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## CANADIAN BROADCAST STANDARDS COUNCIL

### BRITISH COLUMBIA REGIONAL PANEL

#### CIVT-TV (CTV British Columbia) re reports on *CTV News at 11:30* (“Seal Fur Uniforms” & “Oil Spill”)

(CBSC Decision 08/09-1660)

Decided September 24, 2009

S. Warren (Chair), H. Ainsworth, R. Cohen (*ad hoc*), J. Doobay, G. Leighton,  
T. Plasteras

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### THE FACTS

*CTV News at 11:30* is CTV British Columbia’s (CIVT-TV) late evening local newscast that follows the national newscast at 11:00 pm. Two news reports that aired on the May 7, 2009 edition generated complaints from a single complainant.

The first was entitled “Seal Fur Uniforms”. As it was introduced by anchor Keri Adams, a graphic of the Olympic logo and a white seal were displayed in the upper right-hand corner. The report then progressed as follows:

Adams: Meanwhile, when our Canadian athletes show up at the 2010 Olympics, should they be wearing seal fur? The House of Commons seems to think so. A motion has been passed, unanimously, to have seal fur included in the uniforms. [Clip of inside of House of Commons] Politicians think the 2010 Games should be used to promote products from the seal hunt and suggest the uniforms our athletes wear should include at least one seal product. [Clips showing items of sealskin clothing] The motion is a reaction the European Union’s decision to impose a ban on the import of Canadian seal products. [Clip of European Union meeting] That could have a huge impact on Canadian hunters and exporters. [Clips of a grey seal sitting on ice; a sealing boat; two sealers walking on ice carrying hakapiks] The Canada Olympic Committee, on the other hand, says the fur won’t fly because the athletes’ uniforms have already been designed and

approved by the IOC. [Clips of various Canadian winter athletes holding medals, standing on a podium, completing a competition]

The second report, entitled “Oil Spill” was about an oil spill that had occurred in Burnaby. An image of an aerial view of an oil tank was displayed beside the anchor as she introduced the report and continued with a description of the event:

Adams: For the second time in less than two years there's been a major oil spill involving energy giant Kinder Morgan in Burnaby. Two hundred thousand litres of crude oil spilled out of one of its holding tanks on Burnaby Mountain. [Aerial view of tank] Hazmat and clean-up crews spent today mopping up the toxic crude. A contractor was attempting to remove sediment from the bottom of the holding tank when a pressure pump failed, releasing the oil. [Zoom-in on machinery and oil surrounding tank] Many North Burnaby residents awoke to the noxious smell. [Clip of woman walking two dogs]

Interview with Isabelle Hoyle, North Burnaby resident: I think that whole thing should be shut down. It should not be this close proximity to, to residential.

[Scene from outside chain-link fence of Kinder Morgan premises showing a man in a hard hat and coveralls walking inside the fence and a sign on the fence that reads “Warning: Hazardous Area”.]

Adams: Fortunately the oil was caught by a protective barrier and did not leak into the nearby community. [Close-up of sign that reads “Kinder Morgan. Warning: Hazardous Area”; view of outside tank from ground level]. It was a much messier situation in the summer of 2007, though. [Series of aerial views from July 2007 showing oil on roads, around homes and covering vehicles] Homes and cars were covered in oil when a Kinder Morgan pipeline burst, spewing 234,000 litres of crude into the air.

A lengthy letter of complaint was sent to the CRTC on May 8 and forwarded to the CBSC in due course (the full text of all correspondence can be found in the Appendix to this decision). The complainant identified himself as a journalist who was concerned with the “lack of professional journalism standards displayed by the broadcast” because “there were two significant errors of fact broadcast.” With respect to the first report, the complainant cited the actual transcript of the motion in the House of Commons relating to seal fur and the Olympics as found in *Hansard*. He noted that the word “uniform” did not appear in the motion and that the motion only advocated “studying the possibility” of incorporating seal fur into Olympic *clothing*. He pointed out that “clothing” meant “branded merchandise”, not team uniforms, particularly since the House of Commons had no role in approving Canadian Olympic team uniforms. He observed that the report used the word “politicians”, in the plural, when only one Member of Parliament had made the recommendation. He suggested that the report was not only erroneous, but “the wording shows it to be written with loaded adjectives and adverbs to deliberately enhance its sensationalism.” He also noted that People for the Ethical Treatment of Animals had “invoked the 2010 Olympics as part of its campaign to oppose sealing” so this story was “specifically designed – in context – to enhance the politicization of the Olympics in a negative way to a BC audience that has strong opinions about sealing and the Olympics.”

The complainant's concerns about the second report also related to choice of wording. He indicated that the anchor had, in the introduction, stated that the oil spill was the "second" spill "caused" by the energy company Kinder Morgan. The other contentious terminology occurred in the extro when the anchor referred to a previous occasion when "a pipeline owned by Kinder Morgan blew up." He argued that the pipeline had not "blown up". The complainant also explained that, in that previous incident, a back-hoe digging up a road, which had *not* been contracted by Kinder Morgan, had severed a pipeline. In addition, the pipeline had actually been installed by Imperial Oil and "[t]he cause was later discovered to be due in part to poor location record-keeping by Imperial Oil, which Kinder Morgan unknowingly inherited when it purchased the assets."

Another concern with the "Oil Spill" report was the inclusion of the interview with a resident. The resident expressed the view that the oil tank farm should be shut down because it should not be so close to a residential area. The complainant argued that the oil tank farm had actually been there *prior* to the development of the residential area nearby. He suggested that "[i]t was the equivalent of a person building a house close to an airport and then complaining about all the aircraft noise."

The complainant insisted that CTV British Columbia had accurate and complete information about both the seal fur and oil spill situations, but chose to leave "erroneous impressions with its audience".

