
CANADIAN BROADCAST STANDARDS COUNCIL

NATIONAL SPECIALTY SERVICES PANEL

BBC Canada re *The F-Word*

(CBSC Decision 08/09-1516)

Decided April 1, 2010

R. Cohen (Chair), A. Cardozo (Vice-Chair, Public), H. Pawley (Vice-Chair, Public),
D. Braun (*ad hoc*), J. Macdonald (*ad hoc*), F. Niemi, D. Ward

THE FACTS

The F-Word is one of the series of reality/information cooking programs featuring celebrity chef Gordon Ramsay. Ramsay is well-known for being aggressive and demanding in the kitchen and for his frequent use of profanity, including repeated usage of examples from the f-word family, as the title of the program would suggest.

BBC Canada broadcast an episode of the program on April 9, 2009 at 8:00 pm. The specialty service broadcast a viewer advisory in audio and video format at the beginning of the program and coming out of every commercial break, which stated, "This program contains scenes with coarse language. Viewer discretion is advised." BBC Canada also broadcast an 18+ classification icon for 17 seconds at the beginning of the program.

Each episode of this series consisted of a few separate segments. In this particular episode, a team of amateur cooks from a fire brigade participated in a competition. With Ramsay's guidance, they had to prepare a three-course meal for restaurant guests, after which the test of their success was to be found in the willingness of the guests to pay for each course. In another segment, the celebrity recipe challenge, Ramsay and a celebrity each prepared a similar meal and restaurant guests voted on

the better one. A third segment was hosted by Janet Street-Porter, who talked about the consumption of horse meat, while a fourth segment had Ramsay helping a working couple prepare fast weekday meals. There was also a segment showing live lambs arriving at Ramsay's home. A couple of other segments showed Ramsay explaining how to store and prepare different foods.

Ramsay used the word "fuck" or "fucking" on numerous occasions during the program. Some instances reflected his frustration with the cooking team, while other uses were of a more good-natured tone. Examples of his f-word arsenal included "Fuck you", "Fucking hell", "Shut the fuck up", "Don't fuck it up", "So far, you're fucking useless", "Don't start fucking laughing", "For fucking linguine and crab?!" and, when one of the members of the fire brigade stated that he was not married, Ramsay encouraged him to propose to his girlfriend: "I think you should get on a mobile telephone and fucking ask her to marry you. [...] You don't want to keep her waiting any fucking longer. [...] Any fucking mobile phone, get me one, yes?"

Janet Street-Porter also used the f-word in her exchange with Ramsay when he mentioned that she was 60 years old: "Fuck off, Gordon! Will you stop going on about my age! I thought we could get through a whole moment without you reminding me that I'm a fucking pensioner!"

Celebrity participant Ronnie Corbett admonished Ramsay about his language in an exchange that occurred about halfway through the program:

Ramsay: We'll be here all fucking night at this rate.

Corbett: Be here when?

Ramsay: All night.

Corbett: Ah, that's better

Ramsay: "Language, Gordon, please." Sorry, Ron.

Corbett: Language, Gordon.

There were also instances, fewer in number, of other coarse language, such as "shit", "asshole", and "Jesus Christ Almighty".

The CBSC received a complaint about this program on April 10 via its website form. The complainant specifically mentioned the April 9 episode, although he misidentified the title of the program, confusing it with another of Gordon Ramsay's series (which is substantially similar in material respects). He went on to write:

The theme of this programme, which is on every night of the week, is the short temper of the chef Ramsay, who, in his quest for his version of perfection, uses the "F" word with alarming frequency. This is most inappropriate for prime time viewing.

He wrote again on April 29 to state that he had seen part of another episode on BBC Canada the previous evening during which Gordon Ramsay was again using the f-word before 9:00 pm (the full text of that letter and all other correspondence can be found in the Appendix).

BBC Canada responded to the complainant on May 8. Using the same misidentified title of the Gordon Ramsay program as the complainant, the station provided the following explanation for its programming decision:

As you may know, the premise of *Ramsay's Kitchen Nightmares* is that UK Michelin-star chef and cookbook author Gordon Ramsay works with struggling restaurants in an effort to turn their businesses around. Ramsay prescribes drastic measures and doesn't mince his words as he visits a different kitchen in each episode with the aim of transforming the floundering eatery within one week.

