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**CANADIAN BROADCAST STANDARDS COUNCIL  
NATIONAL SPECIALTY SERVICES PANEL**

TSN re *Ultimate Fighting Challenge*

(CBSC Decision 02/03-1395)

Decided January 30, 2004

R. Cohen (Chair), S. Crawford (Vice Chair, Industry), H. Pawley (Vice Chair,  
Public), M. Hogarth, M. Harris, V. Morrisette and P. O'Neill

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**THE FACTS**

On May 26, 2003, at 8:00 pm, the specialty service TSN broadcast an episode of *Ultimate Fighting Challenge* (UFC). The program depicted two combatants fighting for the UFC championship. They hit each other on different parts of the body, especially on the head and in the face. Bleeding lips, noses and foreheads were shown on screen. Takes of the "hitting strategies" were repeated after each round. No advisories were aired during the entire program. On the next day, the complainant sent the CRTC the following e-mail, which was forwarded to the CBSC in due course (the full texts of all of the correspondence are included in the Appendix):

I wish to complain about the Ultimate Fighting Challenge that aired on TSN Monday may 26<sup>th</sup>. I believe it was on air around 8 pm. This show was extremely violent and showed blood and combatants pounding each other. I could see this being pay per view but due to the graphic nature of this show it should not have been on TSN especially at the hour it was. I have never complained regarding television content but this show I found offensive to say the least. Please investigate why this type of material was allowed to air.

On July 23, the President of TSN responded in part as follows:

Ultimate Fighting Challenge has a large and loyal following on TSN and is extremely popular in the martial arts community. Mixed Martial Arts (MMA), the sport featured in Ultimate Fighting Challenge, is a combative event combining aspects from many different martial arts and Olympic sports including boxing, wrestling, kickboxing, jiu-jitsu, karate and other combative arts. Ultimate Fighting

Challenge abides buy [sic] all laws, rules and regulations stipulated by its governing body.

While the program may seem quite physical to some viewers, TSN had no intention of insulting or offending our viewers and regret that you were upset by the content of this program.

On that day, the complainant expressed his dissatisfaction with the broadcaster's response in the following e-mail:

With regards to TSN's reply to my concern, I do not see how this justifies airing Ultimate Fighting Challenge. Because they follow the rules of there [sic] governing body is not the point. At least with wrestling you know it isn't real. I feel this program airing requires further investigation.

The CBSC considered this e-mail to be the equivalent of a Ruling Request.

## **THE DECISION**

The National Specialty Services Panel considered the complaint under the following provisions of the Canadian Association of Broadcasters' (CAB) *Voluntary Code regarding Violence in Television Programming*:

### *CAB Violence Code, Article 3 (Scheduling)*

#### 3.1 Programming

- 3.1.1 Programming which contains scenes of violence intended for adult audiences shall not be telecast before the late evening viewing period, defined as 9 pm to 6 am.

### *CAB Violence Code, Article 5 (Viewer Advisories)*

- 5.1 To assist consumers in making their viewing choices, broadcasters shall provide a viewer advisory, at the beginning of, and during the first hour of programming telecast in late evening hours which contains scenes of violence intended for adult audiences.
- 5.2 Broadcasters shall provide a viewer advisory at the beginning of, and during programming telecast outside of late evening hours, which contains scenes of violence not suitable for children.

### *CAB Violence Code, Article 10 (Violence in Sport Programming)*

- 10.1 Broadcasters shall not promote or exploit violent action which is outside the sanctioned activity of the sport in question.

The National Specialty Service Panel reviewed all of the correspondence and watched a tape of the program. While it does not find that the broadcast

breached the provisions of either Article 3 or Article 10, it does consider that the level of violence in the program merited the use of viewer advisories and that TSN is in breach of the provisions of Article 5 of the Code for failing to provide these at the start of the program and following each of the commercial breaks.