CTV replied to the complainant on May 20. The station defended its "Seal Fur Uniforms" report by citing another portion of *Hansard* in which the same Member of Parliament who introduced the motion did make specific reference to "uniforms" and advocated that the government take "concrete action" by "perhaps using them [seal products] in Canadian Olympic athletes' uniforms." CTV also stated that it believed the "wording of our story was accurate and was in no way 'designed to enhance its sensationalism' as alleged." It pointed out that the report also included the information that the uniforms had already been designed and approved by the IOC.

With respect to the "Oil Spill" report, CTV cited a transcript of the report and pointed out that at no time had it stated that Kinder Morgan had "caused" the spills; rather it said that the spill "involved" the company, which was accurate. In addition, CTV had used the word "burst", not "blew up", which again it considered to be accurate. As well, CTV insisted that it was in the public interest to report the concerns of nearby residents about the very presence of the oil facility "regardless of whether or not Kinder Morgan was responsible for the incidents." It added, "The report was not on fault, but on residents' concerns."

The complainant submitted his Ruling Request on May 22 along with a detailed explanation of why he remained concerned about the two reports. He provided a sentence-by-sentence dissection of the "Seal Fur Uniforms" report, disputing each of

CTV's points, and indicated that he would have done the same for the "Oil Spill" report, but such an exercise would have been "redundant to [his] original complaint".

In general, he characterized CTV's letter as a "self-serving justification for the fabrication of" its stories and "using the same style of reporting as [its] newsroom: editorial commentary sloppily disguised as fact, errant logic, poor research, failing to reveal key information, imbalance and taking things completely out of context in order to make them fit a preconceived notion of the event." He asserted the broadcasts violated Clauses 5 and 6 of the Canadian Association of Broadcasters' (CAB) *Code of Ethics* and numerous Articles of the Radio Television News Directors Association of Canada's (RTNDA – The Association of Electronic Journalists) *Code of (Journalistic) Ethics*.

## THE DECISION

The British Columbia Regional Panel examined the complaint under the following provisions of the Canadian Association of Broadcasters' (CAB) *Code of Ethics* and the Radio Television News Directors Association of Canada's (RTNDA – The Association of Electronic Journalists) *Code of (Journalistic) Ethics*.

### *CAB Code of Ethics, Clause 5 – News*

- 1) It shall be the responsibility of broadcasters to ensure that news shall be represented with accuracy and without bias. Broadcasters shall satisfy themselves that the arrangements made for obtaining news ensure this result. They shall also ensure that news broadcasts are not editorial.
- 2) News shall not be selected for the purpose of furthering or hindering either side of any controversial public issue, nor shall it be formulated on the basis of the beliefs, opinions or desires of management, the editor or others engaged in its preparation or delivery. The fundamental purpose of news dissemination in a democracy is to enable people to know what is happening, and to understand events so that they may form their own conclusions.

### *CAB Code of Ethics, Clause 6 – Full, Fair and Proper Presentation*

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of each broadcaster. This principle shall apply to all radio and television programming, whether it relates to news, public affairs, magazine, talk, call-in, interview or other broadcasting formats in which news, opinion, comment or editorial may be expressed by broadcaster employees, their invited guests or callers.

### *RTNDA Code (Journalistic) of Ethics, Article 1 – Accuracy*

Broadcast journalists will inform the public in an accurate, comprehensive and fair manner about events and issues of importance.

The BC Panel Adjudicators read all of the correspondence and viewed both reports. The Panel concludes that neither report violated any of the above-cited Code provisions.

### **The Seal Fur/Skin Issue**

To better understand the seal fur/skin issue, the Panel considers it useful to reproduce the actual contributions to the Parliamentary debate on May 6, 2009 of Member Raynald Blais (Gaspésie—Îles-de-la-Madeleine), in both official languages, bearing in mind that *his* words were first spoken in French. In his first of three interventions on the issue, the last of which ended with the formulation of a motion, Mr. Blais said:

Monsieur le Président, la décision de l'Union européenne d'interdire toute commercialisation ou importation des produits du loup-marin dans les 27 pays membres dès 2010 aura un effet dévastateur sur toute la communauté des Îles de la Madeleine. Tous s'entendent pour dire qu'il faut davantage de pression et d'information pour contrer toute la désinformation qui s'est faite autour de cette chasse bien encadrée.

Le gouvernement s'engage-t-il à investir davantage dans une campagne de promotion des produits du loup-marin?

And in English translation:

Mr. Speaker, the European Union's decision to ban the sale and import of all seal products in the 27 member countries as of 2010 will have a devastating effect on everyone in the Magdalen Islands. Everyone agrees that we have to exert more pressure and raise awareness to counter all of the false information surrounding this well-managed hunt.

Will the government invest more money in a campaign to promote seal products?

And then, in the second intervention, the Member of Parliament used the following language (emphasis added):

Monsieur le Président, s'il veut poser un geste concret, le gouvernement devrait profiter de la tribune qui lui sera offerte par les Jeux olympiques d'hiver de 2010 à Vancouver pour faire la promotion des produits dérivés du loup-marin, notamment en étudiant *la possibilité d'en intégrer au costume des athlètes olympiques canadiens*.

Le gouvernement est-il prêt à poser des gestes concrets comme celui-là pour sauver cette industrie dont dépendent plusieurs familles de ma circonscription?

And in English translation (emphasis added):

Mr. Speaker, if the government wants to take concrete action, it should take advantage of the forum provided by the 2010 Olympic Games in Vancouver to promote seal products, *perhaps by using them in Canadian Olympic athletes' uniforms*.

Will the government take that kind of concrete action to save the industry that many families in my riding depend on?

This was followed by a third intervention, which was the motion (emphasis added):

Monsieur le Président, je demande également le consentement unanime de la Chambre pour l'adoption de la motion suivante:

Que, de l'avis de la Chambre, le gouvernement devrait profiter de la tribune qui lui sera offerte par les Jeux olympiques Vancouver 2010 pour faire la promotion des produits dérivés du loup marin, notamment en étudiant *la possibilité d'en intégrer aux vêtements olympiques canadiens*.