BBC CANADA is sensitive to the scheduling of programs with adult-oriented content. Before we decide to broadcast a program, our programming department screens it to ensure that it is suitable for broadcast. The determination of suitability includes ensuring that the broadcast would not contravene applicable broadcast laws and industry codes including, but not limited to, the Canadian Association of Broadcasters' (CAB) *Code of Ethics*, *Equitable Portrayal Code*, and *CAB Violence Code*. As such, BBC CANADA uses tools such as advisories and parental controls to help our audience make informed viewing choices. This episode of *Ramsay's Kitchen Nightmares* aired advisories flagging the series' mature language. The following is an example of the audio and visual viewer advisory that ran prior to the broadcast of *Ramsay's Kitchen Nightmares* on Thursday, April 9 and after each commercial break throughout the program:

"The following program contains scenes with coarse language. Viewer discretion is advised."

Furthermore, please be assured that BBC CANADA complies with the program classification system developed by the Action Group on Violence on Television to give Canadians the most advanced control system in the world. This six-level rating system is used to classify any levels of violence, language or sex/nudity in all drama, feature film and children's programming broadcast in Canada. All episodes of *Ramsay's Kitchen Nightmares* are tagged with an 18+ V-Chip, indicating the show contains content intended for adults over the age of eighteen. This classification allows viewers to use V-Chip technology to screen out programs with more mature subject matter, such as this series. The episode of *Ramsay's Kitchen Nightmares* that aired on April 9 contained an 18+ V-Chip rating.

It is our hope that viewers take advantage of the above technology to assist in making viewing decisions for their families or themselves.

On behalf of BBC CANADA, we would like to thank you for writing in and expressing your comments and concerns. All feedback is important to us. It is not our intention to offend our viewers but strive to provide a variety of programming that appeal to a wide range of audiences. We hope that we have addressed your concerns and that you continue to enjoy BBC CANADA programming.

The complainant wrote back to the broadcaster on May 8 expressing his continued displeasure with the broadcast of the f-word:

We are quite cognizant of the pre-programme warnings about violence and language etc., but nevertheless consider the use of the "f" word as used by Gordon Ramsay is nothing short of filthy language which is not acceptable to me at any time of day. However, I recognize that this is an imported programme over which you have no control as to its content, but you do have control over the time of day. 8:00 pm is Prime Time and should be considered as family viewing time.

I can live with this level of foul language if I am on my own, but in female company I find it somewhat embarrassing. It is actually totally unnecessary and does not change the context of the dialogue one iota no more [sic] than it does in many of today's films coming out of Hollywood.

I have tuned in to BBCCA [i.e. BBC Canada] several times since April to view a 9:00 pm programme and his language is still as revolting.

The complainant then wrote to the CBSC on May 13:

I have received a reply from BBC Canada. The basic response was perhaps expected in as much as I was reminded that before and during each broadcast there is the standard warning about coarse language, etc.

I cannot dispute this and I should add that other channels are also now carrying *Ramsay's Kitchen Nightmares*, so I cannot single out BBCCA for this example of unacceptable language.

[...]

It is unfortunate that language and other adult content has become the norm for the TV and cinema products and our youth are growing up with this. I doubt, therefore, that there is anything your organization can do to correct this.

It was unclear from that letter whether the complainant was actually requesting a ruling from the CBSC, so it e-mailed him to clarify that point on May 22. The complainant wrote back the same day:

Although the response from BBCCA was not the one I would have liked, they covered themselves more or less with the fact that they broadcast a disclaimer before the programme warning viewers of the content, i.e., in this case bad language. I have no come-back response to that which comes to mind.

I think the only complaint I would still invoke to BBCCA and all channels broadcasting material with foul language is time of day programming. Perhaps the one thing that CBSC could do is force these people to save their programmes where language is involved to a later time slot when younger members of the family are out of earshot and hopefully in bed.

The CBSC considered that reply to be the equivalent of a Ruling Request. The complainant wrote again with some additional points on May 25:

Giving this whole issue of foul language during prime time TV some further thought, I have noticed, now that I am more aware, that the disclaimers at the beginning and during programmes have become so commonplace that almost every programme has a warning about violence, language or adult content.

Perhaps the simplest solutions are the best. In that regard, I would suggest that if Canadian broadcasters are going to purchase programming containing foul language, for example, then the simple solution would be to just "bleep" it out. Lip readers and those with fertile minds will undoubtedly know what has been said, but at least we wouldn't have heard it.

