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## CANADIAN BROADCAST STANDARDS COUNCIL

### NATIONAL SPECIALTY SERVICES PANEL

#### The Comedy Network re a promotional spot for *The Roast of Joan Rivers*

(CBSC Decision 09/10-0259)

Decided October 5, 2010

R. Cohen (Chair), J. Medline (Vice Chair, Industry), H. Pawley (Vice Chair, Public),  
J. Page, C. Sephton, L. Todd

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### THE FACTS

This decision relates to a 30-second promotional spot for the comedy special the *Roast of Joan Rivers* aired on the Comedy Network. The spot, which may have been aired on several occasions, attracted the attention of a complainant when it ran at 1:40 pm on September 11 and at 1:55 pm on September 12, 2009, both during episodes of the sketch comedy program *MadTV*. The promo consisted of a series of very short scenes in which elderly women were punched, kicked or tackled, in each instance by men. In both cases, the challenged spot was followed by what appeared to be a separate promo for the same program, one featuring Joan Rivers herself providing a commentary on her upcoming roast. A detailed description is as follows:

A white-haired elderly woman is picking a greeting card (featuring a kitten on a pink background) off the rack in store when a man's muscular arm comes out of nowhere and punches her in the face, causing her to fall into the card rack.

An elderly woman appears to be placing an order at a bakery counter when a young man runs up and punches her in the face, causing her to stumble backwards.

An elderly woman is sitting at a table in a restaurant, eating alone when the waiter passing by punches her in the face, causing her to fall over.

After one of three elderly women playing golf hits the ball, a man runs up and swings to strike her but misses the mark. He instead hits one of the other women in the stomach, causing her to grunt in pain. He then punches the third woman in the face.

An elderly woman is sitting on a park bench, knitting when a sneakered foot comes out of nowhere and kicks her in the face.

An elderly woman is at the gym using a piece of exercise equipment when a young man punches her in the face and runs away.

An elderly woman is seen from a window standing beside a garden when a young man jumps out of nowhere and tackles her.

Words then appear on screen: "No one wants to see an old lady get taken down ... Until now. The *Roast of Joan Rivers*, all new, tomorrow 10 pm et/pt". A female voice-over states "The *Roast of Joan Rivers* tomorrow at 10 on the Comedy Network."

The CBSC received the following complaint dated October 9, 2009 (the full text of all correspondence can be found in the Appendix):

On Friday, September 11 & Saturday, September 12<sup>th</sup>, the television broadcaster The Comedy Network aired a promotion for Comedy Central's *Roast of Joan Rivers* depicting several old women getting physically assaulted with such force as to be thrown to the ground or floor, without provocation. Both ads aired at approx 1:30 pm on each date.

As this was deemed to be "programming" rather than "advertising", the ASC advised me to refer this matter to you. I consider this ad objectionable for self-evident reasons.

The Director of Content at the Comedy Network replied to the complainant on November 13 as follows:

The Canadian Broadcast Standards Council (CBSC) has forwarded to us a copy of your correspondence dated October 9<sup>th</sup>, 2009, regarding the program *The Roast of Joan Rivers* which aired on The Comedy Network on September 11<sup>th</sup> and 12<sup>th</sup>, 2009, between 1:30 pm and 2:00 pm ET, for our attention and response.

Before I address your specific concern, it should be noted that The Comedy Network follows the Canadian Association of Broadcasters' (CAB) *Code of Ethics, Equitable Portrayal Code*, and *Voluntary Code regarding Violence in Television Programming*. (If you would like to view the CAB codes, you may do so at [www.cbcs.ca](http://www.cbcs.ca).) The Comedy Network is a member in good standing of the Canadian Broadcast Standards Council and follows the Council's standards and guidelines.

The roasts are a very popular series of specials where comedians salute one another. The comedians are usually quite verbally harsh to one another. In this case, Joan Rivers, a woman of 83 [*sic*, 76 according to other sources] was the subject of the roast and so the promo plays on the idea of "taking down" an old lady. As noted in your letter, it does depict older women being struck in the face, knocked down. The intention is for humour to be derived from the mild shock factor at seeing older women brawling, which is unusual.

For broadcasters, feedback like yours is so important. It helps us to see the programming and promotions in a different light. Personally, I initially viewed this promo as amusing in the manner it was intended. Upon reviewing it to respond to your complaint, I can see how it might be disturbing to some viewers. We regret that the imagery in the promo for *The Roast of Joan Rivers* offended you. It is no longer airing and we will see to it that it doesn't air again in the future.

[...]

We hope that we have addressed your concern in regards to this program.

