. It is the decision of the Panel that the broadcast of the advertisement for *The Watcher* was not in breach of any provision of the Violence Code but that the promo for *The Sopranos* was in breach of Article 3.2 of the *Violence Code*.

### The Nature of the Scenes: Intended for Adult Audiences?

The Prairie Regional Panel has today rendered a decision quite similar to this one, with the slight exception that the broadcaster was different and that it dealt with two promos, one for *The Sopranos* and another for a CTV presentation of the movie, *City Hall*, rather than, as in this case, an advertisement for the theatrical feature film, *The Watcher* and the promo for

*The Sopranos*. For the reasons given in that decision which will not be reviewed here, the Panel reiterated the CBSC's position that a post-Watershed program may be promoted before the Watershed provided that the content of *the promo* does not include material intended for adult audiences. In the other decision, this Panel concluded that nothing in the *City Hall* promo was of that nature. It reaches the same conclusion here with respect to the advertisement for *The Watcher*. The trailer contained no actual violence and very little material that could remotely be described as frightening, despite the fact that it tried to bill the film as "one of the scariest movies you'll see this year."

The case of *The Sopranos* was entirely different. As this Panel held in the CKY-TV decision,

While, due to constraints of time, it is not as graphic or lengthy as in the actual program, the violence is unequivocally present and aggressive. The Panel has no hesitation in concluding that it is of the variety of violence that ought to play in a post-Watershed time frame.

In this case, the complainant was also concerned with the "sexually suggestive scenes" contained in the promotional spot. The Panel finds that the scene of Tony carrying the laughing woman over his shoulder was just that, suggestive. Nothing more. It does not attain the level of explicitness which would have rendered it inappropriate for broadcast in a pre-Watershed environment.

### **The Scheduling of Advertising and Promotional Spots**

The complainant has put an interesting and logical question: "If the show is rated >G', shouldn't the commercials also be >G' rated?" In fact, the private broadcasters' system to alert viewers regarding the content of promotional spots does not work on that basis. Promotional spots are simply not classified, whether they refer to theatrical films or television programs, both of which may themselves be classified, whether in cinemas or according to the television classification system. The private broadcasters' system simply divides *all* dramatic broadcast matter into two categories, that which is intended for adults and that which is not. The first category of material must be shown after the Watershed and the second category may be shown before 9 p.m.

Leaving aside the fact that promotional spots for a film or program do not require classification, it must be understood that any kind of assessment or evaluation of a promotional spot would depend solely on the *content of the material used in that promo*. It would thus be unrelated to the content of the material contained in the film or program for which the promo has been produced. In other words, the rating for the *actual program* does not necessarily transfer to the promotional spot for that program.

It should also be borne in mind that the broadcaster has the right to promote any program to the diverse audience watching the station at any time during the day, provided that the content of the promotional spot does not cross the line of containing content intended for

an adult audience. Knowing that there may be viewers from across the age and taste continuum, it is, after all, eminently fair that they be appealed to at any pre-Watershed time of day when they might be watching *provided that the content of the promotional spot will not offend those other viewers who may be watching at the same time.*

In a post-Watershed environment, the “burden” shifts. There is an assumption in the late viewing hours that material is entitled to be appropriate to that time period. Viewers must be aware of that. Thus, the rule is that, pre-Watershed, the promos not be intended for adults; however, it is not required that they be *so refined* that they fall into the same more precise rating category as the show within which they are shown. That would constitute an almost impossible situation for the broadcaster traffic departments and is unnecessary, as long as the broader Watershed provisions are respected.

The case of *The Watcher* is clear. Since it did not include material judged by the Panel to be intended exclusively for adult audiences, there was no problem in scheduling it for broadcast on a pre-Watershed basis *in terms of the requirements of the Violence Code.* That being said, the General Manager of CKCK-TV did explain a procedure the station subsequently put into place to avoid the scheduling of such material in future.

We have now put into place a special procedure that will give us the rating information and allow our traffic people in Saskatchewan to move mature rated movie commercials into programming that runs after 9 P.M. We apologize for this situation and are confident that these new procedures will remedy the problem.

The point is that broadcasters often go beyond the requirements of the Codes in ensuring that what they broadcast is appropriate for their audiences. In this case, while in a strict Code sense, the trailer for *The Watcher* may pass muster, the broadcaster considers that it would be more appropriately scheduled in a post-Watershed time frame. This is to the broadcaster’s credit.