And in English translation (emphasis added):

Mr. Speaker, I also seek the unanimous consent of the House to adopt the following motion:

That, in the opinion of the House, the government should take advantage of the opportunity provided by the 2010 Vancouver Olympic Games to promote seal products, particularly by studying the *possibility of using these products in the making of Canadian Olympic clothing*.

### **Seal Fur/skin and Olympic Uniforms: The Complaint**

In the complainant's words, "The first instance involved a report to the effect that the House of Commons had voted to approve the addition of seal fur to the uniforms of Canadian athletes attending the 2010 Winter Olympics." He went on to explain why, in his view, this was "simply untrue".

You will note that the word "uniform" does not appear in the motion, nor does the concept of requiring the application of seal products to any Olympic clothing. *Hansard* shows there was no debate of the motion in which these concepts could have been elicited. Studying the possibility of doing something is a far cry from actually doing something.

So the CTV-BC story as broadcast was a fabrication from beginning to end.

But it was not simply an erroneous report, but the wording shows it to be written with loaded adjectives and adverbs to deliberately enhance its sensationalism.

The complainant's explanation of the motivation was as follows: "the Olympics-clothing story thus broadcast was specifically designed -- in context -- to enhance the politicization of the Olympics in a negative way to a BC audience that has strong opinions about sealing and the Olympics." He went on in his reaction to the broadcaster's response to accuse CIVT-TV in its letter of explanation, as well as its news report, of "editorial commentary sloppily disguised as fact, errant logic, poor research, failing to reveal key information, imbalance and taking things completely out of context in order to make them fit a preconceived notion of the event." The

complainant then parsed every sentence, indeed every word, in the report, in his May 22 communication to the CBSC. Those detailed arguments can be found in the Appendix.

In general, the Panel considers that the complainant has engaged in hair-splitting. In the view of the Panel, what matters far more to audiences is the forest rather than the trees. On that larger level, the Panel does not find the report inaccurate, misleading or even deceptive in *any material* sense. In arriving at this conclusion, the Panel places some emphasis on a word that the complainant himself has used several times in his letters of May 8 and 22, namely, *context*. It begins with the notion that the motion is a motion, not a statute, in other words, the enunciation of a principle or a direction rather than the legislative fruits of a declaration of policy. There is a chasm of difference between the two.

On a practical level, the complainant's assertion that none of the broadcast words "seal fur", "included" or "uniforms" are part of the Blais motion ignores both the context of the motion and the interest of the public in the story. As to the context, the Panel notes the original references in the first intervention by M.P. Blais in the Parliamentary debate to the European Union's decision to ban the sale and import of *all* seal products ("la décision de l'Union européenne d'interdire toute commercialisation ou importation des produits du loup-marin"). That was followed by a second intervention in which it appears that the idea of formulating a practical political response was gelling. The idea that emerged in the language was to perhaps promote seal products by taking advantage of the forthcoming Olympic Games to use them in Canadian Olympic athletes' uniforms ("la possibilité d'en intégrer au costume des athlètes olympiques canadiens"). Then, when the motion emerged as a part of the Member's third intervention, the language used was to "promote seal products" in the fashion mentioned in the second intervention.

The Panel acknowledges that the term "seal fur" was not a part of the motion. It is undeniable that what was stated in the French version was "produits dérivés du loup-marin" and in the English "seal products". That said, the Panel is utterly unable to fathom what products *derived* from seals (to use the full original expression) could logically or reasonably be understood as possibly incorporated in clothing (or uniforms) other than the skin or fur. Surely, the complainant was not trying to suggest that it could have been any of the other products of the harvesting of seals, namely, seal meat, seal blubber, seal oil (derived from the blubber), the pharmaceutical product omega-3 fatty acids, or seal organs. It is so patently evident that what was intended in the motion was seal skin or fur that there is no need to take this argument any further.

Next, the word "included". True again, the motion said "using these products in the making" of the clothing. The Panel has reverted, as CBSC Panels regularly do, to the *Oxford English Dictionary*, in which the adjective "included" is defined as "enclosed,

contained, comprised". The verb form, "include", is further elaborated as "To contain, comprise, embrace. [...] To contain as a member of an aggregate, or a constituent part of a whole; to embrace as a sub-division or section; to comprise; to comprehend." Here, too, the Panel is hard pressed to draw a distinction between *using* the products *in* the manufacture of clothing ("d'en intégrer aux vêtements"), with the result that they would be anything other than included, contained or comprised in that clothing, or being a constituent part of the resulting clothing. It can be nothing more than, at best, a distinction without a difference, a meaningless bit of pedantry. There was simply nothing problematic in the use of "included" in the report.

Finally, "uniforms" versus "clothing". Technically, the complainant is again correct, but, in the view of the Panel, his observation does not amount to a material distinction. Once again, an examination of the context reveals that the Member of Parliament, in his second intervention, proposed the possibility of the use of seal products in Canadian Olympic athletes' *uniforms*, the proper translation of his words, namely, "la possibilité d'en intégrer au *costume* des athlètes olympiques canadiens". When, however, the motion was formulated, he used the word "vêtements", rather than "costume", which was properly translated in *Hansard* into "clothing". And yet once again, the Panel repeats its earlier observation that the motion is a motion, not a statute, an enunciation of principle or a direction rather than the legislative fruits of a declaration of policy. M.P. Blais's goal was clear. Parliament ought to manifest its opposition to the E.U.'s position regarding the embargo against the importation of Canadian seal products by taking advantage of the public awareness of the coming Olympic Games. Show off those products to the world in a bold way, namely, by their inclusion where they would be seen, on the athletes' uniforms. It is undeniable that he used the word clothing in the motion, when he had moments earlier used uniforms. The Panel considers that this was likely the result of careless wording *or* possibly the fact that the mover of the policy saw no *material* distinction between the two terms. Nor, in the view of the Panel, would the CIVT-TV audience. The Panel is of the view that, in choosing the word "uniforms" rather than "clothing", the broadcaster was making a reasonable effort to convey the intention of the mover and the unanimous Parliament. In the view of the Panel, that was an eminently logical interpretation of the debates on the subject. That was the cautious and thoughtful path. That was the language that would best provide the audience with a reasonable interpretation of the Parliamentary perspective.