THE DECISION

The CBSC National Specialty Services Panel examined the complaint under Clause 10 (Scheduling) of the Canadian Association of Broadcasters' (CAB) *Code of Ethics*, paragraph (a) of which reads as follows:

- (a) Programming which contains sexually explicit or coarse or offensive language intended for adult audiences shall not be telecast before the late viewing period, defined as 9 pm to 6 am. [...]

The Panel Adjudicators read all of the correspondence and reviewed the episode in question. The Panel concludes that BBC Canada violated Clause 10(a) of the *CAB Code of Ethics*.

Coarse Language

Most matters that come before the CBSC are not susceptible of solution, as the Council frequently observes, on a mathematically predictable basis. That has not generally been the case with the use of the f-word and its derivatives. CBSC Panels have consistently determined that the f-word and variations thereof fall into the category of "coarse language intended exclusively for adult audiences" and so should only be broadcast following the beginning of the "Watershed" period, which runs from 9:00 pm to 6:00 am. [See, for example, among the numerous precedents, *WTN re the movie Wildcats* (CBSC Decision 00/01-0964, January 16, 2002), *Showcase Television re The Cops* (CBSC Decision 01/02-1076, February 28, 2003), *Bravo! re the movie Ordinary People* (CBSC Decision 03/04-1187, December 15, 2004), and *Global re an episode of fatbluesky* (CBSC Decision 05/06-1611, January 8, 2007).] There is a particularly useful explanation of the relevance of this policy in *TSN re 2007 World Junior Hockey Championships (Interview)* (CBSC Decision 06/07-0515, May 1, 2007), in which this Panel said:

The issue, after all, is not whether there was intellectual justification or serious intention to the usage of such language; it is [...] the reaction or concern of the *audience* that is at issue for the CBSC. The matter is not driven by notions of morality or purity. It is that there are viewers (and listeners) who are genuinely disturbed or offended by such language on the airwaves. Nor is the fact that the f-word and its derivatives may be known to, and used by, segments of the population a satisfactory defence to the usage.

After all, the broadcasting environment can and must be shared by its users. Thus, for the CBSC, there is a pre-Watershed safe haven and post-Watershed freedom of even coarse expression.

It should also be noted that putting a viewer advisory on a program does not get the broadcaster “off the hook” with respect to other Code requirements, like scheduling. Fundamentally, a broadcaster that wants to air a program containing any of the words in the f-word family has two choices; namely, run the program after the Watershed, or, if before the Watershed, only after muting, bleeping or otherwise editing out the offending language. It goes without saying that just because the name of the program is *The F-Word*, which is not itself offensive, does not entitle a broadcaster to avoid selecting one of the two foregoing options. If using “fuck” or one of its derivatives is essential to the character of the program, as would appear to be the case in the matter at hand, the sole choice is a post-9:00 pm broadcast.

Thus, even in *CTV re an interview on Question Period (Bill C-10)* (CBSC Decision 07/08-1703, October 22, 2008), a political public affairs program broadcast at noon, on which the host interviewed the co-writer and director of the Canadian feature film *Young People Fucking*, the title of the film was not mentioned at any time during the interview. In fact, despite the fact that the interview dealt with a subject as dry and serious as a proposed federal law, during the introduction to the interview, the host said that the film’s title was “so explicit I can’t even say it on TV” (she referred to the film as “Young People Making Love”).

The Panel concludes that BBC Canada’s decision to broadcast *The F-Word* prior to 9:00 pm was in breach of Clause 10(a) of the *CAB Code of Ethics*.

Broadcaster Responsiveness

In all CBSC decisions, the Council’s Panels assess the broadcaster’s responsiveness to the complainant. In the present instance, the Panel finds that the response of BBC Canada’s parent company’s Publicity Coordinator was, in this regard, thoughtful and responsive. The Panel considers that BBC Canada has fully met its responsiveness responsibilities of CBSC membership on this occasion.

ANNOUNCEMENT OF THE DECISION

BBC Canada is required to: 1) announce the 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 *The F-Word* was broadcast, but not on the same day as the first

mandated announcement; 2) within the fourteen days following the broadcasts 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 a copy of that written confirmation and with air check copies of the broadcasts of the two announcements which must be made by BBC Canada.

