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**CANADIAN BROADCAST STANDARDS COUNCIL  
PRAIRIE REGIONAL PANEL**

CICT-TV re a news update during *Touched by an Angel*

(CBSC Decision 00/01-0985)

Decided January 14, 2002

D. Braun (Chair), D. Ish (Vice-Chair), D. Dobbie, V. Dubois, R. Gallagher and S. Hall

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**THE FACTS**

On July 15, 2001, CICT-TV (Calgary) ran the story of the driver who careened his car into a crowd of spectators at the Tour de France as a part of the “Our World” international section of its 6:00 pm Global News report. A complaint about that newscast that was initially sent to the CRTC came to the CBSC in due course and has been dealt with today in *CICT-TV re a news report on the Tour de France* (CBSC Decision 00/01-0982, January 14, 2002). Background regarding that underlying news report and its disposition by this Panel can be found there.

On the same date, with the intention of reporting the story again on the 11:00 pm newscast, CICT-TV ran a teaser for the late evening news in a 7:30 pm commercial break during the family show *Touched by an Angel*. In that 30-second news update, the announcer said “People in France are still shaking their heads tonight after a man drove his car straight through a crowd of people.” The 9-second clip was then played and was repeated in slow motion. The announcer stated that four people were hurt, one seriously, and that the driver had been arrested and was facing many charges. He then said “More at eleven.”

A complaint was sent to the CBSC by e-mail on the day of the broadcast. The complainant wrote, in part (the full text of her e-mail is included in the Appendix):

On Sunday evening, July 15, 2001, my husband, daughter (aged 9) and I were watching the family programme “Touched by an Angel”.

During one of the commercial breaks, a news flash came on and it was reported that France was traumatized by a vehicle driving through a crowd of people. They then went on to show a home video in which you could see people being run over by a car and the car actually hitting a person and throwing them [*sic*] in the air. I found the scene unbearable and had to close my eyes. I understand that news flashes attract viewers but found the content of the video shown was of such a violent nature that common sense should have prevailed not to show the home video until the news later in the evening.

I object to no warnings being given that violent scenes were about to be shown on the screen and am really upset at what I viewed during what I consider to be a family hour i.e. between 7:00 pm and 8:00 pm.

The News Director of CICT-TV replied on August 16:

This is in response to your letter of July 15, in which you expressed your concerns about the video from the Tour de France that aired in a news update during “Touched By An Angel.”

Let me first assure you that we take the matter and your complaint very seriously. It is our goal at Global Calgary to remain “family friendly” and try to ensure that our news content is, whenever possible, safe for families and sensitive viewers. That goal must, however, be balanced with our responsibility to present images of the news of the day which are all too often tragic or disturbing.

After reviewing the video and the circumstances, I agree that it would have been appropriate to provide viewers with an advisory of the nature of the story beforehand. However, we did not have a system in place at that time to make this type of decision before broadcast. As a result of your concerns, we have reviewed and altered our systems to prevent similar occurrences in future.

On behalf of Global and our news department, I apologize for the upset this caused you and your daughter and I offer my personal commitment to address the situation.

The complainant, dissatisfied with the broadcaster’s reply, sent her Ruling Request to the CBSC on August 28. It was accompanied by a letter, which stated, in part (the full letter can be found in the Appendix):

I believe the violence shown at approximately 7:30 pm on a Sunday evening was well beyond what I consider appropriate.

Also, many children are watching television at this time and even if there was a warning, I still feel the nature of newscast was too violent and was used for sensationalism. I do not believe this has been addressed in the reply.

## **THE DECISION**

The CBSC’s Prairie Regional Panel considered the complaint under the Canadian Association of Broadcasters (CAB) *Code of Ethics* and the *CAB Violence Code*, the relevant provisions of which read as follows:

### *CAB Code of Ethics, Clause 6, Paragraph 3*

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of the broadcast publisher.

### *CAB Violence Code, Article 6 (News and Public Affairs Programming)*

- 6.1 Broadcasters shall use appropriate editorial judgment in the reporting of, and the pictorial representation of violence, aggression or destruction within their news and public affairs programming.
- 6.2 Caution shall be used in the selection of, and repetition of, video which depicts violence.
- 6.3 Broadcasters shall advise viewers in advance of showing scenes of extra-ordinary violence, or graphic reporting on delicate subject matter such as sexual assault or court action related to sexual crimes, particularly during afternoon or early evening newscasts and updates when children could be viewing.

The Adjudicators screened the challenged news report and reviewed all of the correspondence. Although the Panel found in *CICT-TV re a news report on the Tour de France* (CBSC Decision 00/01-0982, January 14, 2002) that the broadcaster was not in breach of the Code with respect to the challenged newscast, it is of the view that different criteria are applicable with respect to the news update or teaser and, in this respect, the Panel is of the view that, by running the challenged clip twice in the course of *Touched by an Angel*, the broadcaster has breached the provisions of the *CAB Violence Code*.