The complainant filed his Ruling Request on December 4 and added the following comments:

What is depicted is not a cheerfully demented scenario like two old ladies having a boxing match or ultimate fighting cage bout, but ten elderly women being assaulted without provocation in five seconds. It alienates the audience & doesn't belong in a TV ad.

## THE DECISION

The National Specialty Services Panel examined the complaint under the following two provisions of the Canadian Association of Broadcasters' (CAB) *Violence Code*:

### Article 7 – Violence against Women

7.1 Broadcasters shall not telecast programming which sanctions, promotes or glamorizes any aspect of violence against women.

7.2 Broadcasters shall ensure that women are not depicted as victims of violence unless the violence is integral to the story being told. Broadcasters shall be particularly sensitive not to perpetuate the link between women in a sexual context and women as victims of violence.

### Article 8 – Violence against Specific Groups

8.1 Broadcasters shall not telecast programming which sanctions, promotes or glamorizes violence based on race, national or ethnic origin, colour, religion, gender, sexual orientation, age, or mental or physical disability.

The Panel Adjudicators read all of the correspondence and reviewed the broadcast of the program promos of September 11 and 12. The Panel concludes that the Comedy Network violated Articles 7 and 8 of the *CAB Violence Code*.

## Violence and Elderly Women

Although the CBSC has dealt several times with television broadcasts involving violence against women, no Panel has ever interpreted or applied Article 8 of the *Violence Code*. Of the nine previous television decisions dealing with Article 7, only one can be said to be relevant to the matter at hand. The others were dramatic or reality-driven. The other was intended, as is clearly the case with the challenged program promo, as a satirical, humorous, tongue-in-cheek bit of programming.

In *SRC re Bye Bye 2008* (CBSC Decision 08/09-0620+, March 17, 2009), the Canadian Radio-television and Telecommunications Commission (CRTC) asked the CBSC to examine complaints that the Commission had received regarding the French public broadcaster (Société Radio-Canada)'s New Year's Eve variety program, which (almost annually over a 40-year period) looked back on events of the previous year in satirical form. A number of viewers complained that a sketch about hockey player Patrick Roy made light of violence against women. Patrick Roy had been a goaltender for the NHL Montreal Canadiens and, at the time of the *Bye Bye 2008* broadcast, was the coach of a Quebec Major Junior Hockey League team for which his son Jonathan was goaltender. Patrick had been involved in violent altercations in the past and, at one time years before, had been arrested in connection with a domestic violence investigation (those charges were later dismissed). Both Patrick and Jonathan had made headlines during the year when Jonathan had beaten up the goalie of an opposing team. There was speculation that Patrick had encouraged his son to do this.

The sketch in question parodied the violent nature of the male members of the Roy family. It began with Patrick coming in the front door by knocking it down, rather than opening it. He approached his wife to give her a hug, but she flinched as soon as he raised his arm as if she anticipated being struck. Jonathan then entered the room. Patrick made a hand gesture and Jonathan, in full hockey gear, jumped on his mother, knocking her down and punching her. The mother got up from the floor with a black eye, but carried on in a cheerful manner, as though little out of the ordinary had occurred. The family was then shown watching the weather report on television. Patrick again made a confirming gesture to his son and the mother quickly donned a hockey helmet, apparently to protect herself, although this time Jonathan's target was the weather forecaster. In any event, the Quebec Regional Panel concluded that satirizing certain traits of the Roy family was not at all problematic, but the emphasis on the violence against the mother bore no relevance to the customary targeted span of the *Bye Bye* shows (i.e. the previous 12 months), was unnecessary to the satirical point the broadcaster was trying to make, and consequently violated Article 7 of the *CAB Violence Code*.

As a result of the widespread publicity given to the violent tendencies of both the father and the sons, as evidenced in charges and investigation by the ordinary courts, on the

one hand, and organized hockey, on the other, the Panel finds no problem in the satirical portrayal by *Bye Bye 2008* of the male family members' violent tendencies.

Where the Panel does have a problem, though, is in what it considers the *excessive* portrayal of the mother as victim. The rule in the *CAB Violence Code* is not only that broadcasters are prohibited from airing programming which sanctions, promotes or glamorizes violence against women, but also that women are not to be depicted as victims of violence *unless the violence is integral to the story being told*.

[...]

Not only did the wife flinch when her husband approached to give her a hug, in anticipation of a slap or punch, not only did she don a hockey helmet in self protection later, but one of the sons was the person to actually punch her during the skit, leaving her with a black eye as a result. There was simply no creative need for the Roy men to beat the mother up and to leave the impression that this element was a constant in their family life. The show's creators may have viewed these actions as a satirical depiction of the Roy men's violent tendencies, but, in the view of the Panel, they went too far. They exaggerated the reality at the level of the victim, as much or more than at the level of the perpetrators. While a single instance may have been historically appropriate to reflect the one occasion when Patrick Roy was investigated for domestic violence, no more examples were required to make the point, particularly when it was the sons who were linked to the additional events. Moreover, given the divorce of Patrick Roy and his wife almost three years before *Bye Bye 2008*, it is difficult for the Panel to assume the relevance of the exacerbated theme of violence against women in the immediately preceding year. The Quebec Panel considers the Roy family skit in violation of Article 7 of the *CAB Violence Code*.