### **The Sanctioned Limits of the Sport**

The CBSC has infrequently been called upon to assess the issue of the sanctioned limits of the sport. On one such occasion, in *TSN re WWF Raw Is War* (CBSC Decision 99/00-0607, January 31, 2001), this Panel reviewed the antics of the wrestlers in the following terms:

This is the first occasion on which the CBSC is called upon to consider Article 10.1 of the *CAB Violence Code*. In that connection, the National Specialty Services Panel needs go no further than the appreciation of the promotion and exploitation of violent action. The issue is not, in other words, for *these* purposes at least, the “dramatic” shenanigans, the preening of the wrestlers, the exhibition of women’s bodies and so on. The issue is the fighting, the wrestling, whether in the ring or outside it, or even at some distance from it. In that regard, the Panel’s concerns relate to the use of a hockey stick, the substantial leather and metal championship belt, metal chairs and other such devices to strike other wrestlers. It must determine whether fighting with such instruments falls within the parameters of the Code article. In order to make this assessment, the Panel must consider the meaning of the “sanctioned activity of the sport in question.” To do this, it does not consider it necessary to review the technical printed rules of the sport, if such exist at all. This is not what the Panel believes that the codifiers anticipated in their drafting of this article. Nor does the Panel believe that the codifiers intended that the Code concern itself with the fine technical issue of whether actions which are recognized but are subject to a penalty fall within or without the area of “sanctioned activity”. The Panel views the words “sanctioned activity” as constituting a limit (which they are meant to assess) of actions which might reasonably be viewed as so egregious as to be beyond its expectation of “sanctioned activity”.

In this respect, then, the Panel understands that the codifiers would have anticipated the customary nature of wrestling. The *Oxford English Dictionary* defines wrestling as

The action or exercise of two persons grappling or gripping in a contest of strength and adroitness, each endeavouring to throw the other by tripping or overbalancing him; the fact of contending or throwing in this manner.

While freestyle wrestling may permit rougher tactics than traditional Greco-Roman style wrestling, the Panel does not consider that this Code provision anticipates the use of dangerous objects, in effect, weapons not customarily in use for the purpose of either style of wrestling. Whether this is or is not acceptable at actual ringside is not the concern of the CBSC, which deals only with the broadcast aspects of the wrestling contests. In this respect, the Panel has no hesitation in concluding that, in its airing of *WWF Raw Is War*, the broadcaster is promoting or glamorizing the use of dangerous objects or weapons in wrestling, something which is egregious in terms of its reasonable

expectation and which, consequently, falls outside of the allowable or sanctioned extent of the sport in violation of the provisions of Article 10.1 of the *CAB Violence Code*.

In the matter at hand, the fighting is of a different nature. Although it includes elements of wrestling, it combines these with other styles of fighting in what the TSN President has described as "Mixed Martial Arts" (MMA). Since none of the customary protective boxing gear is worn on the hands or the head and the nature of the fighting extends beyond the grappling techniques of wrestling, it appears (and likely is) more brutal. Because of the style of combat and the lack of equipment, MMA leave the appearance, colloquially speaking, of being as close to a real fight as one can get without actually being in one.

As a formal sport, the Mixed Martial Arts may appear to an uninitiated watcher to be something of a free-for-all and to not have or respect any rules. In fact, the UFC version of MMA does have *some*, although not many. Moreover, it is possible that there may not yet, in the relatively young life of the sport, be an overall uniform set of rules applicable from one practising MMA body to another. Those rules applicable to the one of the MMA promoters relevant to this decision, namely, Ultimate Fighting Challenge, as approved by the Nevada State Athletic Commission in 2001, define the weight classes, the duration of the bout, 31 different fouls and 8 ways to win the contest. The bottom line seems to be that the sport is rough and very basic but there is no indication that what was broadcast on May 26 involved any *extreme* violence which would fall outside the sanctioned limits of the sport.

While fighting in another sport (such as baseball, football, hockey or basketball, to provide some popular professional examples) may fall outside that sport's sanctioned limits, that can hardly be said to be the case when fighting is the very nature of the sport. This would, in principle, be true of boxing, wrestling, judo, jujitsu, and other similar sports. It does not mean that just any level of violent activity in any such pugilistic sport can be broadcast without the provision of the audience tools which the broadcast industry has put in place to enable viewers to make informed viewing choices. It should, however, be noted that classification icons would not be required since sports broadcasting is exempt from the requirement to apply ratings. This does not mean that the provision of such ratings would not be informative and a positive gesture; broadcasters are not, however, obliged to provide such information.

### **Broadcasting Violence in Sports**

Whether or not the violent activities contained in sports programming are part of the sanctioned activity of the sport (and therefore in conformity with Clause 10 of the *Violence Code*), broadcasters must still comply with the other provisions of the Code. Where, therefore, a certain level of violence is predictable given the nature of the sport, broadcasters will be expected to deal with this level of

“predictable” violence in the same way as they would any other type of programming.