Was the Keri Adams report glib or presented in common and comprehensible terms? Probably a bit so. More *important*, was it inaccurate or misleading? Not in any material way, if at all. Was it sensationalized? Hardly. And even then Ms. Adams's report pointed out that the effect of the motion would be nil "because the athletes' uniforms have already been designed and approved." The Panel finds no breach of any of the above-cited codified standards resulting from the report on the seal products.



## The Oil Spill Report

As the complainant's presentation indicates, he had fewer problems with the report of the oil spill from the Kinder Morgan tank farm in Burnaby. He reduced his concerns to a single issue, which he explained as follows:

In the intro, Ms. Adams announced that it was the second spill caused by Kinder Morgan, and in the extro, she announced that in the other case, "a pipeline owned by Kinder Morgan blew up." This implied, in context, that both oil spills were the fault of Kinder Morgan.

In his elaboration of his perspective, he pointed out that the pipeline did not "blow up" and that Kinder Morgan was, in any event, not responsible for the event. He also explained the role of Kinder Morgan's predecessor in title, Imperial Oil, in the evolution of the problem, and he added that "Kinder Morgan, which took full responsibility for its portion of the situation, was essentially as much a victim of the situation as those on whom the oil from the pipeline was sprayed."

As in the case of the seal fur/skin report, the Panel does not share the complainant's view of the words used in the newscasts. There are only two sentences in the news report that could reasonably be understood as having anything close to a value judgment in them. In the first, Anchor Keri Adams began the report with the sentence, "For the second time in less than two years there's been a major oil spill involving energy giant Kinder Morgan in Burnaby." In the second, namely, the extro, she said: "It was a much messier situation in the summer of 2007, though. Homes and cars were covered in oil when a Kinder Morgan pipeline burst, spewing 234,000 litres of crude into the air." The complainant acknowledged, in his communication of May 22, that he was in error when he complained about the use of the verb phrase "blew up", since, as CIVT-TV pointed out (and the CBSC confirms), the verb "burst" was used.

Simply stated, the Panel does not find the least attribution of fault in either the intro or the extro. In the intro, there was a dispassionate factual observation that there had been a major oil spill involving energy giant Kinder Morgan. The piece was not in the least focussed on any issue of *fault*. There was no probing or suggestion even of a putative reason for the pressure pump failure. If anything, there was a mention of "a contractor" working on the holding tank that leaked the oil, with no indication of his association with Kinder Morgan or another company, although it seems a reasonable interpretation that he was working with an outside company. Nonetheless, there was no finger-pointing at all, in the view of the Panel. That, after all, was not the story on May 7. The story was the leak, not any attempt to get to the bottom of its cause. And it made eminent journalistic sense, in the Panel's view, to tie the current event with the circumstance involving the same company in the same urban area. Once again, there was no imputation of fault in the 2007 pipeline rupture. In the Panel's view, the report was absolutely benign, and the complainant's perspective, in his original letter of

complaint, that, in his words, “Ms. Adams announced that it was the second spill *caused* by Kinder Morgan” was wrong. That word was not used. Nor was there any correlative, judgmental term employed in the news item. The Panel finds no breach of any of the above-cited codified standards resulting from the report on the oil spill.

As to the complainant’s concern with the inclusion of the brief (19-word) interview with the North Burnaby resident, in which the latter asserted that the “whole thing should be shut down” as too close to a residential area, the Panel finds no significant problem. There was certainly no need for the broadcaster to elaborate on this clearly minor aspect of the issue. While the complainant’s point regarding the *prior* presence of the oil tank farm would be weighty in any judicial conflict, the Panel does not consider that small intervention an attempt to polarize the discussion or to express an editorial perspective on the inappropriateness of the Kinder Morgan presence in the area. It rather understands it as an attempt by the broadcaster to add some “local colour” to the story by reporting on the “residents’ concerns [which] are newsworthy regardless of who is at fault for the spills. The residents who complained to CTV say they don’t like the location of the facility, because when there is an accident, they suffer.” The Panel finds no breach of any codified standard on account of that cursory interview reflecting local residents’ concerns.

### **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 CIVT-TV/CTV British Columbia’s Managing Editor to have been thorough and focussed on the issues that concerned the complainant. The Panel understands entirely that the complainant would not agree with that assessment, but that is, after all, the nature of the process. No complaint gets to the Panel adjudication stage without arousing the dissatisfaction or discontent of the complainant. While the Panel does, of course, appreciate the *detailed* rebuttal of the complainant to the response of the Managing Editor, it does not agree with him, for the reasons given above, that the broadcaster has failed in either defending its broadcast or responding in detailed fashion to the complainant’s issues. In sum, the Panel concludes that the broadcaster has fully met its responsiveness responsibilities of CBSC membership on this occasion.

*This decision is a public document upon its release by the Canadian Broadcast Standards Council. It may be reported, announced or read by the station against which the complaint had originally been made; however, in the case of a favourable decision, the station is under no obligation to announce the result.*

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## APPENDIX

### CBSC Decision 08/09-1660 CIVT-TV (CTV British Columbia) re reports on *CTV News at 11:30* ("Seal Fur Uniforms" & "Oil Spill")

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#### The Complaint

The following complaint was sent to the CRTC on May 8, 2009 and forwarded to the CBSC in due course:

My complaint involves specifically the 11:30 pm news broadcast of the CTV-BC news program broadcast to Greater Vancouver on Thursday, May 7, 2009, with announcer Keri Adams.