As to the promos for *The Sopranos*, the Panel can do no more than to refer to its conclusions in *CKY-TV re Promos for The Sopranos and City Hall* (CBSC Decision 00/01-0071, August 20, 2001).

The case of *The Sopranos* is different. While, due to constraints of time, it is not as graphic or lengthy as in the actual program, the violence is unequivocally present and aggressive. The Panel has no hesitation in concluding that it is of the variety of violence that ought to play in a post-Watershed time frame.

While the term “graphic violence” is not a Code term, it is the one which was used both by the complainant and the broadcaster’s General Manager. Incidentally, the CBSC’s National Conventional Television Panel used the same term to describe the television series. The Panel also notes the CKCK General Manager’s observation that the broadcaster “took care in making sure that graphic violence and language were not shown in the promos;” however, it is unnecessary in the deliberations of the Prairie Regional Panel to determine whether the violence used in this promotional material is or is not

“graphic”. That is not the issue. In the view of the Panel, the content of the spots was intended for adults, and that is the sole matter upon which it must rule.

As to the General Manager’s observation that a “very strong viewer advisory” was included, it was only *following* the promo which is at issue here and not *before* it, the only point at which it could arguably have been of use to a viewer. Its inclusion in the promo related solely to the series itself and its presence, consequently, is of no bearing regarding the Panel’s decision on the promo. In the result, as in the CKY decision, the Panel finds CKCK-TV in breach for running these promos on a pre-Watershed basis.

### **Broadcaster Responsiveness**

Broadcaster responsiveness is always an issue considered in CBSC adjudications. The CBSC considers that the dialogue between broadcasters and complainants is an extremely positive component of the self-regulatory process, to the point that it is in fact a membership responsibility of all CBSC broadcaster members. On the issue of broadcaster responsiveness in this instance, the Panel has no hesitation in finding the broadcaster’s General Manager extremely thoughtful and helpful. The issue is not, of course, whether the complainant ultimately *agreed* with him but rather whether the broadcaster’s representative has apparently read, digested, focused on and responded to the concerns of the complainant. In this case, the Panel considers not only that he has done so but that, in adopting a measure to cope with the complainant’s concern and explaining it to her, he has gone the extra mile in the dialogue process.

### **CONTENT OF THE ANNOUNCEMENT OF THE DECISION**

CKCK-TV is required to: 1) announce this decision, in the following terms, once during prime time within three days following the release of this decision and once more within seven days following the release of this decision during the time period in which *Who Wants to Be a Millionaire?* is broadcast; 2) within the fourteen days following the broadcast of the announcements, to provide written confirmation of the airing of the statement to the complainant who filed the Ruling Request; and 3) to provide the CBSC with that written confirmation and with air check copies of the broadcasts of the two announcements which must be made by CKCK-TV.

The Canadian Broadcast Standards Council has found that CKCK-TV has breached the promotional material scheduling provision in the *CAB Violence Code* in its broadcasts of promos for the television series *The Sopranos* on September 13 and 14, 2000. By scheduling a program promo containing scenes of violence intended for adult audiences before 9 pm, which is the Watershed hour before which no programming intended for adults can be shown, CKCK-TV has breached Article 3.2 of the *Violence Code*.

*This decision is a public document upon its release by the Canadian Broadcast Standards Council.*

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**APPENDIX**  
**TO CBSC DECISION 00/01-58**  
*CKCK-TV re Promo for The Sopranos and advertisement for The Watcher*

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**I. The Complaint**

The following complaint dated September 15, 2000 was submitted via the CBSC's online complaint form:

station: ckck-ctv regina  
program: who wants to be a millionaire  
date: Sept. 13 & 14  
time: 7pm; 7pm & 8pm

Concern: The program itself is a wonderful program for families to watch. However, the commercials aired during this time contained explicit violence and sexually suggestive scenes. The commercials in particular were: a CTV promo spot for the Sopranos (which was billed as adult television, viewer discretion advised and contained a murder, bedroom scene and beating) and an advertisement for a movie about a stalker (I believe called "the Walker") which was billed as the scariest movie of all time and contained terrifying scenes of women being stalked and attacked. If the show is rated "G", shouldn't the commercials also be "G" rated? I have phoned the station about my concerns but feel that the Council needs to enforce these rules more strictly. The same type of thing has happened several times at the CJFB-CBC when violently explicit promos were aired during the morning children's programming. When I have complained, they have withdrawn the commercials immediately. However, my children have already been exposed to the violence. I'd like to see these types of occurrences prevented altogether.