Thus, in the circumstances of the present complaint, the Panel finds the level of violence of this sport unsuitable for children (although not exclusively intended for adults, the consequence being that it is suitable for broadcast before 9:00 pm). It follows that TSN’s broadcast of *Ultimate Fighting Challenge* should have been accompanied by the appropriate viewer advisories, alerting audiences to the coming content so that they would be in a position to make informed viewing choices. Since TSN has not supplied those advisories here, the Panel concludes that the broadcaster is in violation of Article 5.2 of the *Violence Code*.

### **Broadcaster Responsiveness**

The requirement that a broadcaster be responsive to the letter of complaint sent by a member of the public is considered by the Adjudicating Panels to be a significant part of the membership requirements of the CBSC. Such responsiveness is an essential part of the dialogue by which the CBSC considers that matters that trouble members of the public sufficiently to compel them to write are often successfully resolved. When accomplished in thorough and sensitive ways, such correspondence is also a way of letting the public know that broadcasters care about their audience’s concerns. While not fulsome, the TSN President’s response did address the issue of the legitimacy of the sport’s content from the broadcaster’s perspective. The Panel considers that it fulfilled the broadcaster’s obligations in this regard in this instance.

### **ANNOUNCEMENT OF THE DECISION**

TSN 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 within seven days following the release of this decision during the time period in which *Ultimate Fighting Challenge* was broadcast; 2) within 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; 3) at that time, to provide the CBSC with that written confirmation and with air check copies of the broadcasts of the two announcements.

The Canadian Broadcast Standards Council has found that TSN breached the viewer advisory provisions of the Canadian Association of Broadcasters’ *Violence Code* in its broadcast of an episode of *Ultimate Fighting Challenge* on May 26, 2003. By broadcasting the program, which contained violence inappropriate for children, at 8:00 pm, without providing information in the form of

viewer advisories, it has violated the provisions of Article 5.2 of the *CAB Violence Code*.

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

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**APPENDIX**  
**To**  
***TSN re an Ultimate Fighting Challenge (CBSC Decision 02/03-1395,***  
***January 30, 2004)***

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**I. The Complaint**

The following complaint dated May 27, 2003 was sent to the CRTC and forwarded to the CBSC in due course:

I wish to complain about the Ultimate Fighting Challenge that aired on TSN Monday may 26<sup>th</sup>. I believe it was on air around 8 pm. This show was extremely violent and showed blood and combatants pounding each other. I could see this being pay per view but due to the graphic nature of this show it should not have been on TSN especially at the hour it was. I have never complained regarding television content but this show I found offensive to say the least. Please investigate why this type of material was allowed to air.

**II. THE BROADCASTER'S RESPONSE**

The broadcaster responded to the complainant's letter on July 23 with the following:

Dear Mr.[name]:

Thank You for your letter, which we received through the Canadian Broadcast Standards Council on June 9, 2003. I understand and appreciate your concerns regarding Ultimate Fighting Challenge on TSN.

Ultimate Fighting Challenge has a large and loyal following on TSN and is extremely popular in the martial arts community. Mixed Martial Arts (MMA), the sport featured in Ultimate Fighting Challenge, is a combative event combining aspects from many different martial arts and Olympic sports including boxing, wrestling, kickboxing, jiu-jitsu, karate and other combative arts. Ultimate Fighting Challenge abides buy [sic] all laws, rules and regulations stipulated by its governing body.

While the program may seem quite physical to some viewers, TSN had no intention of insulting or offending our viewers and regret that you were upset by the content of this program.

TSN takes its programming responsibilities very seriously and we are always happy to hear from viewers across the country. Thank you for taking the time to write to us.

Yours sincerely,

### **III. ADDITIONAL CORRESPONDENCE**

After receiving the broadcaster's response, the complainant wrote to the CRTC the following message (which was forwarded to the CBSC in due course) dated July 23.

With regards to TSN's reply to my concern, I do not see how this justifies airing Ultimate Fighting Challenge. Because they follow the rules of there [sic] governing body is not the point. At least with wrestling you know it isn't real. I feel this program airing requires further investigation.

I have attached the response from TSN.

Thanks.

Signed.