During the broadcast, there were two significant errors of fact broadcast.

Before I go further, I note that I am, and have been, a working western Canadian journalist since 1970 and, frankly, I was appalled at the lack of professional journalism standards displayed by the broadcast.

The first instance involved a report to the effect that the House of Commons had voted to approve the addition of seal fur to the uniforms of Canadian athletes attending the 2010 Winter Olympics.

This is simply untrue, as a simple check via the Internet of the actual Hansard recording of the motion, which was released about 12 hours before the newscast occurred, showed.

The motion, made by Raynald Blais of the riding Gaspésie-Îles-de-la-Madeleine, said in its entirety, "That, in the opinion of the House, the government should take advantage of the opportunity provided by the 2010 Vancouver Olympic Games to promote seal products, particularly by studying the possibility of using these products in the making of the Canadian Olympic clothing." Source: <http://www2.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&Parl=40&Ses=2&DocId=3870633#OOB-2744428>

You will note that the word "uniform" does not appear in the motion, nor does the concept of requiring the application of seal products to any Olympic clothing. Hansard shows there was no debate of the motion in which these concepts could have been elicited. Studying the possibility of doing something is a far cry from actually doing something.

So the CTV-BC story as broadcast was a fabrication from beginning to end.

But it was not simply an erroneous report, but the wording shows it to be written with loaded adjectives and adverbs to deliberately enhance its sensationalism.

There is also context, which the announcer, Ms. Adams and the news director, would have been aware of, but which they did not reference: that PETA (People for the Ethical Treatment of Animals), a well-funded and well-organized protest group, had deliberately and recently invoked the 2010 Olympics as part of its campaign to oppose sealing. Thus, the Olympics-

clothing story thus broadcast was specifically designed -- in context -- to enhance the politicization of the Olympics in a negative way to a BC audience that has strong opinions about sealing and the Olympics.

This news room has a reporter specifically assigned to cover the Olympics, Mike Killeen, and he, at least, would have known that "Olympic clothing" meant branded merchandise, and that a House of Commons vote, even if it was exactly as fabricated by CTV-BC, could have no practical effect because of the approval process for Canadian Olympic team uniforms.

The second instance involved a report of an oil spill from a tank farm owned by Kinder Morgan in the Vancouver suburb of Burnaby. Most of the report was from the scene, and does not, with one exception, concern me. However, the intro and extro read by Ms. Adams does. In the intro, Ms. Adams announced that it was the second spill caused by Kinder Morgan, and in the extro, she announced that in the other case, "a pipeline owned by Kinder Morgan blew up." This implied, in context, that both oil spills were the fault of Kinder Morgan.

The concepts regarding the pipeline case are simply wrong, and because of the coverage CTV-BC's news department gave to the pipeline incident, it would have known the information it provided was incorrect.

The pipeline did not "blow up", nor was Kinder Morgan responsible for it doing so. The pipeline, carrying oil under pressure, was cut by a back-hoe digging up a road. The back-hoe was not contracted by Kinder Morgan, and CTV-BC's news department knew this, but by a third party. The news department also knew, at the time of the incident, that Kinder Morgan had earlier purchased the assets of Imperial Oil, and that it was one of the pipelines installed decades earlier by Imperial Oil that was cut. The cause was later discovered to be due in part to poor location record-keeping by Imperial Oil, which Kinder Morgan unknowingly inherited when it purchased the assets.

CTV-BC news should have been able to easily figure out that Kinder Morgan, which took full responsibility for its portion of the situation, was essentially as much a victim of the situation as those on whom the oil from the pipeline was sprayed.

The effect of the May 7 broadcast, however, was to improperly castigate Kinder Morgan for the pipeline incident by tying this much different situation in with the tank farm broadcast.

I mentioned earlier that I had no specific issue with the beat story of the tank farm incident, with one exception. That was a brief interview with a resident of the area who was interviewed about the situation. CTV-BC news decided in its ending to allow the woman to discuss the tank farm incident, which produced a strong smell, but then kept her portion of the broadcast going when she said she felt the company's tank farm should be shut down, because it was so close to a residential area. What was not clarified in the broadcast was that the tank farm was in existence before it was surrounded by residential.

It was the equivalent of a person building a house close to an airport and then complaining about all the aircraft noise.

This happened to be an egregious news broadcast, and it's the one I've taken the time to write about, but CTV-BC's journalism standards are sloppy, and have been for some time now. This can easily be seen by noting that the full complement of the journalism standard of "who, what, where, when and why" of a news story is rarely fulfilled in any of its news stories, and sometimes not just one but several of those basics are missing from them.

I feel that the CRTC should require CTV-BC to broadcast, in the same time period, a correction to the two stories, and in the process show how it left erroneous impressions with its audience, and to show why its broadcasting licence should not be imperiled by its consistent lack of good journalism standards during its newscasts: balanced reporting using neutral wording that cover the “five Ws” in each report. Wording that doesn't set out to find and then misidentify perps and victims.

Should they be reluctant to correct their errors of fact and context, perhaps they should then be asked to show cause if they should be held to the same standard they require of the RCMP in the case of Robert Dziekanski.

Thank you.

## Broadcaster Response

CTV replied to the complainant on May 20:

I am writing in response to a complaint, forwarded by the Canadian Broadcast Standards Council, about two stories broadcast May 7<sup>th</sup>, 2009 at 11:30 pm on CTV British Columbia. Mr. [M.], you allege that there were two significant errors of fact in our newscast, the first involving our coverage of a House of Commons motion and the second involving our coverage of an oil spill.