### **The Nature of a News Update**

It should be noted, at the start of this discussion, that the nature of a news flash or update, even if only thirty seconds in length, is not “entertainment”, for purposes of the application of the *CAB Violence Code* or other private broadcaster Code provisions. Such a news item falls clearly within the category of News and Public Affairs Programming, even though it may be broadcast in the course of a television program which is itself dramatic entertainment, and all codified standards relating to news and public affairs will be applicable.

## Sensationalization of News

The complainant has accused the broadcaster of sensationalism. In the circumstances, the Panel considers it useful to merely refer to its review of the applicable standards enunciated in its decision of today's date concerning the news report of the Tour de France, without reiterating the burden of its analysis in detail. Suffice it to say, for these purposes, that the Panel considers charges of sensationalization under the "full, fair and proper presentation" of Clause 6, paragraph 3 of the *CAB Code of Ethics*. In so doing, it applies its own characterization of the challenged film clip in that decision, namely, "apart from the shock value of the bizarre incident, there is neither a bloody nor, thankfully, mortal consequence to the criminal act, at least as seen in the video clip that was chosen." It does not consider that the mere shocking nature of the footage is sufficient to justify the application of the term "sensationalization". As this Panel concluded there:

The Panel draws a distinction between a news item that is, by its nature, *sensational* and the broadcast of a news report that, otherwise having the ability to stand on its own, has been *sensationalized*. In the case at hand, the criminal act *is* the story. It is, as noted above, relevant and pertinent to the audience. Telling that story without the footage, when it is available, would be unnatural. The Panel finds no fault with the broadcaster on this account. As the British Columbia Regional Panel decided in *CHAN-TV re Newscast (Toronto Subway Death)* (CBSC Decision 97/98-0383, May 20, 1998):

Despite the use of the close-up of the victim's face, the Council finds no reason to conclude that BCTV had "sensationalized" the news item, contrary to provisions of the [former version of the] *RTNDA Code of (Journalistic) Ethics*. The shot was unpleasant but not spectacular. It was gory but not glorified. In the end, while it was unnecessary, and, in *that* sense, gratuitous, it was not sensational and consequently not in breach of [former] Article 3 of the *RTNDA Code of (Journalistic) Ethics*.

Accordingly, on this point the Panel does not consider the broadcaster in breach of the provisions of the *CAB Code of Ethics*.

## Audience Expectation

The difference between the Prairie Panel's decision in *CICT-TV re a news report on the Tour de France* (CBSC Decision 00/01-0982, January 14, 2002) and this decision turns on the issue of audience expectation. In the decision relating to the newscast, the Panel took into account the recognition in the *CAB Violence Code* that there is an obligation on broadcasters to report the news without sanitizing it. The Panel is of the view that audiences understand and expect that news stories are rarely bland pap and frequently quite the opposite. Viewers are accustomed to bad news, unpleasant news, disturbing news, concerning news and shocking news. While caution and good judgment must be exercised by broadcasters in the video clips illustrating those stories, television viewers are inured to a level of disturbing news hour expectation. In stark counterpoint, audience expectation when parents are watching family-appropriate television, as in this case, with

their 9-year old daughter, does *not* include disturbing news footage, such as that of the car ploughing into spectators at the Tour de France.

In the case at hand, there was no need for the broadcaster to run the video clip during the broadcast of *Touched by an Angel*. If it had wished to advise viewers that this story would have been running in the 11:00 pm news, it could have done so by saying, as the announcer did, “People in France are still shaking their heads tonight after a man drove his car straight through a crowd of people.” While video clips are logically a part of *television* news, it is not every video clip which is suitable for broadcast at any time of the broadcast day. There are limitations, some of which are laid out in the *CAB Violence Code* and in the decisions of the CBSC. By running the challenged clip in the course of a family television show, the Panel considers that the broadcaster did not use “appropriate editorial judgment in the [...] pictorial representation of violence,” in violation of Article 6.1 of the *CAB Violence Code*. By then choosing to run the same footage again, this time in slow motion, the Panel finds that the broadcaster has only exacerbated the situation and has failed to demonstrate the “[c]aution ... in the selection of, and repetition of, video which depicts violence,” in violation of Article 6.2 of that Code. The Panel also finds that the broadcast is in violation of the requirement of “proper presentation of news” in Clause 6, paragraph 3 of the *CAB Code of Ethics*.

## Viewer Advisories

The complainant has raised the issue of the failure of the broadcaster to provide a warning prior to showing the scene of violence during the news update. The Panel has indicated in *CICT-TV re a news report on the Tour de France* (CBSC Decision 00/01-0982, January 14, 2002) that it did not consider the failure to provide an advisory with respect to the same footage a breach of the Code in the course of a newscast. It added that it was pleased at the acknowledgment of the News Director that such an advisory would have been useful and that the station planned to use such warnings in the future. The Panel put the matter in the following terms:

The Panel appreciates the undertaking of CICT-TV’s News Director to add an oral viewer advisory in the case of a similar news report in the future. After all, it is clear that such a story is susceptible of making certain audience members uncomfortable and broadcasters regularly take such considerations into account in their practices. That being said, it is the view of the Panel that the failure to provide an advisory before the challenged newscast did not constitute a breach of Article 6.3 of the *Violence Code*. The operative words “extraordinary” and “graphic” suggest a video segment which is considerably more violent than that which was shown. In the circumstances, the Panel applauds the intention of the News Director for the future but finds his decision on this occasion to be in full compliance with the Code.

