
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL PANEL**

CITY-TV re an episode of *Ed the Sock!*

(CBSC Decision 03/04-1814)

Decided March 11, 2005

R. Cohen (*ad hoc*), H. Hassan, M. Maheu, M. Oldfield, C. Reyes

THE FACTS

CITY-TV's *Ed the Sock!* is a comedy variety program in which a sarcastic cigar-smoking sock puppet visits different locations and interviews people. It often features scantily-clad females, many of whom work in various areas of the adult entertainment industry. CITY-TV (Citytv, Toronto) broadcast this episode of *Ed the Sock!* on May 30, 2004 at midnight. The subject of the episode was "A Day in the Life of an Adult Website". Ed visited the offices of the adult website Orgasm.com and interacted with women who work there. The program contained a number of segments showing scantily-clad or topless women whom Ed interviewed. In one segment Ed watched and made comments while one of the female models posed provocatively during a photo shoot for the adult website. In another, Ed visited a strip club where topless women were shown dancing. He also went to a lingerie store with two of the models who then tried on revealing lingerie. In the final segment, Ed observed one of the women engaging in an on-line web chat. Apparently in response to requests from on-line participants, the woman revealed her breasts and touched her nipples. She was then joined by another woman and the two kissed and fondled each other while topless. Ed expressed his approval of their behaviour.

The episode featured an 18+ classification icon and was preceded by the following viewer advisory in both audio and visual formats:

The following program contains adult themes, partial nudity and coarse language. Viewer and parental discretion is advised.

The viewer advisories coming out of the first and second commercial breaks were slightly different from the initial one. While both were still in audio and visual formats, they stated, respectively:

Warning. This program contains adult content and may be offensive to some viewers. Viewer discretion is advised.

This program is intended for mature audiences. Viewer discretion is advised.

A viewer complained to the CBSC in a letter dated May 31 (the full text of all correspondence can be found in the Appendix). The complainant stated that she had been looking for a movie to watch when she inadvertently came across this program containing “nudity, pornographic content, unacceptable behaviour between women and lewd dialogue.” She went on to express her concern about the representation of women in the program:

Yes, nature is wonderful and our bodies wonderfully made, but they are not designed to be exploited cheaply in order to pleasure sub-level minds, and do not promote true values. The distorted emphasis on women’s breasts is particularly offensive. The “girls” on *Ed’s Party Night* [sic] who exemplify this low-life portrayal haven’t a clue of a woman’s true worth. [...]

The tragedy is the message this program sends to young people and a boy’s behaviour towards a young girl he is dating. How naive to conclude they are in bed at this hour, and often sleeping over at a friend’s where there is no parental guidance.

It is disappointing that Canadian television allows such pornographic content that incites and promotes deviate [sic] behaviour into [sic] society. This correspondence expressing my concerns may or may not have any effect on your programming, but at least I will have the satisfaction of speaking out against sexual deviance on television before I leave this planet.

CITY-TV’s Vice-President of Programming responded to the complaint on June 28. The broadcaster explained that it adheres to all Codes and regulations required of it, as well as its own programming policy. The Vice-President noted that CITY-TV schedules adult programming after the industry-recognized “Watershed” hour of 9:00 pm and features appropriate classification icons and viewer advisories on such programming. In specific reference to *Ed the Sock!*, the Vice-President made the following comments:

Ed the Sock is a satirical adult comedy that derives much of its humour from discussions that may be inappropriate for younger viewers. Neither the language nor the program’s content contravene any of the broadcast content guidelines identified above. We try to treat our viewers in a mature and responsible way and offer them the tools (through viewer advisories, rating icons, etc.) to choose for themselves whether they should watch a particular film or program.

You have written that the show was “sexually explicit”. This simply is not the case. There was no sexual activity. There was nudity but the *Broadcasting Act* takes into consideration a myriad of tastes in programming and sexually oriented

material is not forbidden by the system. Rather, guidelines as noted above (i.e. watershed hours, advisories, etc.) have been put in place so people who do not wish to have certain programming in their homes may avoid it.

While our program did contain consensual nudity, it did air on the correct side of the watershed hour where even more sexually explicit material can, in fact, be aired.

I respectfully suggest that the foregoing affirms the broadcaster's right to telecast adult-oriented material, which some viewers may not find to their particular taste. We regret that you find some of the programming aired on our stations offensive. It is never our intention to offend any of our viewers. We have always taken our viewer feedback very seriously as we constantly strive to improve our programming. I have, in fact, forwarded your concerns to both the producers of *Ed the Sock* and the Vice President of Citytv and have asked them to review further airings of this particular episode.

The complainant returned her Ruling Request dated July 30.