The Canadian Broadcast Standards Council has found that BBC Canada violated the Canadian Association of Broadcasters' *Code of Ethics* in its broadcast of the cooking show entitled *The F-Word* on April 9, 2009 at 8:00 pm. Clause 10 of the Code states that coarse language intended exclusively for adults can only be broadcast after 9:00 pm. By broadcasting the f-word repeatedly during that program prior to 9:00 pm, BBC Canada breached Clause 10 of the *CAB Code of Ethics*.

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

APPENDIX

CBSC Decision 08/09-1516 BBC Canada re *The F-Word*

The Complaint

The CBSC received the following complaint via its webform on April 10, 2009:

station: BBC Canada

program: *Ramsay's Kitchen*

date: Thursday April 9, 2009

time: 8:00 pm to 9:00 pm

concern: The theme of this programme, which is on every night of the week, is the short temper of the chef Ramsay, who, in his quest for his version of perfection, uses the "F" word with alarming frequency. This is most inappropriate for prime time viewing.

After receiving the CBSC's confirmation of receipt of that complaint, the complainant sent further information on April 29:

Thank you for your letter of April 24, 2009.

[The complainant notes that his e-mail address has changed.]

It is coincidental that in tuning in last evening to watch a programme starting at 9:00 pm, I tuned in to BBCCA [i.e. BBC Canada] a few minutes before 9:00 pm and, lo and behold, there was Gordon Ramsay using his "f" word language yet again.

I would perhaps reluctantly accept this kind of language if I was sitting alone, but when in female company I am embarrassed to hear such language uttered by another male in her presence.

I wait with anticipation for the response from BBCCA.

Broadcaster Response

BBC Canada responded to the complainant on May 8:

We have received a copy of your letter sent to us by the Canadian Broadcast Standards Council (CBSC), regarding *Ramsay's Kitchen Nightmares* on BBC CANADA. It is certainly not our intention to offend our viewers and we would like to take this opportunity to address your specific concerns regarding the language featured on *Ramsay's Kitchen Nightmares*, broadcast Thursday, April 9 at 8:00 pm Eastern Time.

As you may know, the premise of *Ramsay's Kitchen Nightmares* is that UK Michelin-star chef and cookbook author Gordon Ramsay works with struggling restaurants in an effort to turn their businesses around. Ramsay prescribes drastic measures and doesn't mince his words as he visits a different kitchen in each episode with the aim of transforming the floundering eatery within one week.

BBC CANADA is sensitive to the scheduling of programs with adult-oriented content. Before we decide to broadcast a program, our programming department screens it to ensure that it is suitable for broadcast. The determination of suitability includes ensuring that the broadcast would not contravene applicable broadcast laws and industry codes including, but not limited to, the Canadian Association of Broadcasters' (CAB) *Code of Ethics*, *Equitable Portrayal Code*, and *CAB Violence Code*. As such, BBC CANADA uses tools such as advisories and parental controls to help our audience make informed viewing choices. This episode of *Ramsay's Kitchen Nightmares* aired advisories flagging the series' mature language. The following is an example of the audio and visual viewer advisory that ran prior to the broadcast of *Ramsay's Kitchen Nightmares* on Thursday, April 9 and after each commercial break throughout the program:

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Additional Correspondence

The complainant wrote back to the broadcaster on May 8:

Thank you for your letter of today's date.

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I can live with this level of foul language if I am on my own, but in female company I find it somewhat embarrassing. It is actually totally unnecessary and does not change the context of the dialogue one iota no more [sic] than it does in many of today's films coming out of Hollywood.

I have tuned in to BBCCA several times since April to view a 9:00 pm programme and his language is still as revolting.

I rest my case.

I have other issues with BBCCA but they are not relevant to the current problem.

The complainant then wrote to the CBSC on May 13:

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I cannot dispute this and I should add that other channels are also now carrying *Ramsay's Kitchen Nightmares*, so I cannot single out BBCCA for this example of unacceptable language.

Perhaps Canwest should be the real target, since they, through their many affiliates in the cable business, broadcast many of the shows where language during prime time viewing is questionable.

It is unfortunate that language and other adult content has become the norm for the TV and cinema products and our youth are growing up with this. I doubt, therefore, that there is anything your organization can do to correct this.

It was unclear from that letter whether the complainant was actually requesting a ruling from the CBSC, so it e-mailed him to clarify on May 22. The complainant wrote back the same day:

Thank you for your e-mail earlier today.

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