In the matter at hand, the Panel does not consider this issue to be central. As is clear, its view is that the footage should not have been run *at all* in the course of the family show then being broadcast. While an advisory would have, it goes without saying, inevitably

been helpful, it would not have corrected the broadcaster's breach of the *CAB Violence Code* in choosing to run the clip in the first place.

### **Broadcaster Responsiveness**

In its customary evaluation of the broadcaster's reply to the complainant, the Panel is disappointed that the broadcaster did not focus at all on the principal issue raised by the complainant, namely, the broadcast of disturbing footage during a family show. The News Director's reply was *exactly* the same response he had used in the file which became *CICT-TV re a news report on the Tour de France* (CBSC Decision 00/01-0982, January 14, 2002), despite the fact that there is, as this Panel has pointed out above, a considerable difference in audience expectation between a news flash in a family show and a full bore newscast. In any event, despite the Panel's view that the letter could have been more focussed and pertinent to the letter sent by the complainant, the Panel does not conclude that it is so wanting as to constitute a breach of the broadcaster's standard of responsiveness.

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

CICT-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 the series *Touched by an Angel* had been broadcast; 2) within fourteen days following the broadcast of the announcements, to provide written confirmation of the airing of the announcements 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 CICT-TV.

The Canadian Broadcast Standards Council has found that CICT-TV breached the provisions of the Canadian Association of Broadcasters' *Violence Code* regarding news and public affairs programming in its broadcast of a news update on the criminal act which occurred in the Tour de France bicycle race last summer. The video clip accompanying the news update showed a car being purposefully driven into a crowd of spectators, injuring some and hurtling one onlooker into the air. By running the clip during the course of the family television program *Touched by an Angel*, CICT-TV breached Article 6.1 of that Code. By running that same video clip a second time in slow motion during the same thirty second news update, the Council also found that CICT-TV breached Article 6.2 of the Code, which requires that caution must be used in the selection and repetition of video footage depicting violence.

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

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## APPENDIX

### CBSC File 00/01-0985 CICT-TV re a news update during *Touched by an Angel*

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#### I. The Complaint

The CBSC received the following complaint via e-mail on July 15, 2001:

On Sunday evening, July 15, 2001, my husband, daughter (aged 9) and I were watching the family programme "Touched by an Angel".

During one of the commercial breaks, a news flash came on and it was reported that France was traumatized by a vehicle driving through a crowd of people. They then went on to show a home video in which you could see people being run over by a car and the car actually hitting a person and throwing them in the air. I found the scene unbearable and had to close my eyes. I understand that news flashes attract viewers but found the content of the video shown was of such a violent nature that common sense should have prevailed not to show the home video until the news later in the evening.

I object to no warnings being given that violent scenes were about to be shown on the screen and am really upset at what I viewed during what I consider to be a family hour i.e. between 7:00 pm and 8:00 pm.

I telephoned the news desk of Global Television to complain. I was upset and was told by the person who answered the phone that he would pass the complaint along. I would rather the person/persons who organized the news flash had considered the fact it was inappropriate to schedule the news flash at this time.

#### II. The Broadcaster's Response

The News Director of CICT-TV (Global Calgary) responded to the complainants on August 16, 2001:

This is in response to your letter of July 15, in which you expressed your concerns about the video from the Tour de France that aired in a news update during "Touched By An Angel."

Let me first assure you that we take the matter and your complaint very seriously. It is our goal at Global Calgary to remain "family friendly" and try to ensure that our news content is, whenever possible, safe for families and sensitive viewers. That goal must, however, be balanced with our responsibility to present images of the news of the day which are all too often tragic or disturbing.

After reviewing the video and the circumstances, I agree that it would have been appropriate to provide viewers with an advisory of the nature of the story beforehand. However, we did not have a system in place at that time to make this type of decision before broadcast. As a result of your concerns, we have reviewed and altered our systems to prevent similar occurrences in future.

On behalf of Global and our news department, I apologize for the upset this caused you and your daughter and I offer my personal commitment to address the situation.

### **III. Additional Correspondence**

The complainant returned her Ruling Request on August 28, 2001 with the following letter attached:

Please find attached a response from Global. I believe the violence shown at approximately 7:30 pm on a Sunday evening was well beyond what I consider appropriate.

Also, many children are watching television at this time and even if there was a warning, I still feel the nature of newscast was too violent and was used for sensationalism. I do not believe this has been addressed in the reply.