THE DECISION

The CBSC Ontario Regional Panel examined the complaint under the relevant provisions of the Canadian Association of Broadcasters' (CAB) *Sex-Role Portrayal Code for Television and Radio Programming* and *Code of Ethics*.

CAB Sex-Role Portrayal Code, Article 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. [...]

CAB Code of Ethics, Clause 11 – Viewer Advisories

To assist consumers in making their viewing choices, when programming includes mature subject matter or scenes with nudity, sexually explicit material, coarse or offensive language, or other material susceptible of offending viewers, broadcasters shall provide a viewer advisory

- (a) at the beginning of, and after every commercial break during the first hour of programming telecast in late viewing hours which contains such material which is intended for adult audiences.

[...]

The Panel viewed a tape of the episode in question and reviewed all of the correspondence. The Ontario Regional Panel concludes that there is no breach of the *CAB Sex-Role Portrayal Code* but that the content of the viewer advisories

provided during the program was insufficient under Clause 11 of the *CAB Code of Ethics*.

Representation of Women

The complainant's primary concern is that the representation of women on the program is degrading and exploitative, and sends a negative message about women to viewers, particularly young people. The CBSC has dealt with similar complaints in the past. In general, it has concluded that the presence of female nudity in a program does not in and of itself amount to exploitation. In addition, the depiction of, or comments made about, women must be negative or degrading in order to be found in breach of Article 4 of the *CAB Sex-Role Portrayal Code*. For example, in *CKX-TV re National Lampoon's Animal House* (CBSC Decision 96/97-0104, December 16, 1997), the CBSC's Prairie Regional Panel examined a complaint about bare-breasted women in a comedic feature film about hijinks at a college campus. That Panel found no breach of the *CAB Sex-Role Portrayal Code*, observing that

[i]t is essential to remember that the principal goal of the *Sex-Role Portrayal Code* relates to the *equality* of the sexes and not to issues of sexual behaviour which do not go to equality or exploitation, which is itself a form of *inequality*.

While the portrayal of the women in the film is not overly flattering, it cannot either be said that the portrayal of the men is any better or advantages them in any way. All in all, the presentation of almost every one of this group of young college people is as unflattering as one might expect from a film emphasizing the frivolous, narcissistic, often gross, occasionally disgusting portrait of college fraternity life which can best be characterised as high farce. The question of portrayal inequality does not come into play.

The CBSC has also dealt with comments made about women in the radio context. In *CFNY-FM re The Show with Dean Blundell* (CBSC Decision 01/02-0267, June 7, 2002), this Panel was called upon to assess a complaint concerning the banter on the morning radio show, which occasionally included comments about sex, relationships and women's physiques. In that case, this Panel concluded that no negative or degrading comments were made about women:

Although certain comments made by participants on *The Show with Dean Blundell* focussed on the body parts of both men and women, none was so focussed as to amount to a breach of the sex-role portrayal provisions in the broadcaster Codes. In one such exchange, the hosts were discussing a photograph of female singer Bif Naked on the inside of her CD [in which her breast was visible].

[...]

On another occasion they were remarking on co-worker Sandra's augmented breast size, the result of her recent pregnancy. Dean made jokes, such as

asking her “How are they? I mean, how are you?”, but Sandra obviously went along with the joke since she herself later stated that her breasts were so big that “they need a postal code”. In neither instance were negative or degrading comments made. It must also be acknowledged that the women who were the subject of these remarks were willing participants: Bif Naked for choosing to put a revealing photo on her CD, no doubt in an attempt to be provocative; and Sandra for contributing to the jokes about the post-pregnancy increase in her bust size.

The Ontario Panel rules similarly with respect to this episode of *Ed the Sock!*. It acknowledges that there was a considerable amount of female nudity and that Ed made frequent comments about the women’s appearances and behaviour. These comments were, however, generally complimentary vis-à-vis the women; Ed merely expressed his attraction to the models he interviewed. Moreover, it must be recognized that the women featured in the episode were employees of an adult website and, as such, fully expected that their bodies and appearance would be the focus of attention. Although there are understandably some people who would argue that these types of websites are degrading to women, Ed the Sock’s exploration of “A Day in the Life of an Adult Website” was simply a behind-the-scenes look at one aspect of the adult entertainment industry. It, in fact, gave the women a voice by providing them with the opportunity to describe their jobs and daily lives, even if this was presented in a light-hearted way, in keeping with the customary tone of the program. The Panel finds no breach of the *CAB Sex-Role Portrayal Code*.

Viewer Advisories

The Canadian private television broadcasters have created certain “tools” which were designed to assist viewers in making appropriate viewing choices for themselves and their families.

The first of these tools is the Watershed hour of 9:00 pm, before which no programming intended exclusively for adult audiences may be broadcast. This episode of *Ed the Sock!* did contain sexual content that clearly falls into the category of material intended for adults only, in particular the scene towards the end of the program in which the two female models engaged in kissing and fondling while topless. CITY-TV thus appropriately scheduled the program well after the Watershed hour, namely, beginning at midnight.