Regarding the House of Commons story, you allege our coverage was “a fabrication from beginning to end”. We strongly disagree with your allegations. Below is the exact transcript of what we broadcast in its entirety on this issue:

“MEANWHILE WHEN OUR CANADIAN ATHLETES SHOW UP AT THE 2010 OLYMPICS, SHOULD THEY BE WEARING SEAL FUR? THE HOUSE OF COMMONS SEEMS TO THINK SO. A MOTION HAS BEEN PASSED UNANIMOUSLY TO HAVE SEAL FUR INCLUDED IN THE UNIFORMS. POLITICIANS THINK THE 2010 GAMES SHOULD BE USED TO PROMOTE PRODUCTS FROM THE SEAL HUNT AND SUGGEST THE UNIFORMS OUR ATHLETES WEAR SHOULD INCLUDE AT LEAST ONE SEAL PRODUCT. THE MOTION IS A REACTION TO THE EUROPEAN UNION'S DECISION TO IMPOSE A BAN ON THE IMPORT OF CANADIAN SEAL PRODUCTS. THAT COULD HAVE A HUGE IMPACT ON CANADIAN HUNTERS AND EXPORTERS. THE CANADA OLYMPIC COMMITTEE, ON THE OTHER HAND, SAYS THAT FUR WON'T FLY BECAUSE THE ATHLETES' UNIFORMS HAVE ALREADY BEEN DESIGNED AND APPROVED BY THE IOC.”

We believe our story was accurate. You quote Hansard when alleging that our report which effectively indicated “that the House of Commons had voted to approve the addition of seal fur to the uniforms of Canadian athletes attending the 2010 Winter Olympics ... is simply untrue.” But you fail to include this quote, also from Hansard, by Mr. Raynald Blais, the BQ MP who introduced the motion as follows:

*“Mr. Speaker, if the government wants to take concrete action, it should take advantage of the forum provided by the 2010 Olympic Games in Vancouver to promote seal products, perhaps by using them in Canadian Olympic athletes' uniforms.”*

As you can see, the MP, in introducing this motion, which was subsequently passed unanimously, clearly stated what we reported. You also argue that there was no mention of

athlete uniforms in the motion, but the record clearly shows the MP who introduced it was indeed referring to uniforms. As well, you complain that CTV did not differentiate between “studying the possibility of doing something ... from actually doing something.” Again, we disagree. The above transcription of our broadcast shows we used the words “Politicians ... suggest” and “The House of Commons seems to think so”. We believe the wording of our story was accurate and was in no way “designed to enhance its sensationalism” as alleged. We also disagree with your final complaint that CTV did not explain that the House of Commons motion “could have no practical effect because of the approval process for Canadian Olympic Team Uniforms.” Again, the transcription of our broadcast proves this allegation to be incorrect. The final line in our story states clearly that the motion could not be achieved because “the athletes’ uniforms have already been designed and approved by the IOC.”

Regarding the oil spill story, although you indicate that much of the report from the scene is not of concern, you do take issue with the intro and the extro to the report. “In the intro, [CTV] announced that it was the second spill caused by Kinder Morgan and in the extro, [CTV] announced that in the other case ‘a pipeline owned by Kinder Morgan blew up.’” These allegations are not supported by the actual transcription of the report which follows in its entirety:

“ANCHOR SAYS – FOR THE SECOND TIME IN LESS THAN TWO YEARS, THERE’S BEEN A MAJOR OIL SPILL INVOLVING ENERGY GIANT KINDER MORGAN IN BURNABY. 200,000 LITRES OF CRUDE OIL SPILLED OUT OF ONE OF ITS HOLDING TANKS ON BURNABY MOUNTAIN. HAZ MAT CLEANUP CREWS SPENT TODAY MOPPING UP THE TOXIC CRUDE. THE CONTRACTOR WAS ATTEMPTING TO REMOVE SEDIMENT FROM THE BOTTOM OF A HOLDING TANK WHEN A PRESSURE PUMP FAILED RELEASING THE OIL. MANY NORTH BURNABY RESIDENTS AWOKE FROM THE NOXIOUS SMELL.

ISABELLE HOYLE [NORTH BURNABY RESIDENT] SAYS – ‘I THINK THAT WHOLE THING SHOULD BE SHUT DOWN. IT SHOULD NOT BE THIS CLOSE PROXIMITY TO, TO RESIDENTIAL.’

ANCHOR SAYS – FORTUNATELY THE OIL WAS CAUGHT BY A PROTECTIVE BARRIER AND DID NOT LEAK INTO THE NEARBY COMMUNITY. IT WAS A MUCH MESSIER SITUATION IN THE SUMMER OF 2007. HOMES AND CARS WERE COVERED IN OIL WHEN A KINDER MORGAN PIPELINE BURST SPEWING 234,000 LITRES OF CRUDE INTO THE AIR.

As our transcription clearly shows, CTV never reported that the spill was caused by Kinder Morgan, as alleged. Our script states the spill involved Kinder Morgan and then goes on to explain that a contractor’s pressure pump failed at a Kinder Morgan holding tank. Those facts are accurate. In regards to your other assertions, that CTV reported a Kinder Morgan pipeline “blew up” previously, our transcription once again shows this to be incorrect. CTV used the word “burst” when referring to a pipeline spill in the summer of 2007. This wording is accurate. A Kinder Morgan pipeline did indeed burst when it was struck by a city works crew. You appear to accuse CTV of “improperly castigating” Kinder Morgan by tying the two incidents together. We disagree. Residents who live near the Kinder Morgan facility told CTV that because of the 2007 spill and this latest incident, they believe the proximity of the facility to residential homes is inappropriate and they want it moved. In our opinion, it is CTV’s responsibility to report matters in the public interest including the community’s concerns, regardless of whether or not [*sic*] Kinder Morgan was responsible for the incidents. The residents’ concerns, in our judgment, are newsworthy regardless of who is at fault for the spills. The residents who complained to CTV say they don’t like the location of the

facility, because when there is an accident, they suffer. The report was not on fault, but on residents' concerns.