**II. The Broadcaster's Response**

The General Manager, CKCK-TV, replied to the complainant on October 11, 2000 with the following:

The Canadian Broadcast Standards Council (CBSC) has forwarded to me your email of concern regarding promotional and commercial occasions which aired on CKCK Regina on September 13 and 14, 2000.

After receiving your correspondence on October 6, 2000, I viewed the program in question with respect to compliance with the applicable industry codes that are administered by the CBSC, including the code dealing with television violence, which service as a guideline for television programming.

The commercial you refer to was a nationally purchased campaign for the movie "The Watcher". Since "Millionaire" airs in the East after 9 p.m., no consideration was given for the fact that the program airs at 7p.m. in Saskatchewan, well before the watershed hour of 9 o'clock as dictated by the code. We have now put into place a special procedure that will give us the rating information and allow our traffic people in Saskatchewan to move mature rated movie commercials into programming that tuns after 9 P.M. We apologize for this situation and are confident that these new procedures will remedy the problem.

With respect to the promotional campaign advertising “The Sopranos”, our company is very aware of the controversial nature of this program. We took care in making sure that graphic violence and language were not shown in the promos and that a very strong viewer advisory was included. It was important that the majority of the viewing audience was at least made aware of the content so adults could make their own decision as to whether or not they wished to watch the series. There is no question that “The Sopranos” had to be shown after 9PM, but we felt that it was important to air some promotion in a popular show like “Millionaire”.

We regret that you were offended by these commercials and hope that this explanation will help. Within its schedule, CKCK seeks to offer its viewers a broad range of information and entertainment choices, understanding that not all programs will appeal to each viewer. I thank you for taking the time to make your views known and hope that you will continue to find, within our schedule, programs that you will enjoy. Please do not hesitate to call me at 306-569-6464 if you have any other comments.

### **III. Additional Correspondence**

The complainant was not satisfied with the broadcaster’s response and on October 16, 2000 sent the following to the CBSC requesting a ruling by the Prairie Regional Panel:

Thank you for your email dated October 5, 2000. I originally wrote the CBSC on September 15, 2000 after phoning CKCK-TV with my complaint and not receiving a satisfactory response. I have since received a written letter of reply from [the] General Manager of CKCK-TV dated October 11, 2000 in response to receiving a copy of your email. Mr. Dunlop stated “We have now put into place a special procedure that will give us the rating information and allow our traffic people in Saskatchewan to move mature rated movie commercials into programming that runs after 9 P.M.” That is a step in the right direction.

Unfortunately, he also maintains that graphic violence was not shown in the promo for “the Sopranos”. The station’s inability to correctly define graphic violence does not allow me to have any confidence in the network’s ability to rate commercials and promos appropriately. “The Sopranos” promo contained a scene of a man being repeatedly punched in the face and a scene of a man being shot. These scenes cannot be classified as anything but graphically violent, and as such are in violation of the industry code administered by the CBSC.

[The General Manager] explained that it was important to show these scenes to make the majority of the viewing audience aware of the controversial content of “The Sopranos”. If the station had bothered to use a little creativity, the controversial nature of the show could have been communicated to the viewing audience without actually showing the graphically violent scenes. At any rate, the promo should not have been shown before 9PM so that our nation’s children are not exposed to “the controversial nature of this program”. Putting “The Sopranos” promo on at prime time was a calculated move by the network spin doctors to intentionally create controversy and boost ratings and had little to do with warning people about the show. The warning of graphic sex and violence at the beginning of “The Sopranos” show is sufficient enough warning for “sensitive viewers” (logically, the converse term “insensitive viewers” would apply to people who find this level of sex and violence acceptable). Obviously, the protection of the minds and innocence of our children has no place on the corporate agenda of CTV.

I hope that the CBSC will decide to care about this nation’s children and act to make prime time programming appropriate and safe for families to watch. “It takes a community to raise a child”

and our nation's community broadcasters have a responsibility in raising our children. If our community broadcast standards continue to allow children to be exposed to violence on TV, we can expect to see our children learning to react violently in real life, particularly if they don't have a functional family which models appropriate coping skills for them.

Therefore, I am requesting that the appropriate CBSC Regional Council consider my complaint and the broadcaster's response.