The second of these tools is the classification icon. For certain types of programs, an icon indicating the intended audience age group for the program must appear in the top left-hand corner of the screen for at least the first 15 seconds of the broadcast. The information is also encoded into the broadcast signal so that viewers with V-chip or other television blocking technology can filter out content they do not wish to see. Although *Ed the Sock!* is a variety program, and thus is exempt from classification, CITY-TV nonetheless included an 18+ icon on the program to provide that information to viewers. The CBSC

commends CITY-TV for providing this additional information even when it was not required to do so under the rating system.

The third tool is the viewer advisory which must appear at the beginning of the program and coming out of every commercial break during the first hour of programming intended for adults. CITY-TV did ensure that a viewer advisory in audio and visual formats was present at the beginning of the episode and coming out of all commercial breaks. Previous CBSC decisions, however, have explained that the viewer advisories contained in a program must provide detailed information about the nature of the content in order that audience members may make informed viewing choices. In CITY-TV's broadcast of *Ed the Sock!*, while the first advisory alerted viewers to the "adult themes, partial nudity and coarse language" in the upcoming program, the subsequent advisories did not. This situation was identical to that in another CBSC decision involving a CITY-TV broadcast of a similar program also hosted by Ed the Sock. In *CITY-TV re an episode of Ed's Night Party* (CBSC Decision 03/04-0516, October 22, 2004), this Panel observed that

Because of the function that advisories fulfill, it has been the consistent position of CBSC Panels that advisories warn of all potentially offensive content on each occasion when they are required, and that they do so in both video and audio format. As this Panel said in its decision of even date in *CITY-TV re the feature film Jade* (CBSC Decision 03/04-0382, October 22, 2004),

after the advisory preceding the opening credits, the content of the oral form of the advisory did not even match the written form; it was shorter and offered far less information regarding the nature of the film's content. It was, in many respects, similar to the problems encountered by the National Specialty Services Panel in *Showcase Television re the movie Rats* (CBSC Decision 99/00-0772, August 23, 2001). That movie was preceded by a viewer advisory in audio and on-screen formats which stated: "The following program contains scenes of nudity and coarse language. Viewer discretion is advised." Thereafter, following each commercial break, an oral advisory was broadcast which stated simply "Viewer discretion is advised." The Panel drew several conclusions. First, [a point not relevant to the present decision]. Second, the Panel found that the shorter advisories coming out of the commercial breaks were inadequate because they did not provide "any reasons for which a viewer might choose to exercise discretion." Third, the shorter advisories' audio-only format was insufficient because "this warning in audio format only is of no assistance to the hearing impaired or to those who may be glancing at their television sets at a distance or with the volume turned down or otherwise rely on visuals only to determine the viewing choices for their household."

Applying these principles to the present matter, the Ontario Regional Panel concludes [...] that the differing form of the audio and visual advisories coming out of each commercial break constitutes a breach of that clause and of Article 5 of the *CAB Violence Code*. It is not that the audio form is not word-for-word identical to the visual form but rather that it provides an inadequate level of information about the content of the film. There is no reference to any of the violence, coarse language, nudity or sexual content.

The viewer advisories following the initial warning made no reference to the “adult themes, partial nudity and coarse language” which the broadcaster considered material from the start of the program. The failure to include such essential information as a part of the viewer advisories coming out of each commercial break constitutes a breach of Clause 11 of the *CAB Code of Ethics*.

Given the analogous viewer advisories present in this episode of *Ed the Sock!*, the Ontario Regional Panel reaches the same conclusion as that in the above-mentioned *Ed's Night Party* decision and finds CITY-TV in violation of Clause 11 of the *CAB Code of Ethics*.

Broadcaster Responsiveness

In all CBSC decisions, the Council's Panels assess the broadcaster's responsiveness to the complainant. Although the broadcaster need not agree with the complainant, it is expected that its representatives charged with replying to complaints will address the complainant's concerns in a thorough and respectful manner. In its letter, CITY-TV disagreed with the complainant's contention that the program was “sexually explicit” and wrote that “There was no sexual activity.” The Ontario Panel finds this blanket characterization of the episode somewhat inaccurate. Actions combining nudity and erotic contact between individuals are, in its view, “sexual activity”, though there are obviously varying degrees of explicitness in depictions of such activity. In any event, as the Vice-President of Programming correctly observed in her letter, sexual material is permitted on Canadian airwaves provided it is appropriately scheduled. In the end, while the broadcaster's description of “sexual activity” could be debated, the broadcaster clearly made a thoughtful and significant effort to address the complainant's concerns from its perspective. The Panel considers that CITY-TV has met its responsiveness responsibilities of CBSC membership.