We believe that our reporting of the House of Commons motion and the oil spill were both fair and accurate and in accordance with all codes and guidelines administered by the CBSC. CTV British Columbia is a member in good standing of the CBSC and adheres to its guidelines.

## **Additional Correspondence**

The complainant submitted his Ruling Request on May 22 with a lengthy explanation of why he still had concerns with the reports:

[The Managing Editor]'s May 20 letter of self-serving justification for the fabrication of the Olympics seal fur story shows that his department not only seeks to mislead its audience, its Managing Editor also attempts to mislead the CBSC, using the same style of reporting as his newsroom: editorial commentary sloppily disguised as fact, errant logic, poor research, failing to reveal key information, imbalance and taking things completely out of context in order to make them fit a preconceived notion of the event.

My complaint will show that CTV-BC's story violated, at various points, the following codes: the first four paragraphs of the CAB's Clause 5 - News, and all of Clause 6 - Full, Fair and Proper Presentation; as well as the following components of the RTNDA Canada *Code of Ethics*: Article One - Accuracy; the first and last sentences of Article Three - Authenticity; Article Seven - Corrections; and the first sentence of Article Thirteen - Sources.

You'll recall my complaint began over a broadcast by CTV-BC of a report that was completely fabricated about what the House of Commons had done. CTV's news team, in my complaint was then shown to have worked hard to prevent the facts from getting in the way of a good story. [The Managing Editor] now seeks to add to that insult by compounding the problem directly with you and me.

Let's parse the story, sentence by sentence, and see where the original story went wrong, and see if we can't expose at the same time the foamy foundation of [the Managing Editor]'s commentary in which he blatantly attempts to misdirect you about what he is pleased to call "fair and accurate reporting."

Here's what was broadcast, as provided by [the Managing Editor], sentence by sentence with my comments:

*"Meanwhile when our Canadian athletes show up at the 2010 Olympics, should they be wearing seal fur?"*

Well, there are no facts in that, are there? It's an opinion of the newsroom disguised as a rhetorical question of who, we don't know, based on what, we have no idea, is it not? If there were any facts in this query, it would be phrased differently, do you not agree? This is actually a favourite trick of [the Managing Editor]'s news room, to prejudice and prompt the audience to pre-judge a story before any factual material is offered about it; it's a conceit, don't you see?

*"The House Of Commons seems to think so. A motion has been passed unanimously to have seal fur included in the uniforms."*

[The Managing Editor] would have us believe, in a later quote of an MP he provides, that there's some rationale for this sentence. Let's put the ENTIRE exchange, as recorded by Hansard, the one that deals with all the introduction, debate, unanimous acceptance and passage of the actual motion in the House of Commons -- which is the underlying genesis of the event that prompted his newsroom's fabrication:

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Mr. Raynald Blais (Gaspésie-Îles-de-la-Madeleine, BQ): Mr. Speaker, I seek the unanimous consent of the House to adopt the following motion:

[Motion]

That, in the opinion of the House, the government should take advantage of the opportunity provided by the 2010 Vancouver Olympic Games to promote seal products, particularly by studying the possibility of using these products in the making of the Canadian Olympic clothing.

The Speaker: Does the hon. member for Gaspésie-Îles-de-la-Madeleine have the unanimous consent of the House to move this motion?

Some hon. members: Agreed.

The Speaker: The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

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As can be plainly seen, the motion and its debate, which describes in chief what the House of Commons actually intends to do (compared to what [the Managing Editor]'s news department, and, his letter shows, he himself believes) does not contain the phrase "seal fur", "included" nor "uniforms." The fact is the House decided -- without the commentary of Mr. Blais, who could well have said something if he chose, that [the Managing Editor] now quotes as justification for the story's "accuracy" -- to do something quite different than that which [the Managing Editor] and his news team concocted out of thin air.

The phrase "Canadian Olympic clothing", by the way, is used by the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games (VANOC), the federal government and the federal Olympic & Paralympic Secretariat to describe branded merchandise VANOC sells, merchandise which does not come near an athlete's body in any official way: T-shirts, parkas, sweatshirts, pants and the like. When its officials talk about uniforms, they use the word "uniforms", not "clothing".

*"Politicians think the 2010 games should be used to promote products from the seal hunt and suggest the uniforms our athletes wear should include at least one seal product."*



Compare the Hansard report with CTV's report, and you see that this sentence, too, is considerably different from what actually occurred, particularly if you take the word "Politicians" at its face value, as one should. We are talking about more than one "politician" who apparently thinks as CTV daydreams.

[The Managing Editor] hauls into his letter of justification the quote from Mr. Blais. Well, I have to admit that [the Managing Editor] is factually correct here. Mr. Blais did indeed say what he said, and in the House, and on the day in question, but of course, [the Managing Editor] leaves out the context entirely. And context, as [the Managing Editor] knows, is everything in news. That piece of paper on the ground by your feet is of little importance until you see that it's a \$20 bill.

Here's the actual portion of the debate in full in which Mr. Blais's quote occurs -- Hansard shows it took place much earlier in the day and in different circumstances and context from the motion and -- for our purposes here, had nothing specific to do with the motion that was subsequently approved in the House, the focus of CTV-BC's story:

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[Translation]

Mr. Raynald Blais (Gaspésie-Îles-de-la-Madeleine, BQ): Mr. Speaker, the European Union's decision to ban the sale and import of all seal products in the 27 member countries as of 2010 will have a devastating effect on everyone in the Magdalen Islands. Everyone agrees that we have to exert more pressure and raise awareness to counter all of the false information surrounding this well-managed hunt. Will the government invest more money in a campaign to promote seal products?

[English]

Hon. Gail Shea (Minister of Fisheries and Oceans, CPC): Mr. Speaker, this government condemns the EU ban on Canadian seal products. Securing markets for Canadian seal products is a priority and will continue to be a priority for this government. I can assure the member that we will stand up and fight for sealers.