In the matter at hand, the Panel understands the humorous goal of the broadcaster on a *comedy* network in the catch-line, "No one wants to see an old lady get taken down," advertising a roast of the comedienne, Joan Rivers. That the Panel understands the goal does not mean that it believes the promo was the right approach. Plainly and simply, it does not.

This was a promotion reflecting an imbalance of power between young men and old ladies. It was not, as the broadcaster said in its letter "older women brawling", which implies a kind of balance or equality, and which, as the broadcaster admitted, would itself have been unusual. The complainant himself observed in his reply to that point made by the broadcaster that the promo was not "a cheerfully demented scenario like two old ladies having a boxing match or ultimate fighting cage bout." It sanctioned, promoted or glamorized violence against persons based on both their age and their gender.

Both are individually prohibited by the *CAB Violence Code* and they are the more so collectively proscribed. The broadcaster had to find a different way to promote the Joan Rivers Roast, one that did not involve men *physically* beating up elderly ladies. It was bad enough that the elderly women were beaten up, but having it done in each of the seven instances on a gender basis, that is to say, by *men* made the matter worse. Moreover, the extent to which it was out of place is reflected in the fact that there was

no violent content whatsoever in the program being promoted. To adapt the reasoning of the Quebec Panel, the promo's creators may have viewed the actions as a satirical depiction of taking down old ladies, but, in the view of the Panel, they went too far.

Consequently, on the basis of both age and gender, the National Specialty Services Panel considers that the challenged promos breached Articles 7 and 8 of the *CAB Violence Code*.

### **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 the broadcaster's Director of Content focussed sufficiently on the issue that concerned the complainant, in the sense that she announced that the Comedy Network had withdrawn it from further rotation. That is a significant accommodation but it did not resolve the basic concern of the complainant regarding the nature of the promo. He was entitled to disagree, with the result that the file would be brought to a Panel adjudication level. Nonetheless, it is the thoughtfulness of the response that determines whether the broadcaster has met the CBSC membership responsibility of responsiveness, which the Panel considers the Comedy Network has fully met in this instance.

### **ANNOUNCEMENT OF THE DECISION**

The Comedy Network 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 the promo for the *Roast of Joan Rivers* 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 the Comedy Network.

The Canadian Broadcast Standards Council has found that the Comedy Network has violated the Canadian Association of Broadcasters' *Violence Code*. In its broadcast of program promos on September 11 and 12, 2009 for the *Roast of Joan Rivers*, the broadcaster included depictions of elderly women being punched, kicked or tackled. Because the promos sanctioned, promoted or glamorized violence against persons based on

both their age and their gender, the Comedy Network breached Articles 7 and 8 of the *Violence Code*.

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

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## APPENDIX

### CBSC Decision 09/10-0259 The Comedy Network re a promotional spot for *The Roast of Joan Rivers*

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#### The Complaint

The CBSC received the following complaint dated October 9, 2009:

To whom it may concern:

On Friday, September 11 & Saturday, September 12<sup>th</sup>, the television broadcaster The Comedy Network aired a promotion for Comedy Central's *Roast of Joan Rivers* depicting several old women getting physically assaulted with such force as to be thrown to the ground or floor, without provocation. Both ads aired at approx 1:30 pm on each date.

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Thank you for your consideration.

#### Broadcaster Response

The Comedy Network replied to the complainant with a letter dated November 13:

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For broadcasters, feedback like yours is so important. It helps us to see the programming and promotions in a different light. Personally, I initially viewed this promo as amusing in the manner it was intended. Upon reviewing it to respond to your complaint, I can see how it might be disturbing to some viewers. We regret that the imagery in the promo for *The Roast*



*of Joan Rivers* offended you. It is no longer airing and we will see to it that it doesn't air again in the future.

Thank you for taking the time to send us your concerns. It benefits all our viewers.

We hope that we have addressed your concern in regards to this program.

### **Additional Correspondence**

The complainant filed his Ruling Request on December 4 and added the following comments:

What is depicted is not a cheerfully demented scenario like two old ladies having a boxing match or ultimate fighting cage bout, but ten elderly women being assaulted without provocation in five seconds. It alienates the audience & doesn't belong in a TV ad.