ANNOUNCEMENT OF THE DECISION

CITY-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 this episode of *Ed the Sock!* was 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) at that time, 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 CITY-TV.

The Canadian Broadcast Standards Council has found that CITY-TV violated Clause 11 of the Canadian Association of

Broadcasters' *Code of Ethics* regarding viewer advisories. In its broadcast of *Ed the Sock!* on May 30, 2004, it failed to provide sufficiently detailed information about the specific content of the program in the viewer advisories which appeared coming out of the commercial breaks.

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

APPENDIX

CBSC File 03/04-1814 CITY-TV re an episode of *Ed the Sock!*

The Complaint

The CBSC received the following complaint dated May 31, 2004:

RE: ED'S NIGHT PARTY, MAY 30/04.
T.V. Channel 57, 12 Midnight

With no T.V. Guide on hand Sunday night, I located Ch. 57 hoping to find a movie. To my horror, I was onslaughted with nudity, pornographic content, unacceptable behaviour between women and lewd dialogue.

My question is, "Where are the standards of your council?" There simply are none! It is appalling [*sic*] that Channel 57 (City TV) is permitted to "flaunt" pornography into our living rooms. This is what ignites the distorted mentality of the "Paul Barnados [*sic*] and Karla Homolkas" of the world. Those who prefer this "low in filth" have the choice of another source without our families being exposed to it in our homes.

Yes, nature is wonderful and our bodies wonderfully made, but they are not designed to be exploited cheaply in order to pleasure sub-level minds, and do not promote true values. The distorted emphasis on women's breasts is particularly offensive. The "girls" on *Ed's Party Night* [*sic*] who exemplify this low-life portrayal haven't a clue of a woman's true worth. Should they ever be diagnosed with breast cancer, I wonder if their attitude would see a drastic "turn-about". One day their bodies will be six feet under, so what kind of legacy do they leave on their loved ones????

The tragedy is the message this program sends to young people and a boy's behaviour towards a young girl he is dating. How naive to conclude they are in bed at this hour, and often sleeping over at a friend's where there is no parental guidance.

It is disappointing that Canadian television allows such pornographic content that incites and promotes deviate [*sic*] behaviour into [*sic*] society. This correspondence expressing my concerns, may or may not have any effect on your programming, but at least I will have the satisfaction of speaking out against sexual deviance on television before I leave this planet.

Thank you for your attention to the above.

Broadcaster Response

CITY-TV's Vice-President of Programming responded with the following letter on June 28:

The CBSC has forwarded your email regarding the supposed sexually explicit scenes which aired on May 30/04 on Citytv. As you know, it is customary for the CBSC to forward complaints to broadcasters for response directly to the complainant.

Before I address your specific concerns, I would like to give you some background on how we decide what is suitable for air: We adhere to Canada's broadcast content guidelines, and take great care in selecting our programming material. Citytv follows the Canadian Association of Broadcasters' (CAB) *Code of Ethics*, *Guidelines on Sex-Role Portrayal*, and *Guidelines on Violence in Television Programming*, as well as our own programming policy. If you would like to view the codes, you will find them posted on the CBSC's website at <<http://www.cbsc.ca>>.

You should be aware that the Canadian Radio-television and Telecommunications Commission, in consultation with members of the public and the broadcasting industry determined that 9:00 pm constitutes the "watershed hour" in respect to program content for adult viewers. Accordingly, Canadian broadcasters, including Citytv, schedule programs designed for mature audiences – such as *Ed the Sock* – during late evening viewing periods. Furthermore, a Viewer Advisory along with a program rating that indicates that the program should be viewed by Adults 18 years of age and older precedes the program and airs out of every commercial break.

Ed the Sock is a satirical adult comedy that derives much of its humour from discussions that may be inappropriate for younger viewers. Neither the language nor the program's content contravene any of the broadcast content guidelines identified above. We try to treat our viewers in a mature and responsible way and offer them the tools (through viewer advisories, rating icons, etc.) to choose for themselves whether they should watch a particular film or program.

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While our program did contain consensual nudity, it did air on the correct side of the watershed hour where even more sexually explicit material can, in fact, be aired.

I respectfully suggest that the foregoing affirms the broadcaster's right to telecast adult-oriented material, which some viewers may not find to their particular taste. We regret that you find some of the programming aired on our stations offensive. It is never our intention to offend any of our viewers. We have always taken our viewer feedback very seriously as we constantly strive to improve our programming. I have, in fact, forwarded your concerns to both the producers of *Ed the Sock* and the Vice President of Citytv and have asked them to review further airings of this particular episode.

Thank you for taking the time to write to us with your concerns.

The complainant returned her signed Ruling Request dated July 30.