[Translation]

Mr. Raynald Blais (Gaspésie-Îles-de-la-Madeleine, BQ): Mr. Speaker, if the government wants to take concrete action, it should take advantage of the forum provided by the 2010 Olympic Games in Vancouver to promote seal products, perhaps by using them in Canadian Olympic athletes' uniforms. Will the government take that kind of concrete action to save the industry that many families in my riding depend on?

[English]

Hon. Gail Shea (Minister of Fisheries and Oceans, CPC): Mr. Speaker, I do recognize that this is a big issue for the Hon. member, particularly because the Magdalen Islands are big for sealers. I welcome any suggestions that my colleague might have to help the Canadian sealing industry. Maybe he could share them with the Liberal Party.

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You will also note that "politicians", as noted in the news copy written by [the Managing Editor]'s trusty crew, is plural and Mr. Blais, alas, is quite, quite singular in his belief about

what he, at some future point, hopes, as a backbench MP for a party that is uniformly ignored outside of Quebec, might be able to persuade the other 304 MPs, including the government MPs, to do. Not even the Conservatives, to whom Mr. Blais was talking and who form the government, not the Liberals, deliver a kind word to him without it being offered impaled on the point of a cutting remark.

There is certainly no third-party indication that anybody but Mr. Blais has anything to say about the matter upon which CTV's sensational news team is basing its entirely fabricated news story about what all 304 MPs did. And, nor did he use the word "fur."

*"The motion is a reaction to the European Union's decision to impose a ban on the import of Canadian seal products."*

Now that's interesting. One can suppose, assume, guess, hope -- and [the Managing Editor]'s news team actually does one or all of those things on air in this story, the bugle subsequently to be taken up by [the Managing Editor] himself -- to tie to CTV's fallacy the motion later in the day to a one-off comment by a single MP at another time but, of course, the House did not, by its own collective hand, do so, as you can read above for yourself.

*"That could have a huge impact on Canadian hunters and exporters."*

This is a completely unsubstantiated and, as with this entire item, another unattributed editorial comment specifically written to bolster the story that isn't. There are a lot of hunters and exporters in Canada, by far the majority have no dealings with seal products.

*"The Canada Olympic Committee, on the other hand, says that fur won't fly because the athlete's uniforms have already been designed and approved by the IOC."*

The first half of the sentence is factually incorrect. The COC actually said no such thing; what it says has been completely invented, and [the Managing Editor], who knows it, will not be able to find any independent reference for it, yet it's passed off as an accurate paraphrase. The second half of the sentence is half incorrect. The IOC did not design the Canadian athletes' uniforms, HBC - the Hudson's Bay Company -- did so under a complex sponsorship agreement which was negotiated by VANOC's CEO John Furlong. That still leaves a sentence with, at best, 25% accuracy.

Thus, this particular story, taken sentence by sentence, and in totality, should not be accepted by the CBSC as a representation of what happened, as [the Managing Editor], who should choose his wording even better in this forum than his tip-top news team does on air, thinks to be, as he implores, "fair and accurate and in accordance with all codes and guidelines administered by the CBSC."

The point is this: CTV's audience wasn't misled, because that suggests that somehow CTV didn't quite understand what was going on, or didn't quite word something correctly. In this case, CTV passed off as fact an entire sensationalist story about something that never happened. It had, moreover, an entire day to check for any facts to support the story.

What would you call that, in total? I know what I call it, and, as [the Managing Editor] has deftly shown in his unsuccessful justification attempt, it's institutionalized at CTV-BC.

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I have reviewed [the Managing Editor]'s diatribe that purports to justify the oil spill story. I intended to dissect it in the same way as above, but I have compared what I would say to

what I said in my original complaint, and I simply stand by everything I originally said in my complaint, with the exception of substituting the word "burst" instead of my phrase "blew up".

I was sure that the word the announcer used was "blew up", but if the transcript is accurate, and I take [the Managing Editor]'s say-so that it is, then on that sole point I was apparently mistaken.

In my opinion, he has answered no better than he did so in the House of Commons story, but a line-by-line refutation would be redundant to my original complaint. Equating the two spills, as CTV-BC did, left a serious misapprehension in the viewer's mind that Kinder Morgan was irresponsible, and to use unqualified the resident's statement, which is nothing more than an editor's gratuitous kick at a company while it's down. The fact is, she moved near to the company's facilities over the predecessor company's objection to the city of Burnaby allowing her and her fellow residents to do so, and to not say so reinforces the alleged notion of irresponsibility -- in context.

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Finally, there seems no other channel or time to ask this, so I shall do so now, though it be in advance of any panel ruling that might occur. I wish to make clear that I am not doing so in the assurance that you would find for the complainant.

If the CBSC upholds the complaints about one or both stories, I should like to be considered to take part in the station's correction-approval process. I make the request for two reasons.

One, I should like to see the station produce a news story, as its apology, about how it came to air fabricated or misleading material, and what it's learned in the process of being corrected. A two-minute investigative-like report, which includes interviews with the writers and editors responsible, about how they came to air the information, and the decision-making about why they decided to fight it, would be both useful to them and transparent to the audience, because it would also have to show the involvement of the CBSC, why it exists, and its methodical complaint process, thus providing some real education to viewers.

Two, this particular news room has shown itself to be resourceful in its ability to write its way out of serious problems. In addition, there is the matter parallel complaint via the CRTC by Rogers Communications and a long list of other major telecommunication companies, filed today (May 22, 2009) about CTV using its news room in a blatantly biased matter in advancing its own causes. If founded, that complaint demonstrates that the lack of journalist ethics of CTV is upwardly extensive. Unless there's a steel grip on the correction process in resolving my complaint, the wording and subsequent presentation of CTV-BC's apology could easily show it appearing to be apologizing and mean nothing of the kind.

Thank you, in advance, for the consideration.