
CANADIAN BROADCAST STANDARDS COUNCIL

QUEBEC REGIONAL PANEL

Séries+ re *CSI: Miami*

(CBSC Decision 09/10-1730)

Decided January 25, 2011

G. Moisan (Vice-Chair), Y. Bombardier, A. H. Caron, R. Cohen (*ad hoc*), V. Dubois

THE FACTS

The specialty service *Séries+* broadcasts a French-language dubbed version of *CSI: Miami*, which is a dramatic series that follows a team of forensic specialists as they investigate crimes in the titular city. Episodes of the program frequently contain scenes of violent crimes being committed, both as they occur during the story or via flashbacks as the investigators piece together the clues. *Séries+* aired the program at 5:00 pm with a rating of 13+.

The CBSC received a complaint from a viewer who was concerned that the program was too violent for the 5:00 pm time slot that *Séries+* had selected for the series (the full text of that and all other correspondence can be found in the Appendix, available in French only). In his letter of June 8, 2010, the complainant noted that a previous CBSC decision regarding the broadcast of *Les experts: Manhattan (CSI: New York)* on conventional television network TQS (now V) found that two episodes of *that CSI* series should only have been aired after the start of the “Watershed” hour of 9:00 pm and with a rating of 16+. Based on that previous decision, he expressed the view that [translation] “Clearly, *CSI: Miami* has been incorrectly classified and given the wrong time slot. It is frightening to see that children coming home from school (my own daughter in this case) can have fingertip access to so much violence and gore.”

Given that the complainant's initial letter was about the series in general, in accordance with the CBSC's customary practice, the Secretariat requested that he provide examples of the dates and times of specific episodes that concerned him. In an e-mail of June 10, he identified four different broadcast dates.

The broadcaster then responded to the complainant on July 7. The station explained its programming choices in the following terms:

[Translation]

We would like, first of all, to thank you for informing us of your concerns on this subject. Your opinion is very important to us and we regret that the broadcast time of this series has offended you.

However, we do wish to point out that although the *Séries+* programming is primarily intended for an adult audience, certain programs or series can also be intended for a broader audience and we believe that the series *CSI: Miami* is a perfect fit for that broader audience. We also wish to point out that the Régie du cinéma du Québec classifies the *CSI: Miami* series as General but might offend the sensibilities of children under eight years of age, as the Régie du cinéma specifies that the series is "Not suitable for young children".

We have therefore used caution and classified this series as being suitable for viewers 13 years of age or over, and we deemed it appropriate to add a viewer advisory at the beginning of each program as well as the rating icon 13+ at the beginning of each program and following each commercial break.

We also wish to point out that Section 3 of the Canadian Association of Broadcasters' *Violence Code* provides that programming which contains scenes of violence **intended for adult audiences** shall not be telecast before the late viewing period, defined as 9 pm. to 6 am. Given that the series *CSI: Miami* is not intended exclusively for adults, we are of the opinion that it does not fall under that provision.

The complainant was not satisfied with that response and wrote back to the CBSC on July 13. He reiterated his concerns and restated the comparison with the previously-decided *CSI: New York* decision:

[Translation]

Séries+ simply ignored the arguments put forward and the jurisprudence associated with the case (see the example of *CSI: NY* [...]) that had been classified 8+ by V Television. The CBSC did not agree and indicated the program must be re-classified at the 16+ level. As *CSI: Miami* is exactly the same type of graphic program, it would be logical to consider the same classification.

The four episodes identified by the complainant aired on June 3, 4, 7 and 8. Each episode was preceded by a viewer advisory in both audio and video format that stated:

[Translation]

Warning: This program contains scenes that may not be suitable for some viewers.

That advisory was not repeated coming out of any of the commercial breaks. The 13+ classification icon, however, appeared both at the very beginning of each episode and coming out of each commercial break.

In the challenged episodes, members of the CSI team consisted of characters Horatio Caine, Alexx Woods, Eric Delko, Ryan Wolfe, Frank Tripp, Calleigh Duquesne, Natalia Boa Vista, Maxine Valera and Dan Cooper.

The June 3 episode was entitled "Curse of the Coffin". The episode followed the investigation of the death of a woman, Alissa Valone, who had been found in her apartment with blood around her mouth and neck. After examining the woman's apartment for clues, Ryan returned to the lab, where he witnessed an apparently dead body on a gurney suddenly sit up and gasp for air. When he returned with Alexx, that body was gone.

Both events were linked to the dead woman's ex-husband, Trevor, a doctor. Via flashbacks, it was revealed that the doctor helped his friend Ed fake his own death by sprinkling him with a chemical powder, following which Ed's heart stopped and he then went into convulsions. The investigative team eventually discovered that Ed was helping Alissa and Trevor steal and hide gold. Eric and Ryan then went to a cemetery where they believed the couple was hiding their gold; they found Ed's dead body slumped against a tree with a pick-axe protruding from his abdomen. During Maxine's later examination of the pick-axe back at the forensics laboratory, there was a flashback that showed a man swinging the pick-axe into Ed's stomach. Meanwhile, Horatio discovered that an SUV linked to the crimes contained a bomb, so he drove the vehicle out to a deserted beach where it exploded into flames. Towards the end of the episode, there was another flashback that showed how Alissa was killed; her friend Danielle had bludgeoned her with a golf club.

The June 4 episode, titled "High Octane", centred on the decapitation of a young stunt racer named Dexter. In the fatal scene, he was performing a stunt for an appreciative audience, racing along a road by the beach, while sitting on his car's sunroof and steering with his feet. Suddenly, his car bounced upwards and his head was sliced off by a lighting cable that had been strung across the road. The viewer briefly saw the headless body first sitting atop the car and then a few moments later lying on the ground. Later in the episode, investigators Calleigh and Dan watched a video of the incident that had been posted on a video-sharing website. They watched the clip a total of four times and the camera zoomed in closer on their computer screen each time. The investigation led Ryan and Eric to the home of another young man who had been present at the time of Dex's accident. As Ryan and Eric approached the man's home, a blue sports car broke through the garage door, barely missed hitting Ryan and Eric and then came to a stop and burst into flames. The young man who was in the car, barely conscious, with blood on his face, told the investigators [translation] "Someone wanted

to kill me". The CSI team eventually solved the crime, finding that the suspension on Dex's car had been tampered with and that his death had been orchestrated to garner publicity for the illegal street stunt racing activities.

The third (June 7) episode, entitled "Darkroom", was about a series of kidnappings and murders of young women who had signed up to participate in photo shoots with a particular photographer. The episode included scenes of dead bodies either being discovered or in forensic photographs, flashbacks of a woman screaming in terror while being dragged along the floor, frightened women being physically restrained by an unseen kidnapper, but no scenes were broadcast of actual murders being committed.

On June 8, Séries+ broadcast the episode entitled "Going, Going, Gone", which began with women being auctioned off on dates for charity. A man named George Kornspan "bought" two women whom he then took into a bedroom with the intention of having a threesome. He left the room for a few minutes and, upon his return, discovered one of the women missing and the other lying dead in the bed, covered in blood. The dead woman's name was Rebecca and, as Alexx examined her body, she declared that Rebecca had been stabbed numerous times. The CSI team discovered a microphone in the room where the murder took place and, when Eric and Horatio listened to it back at the lab, they heard Rebecca's cries and groans, as well as other sounds of violence. Eric commented that he felt like he was hearing the murder take place live. The investigators eventually traced Rebecca's murder back to her jealous ex-boyfriend, Carl. A flashback revealed how Carl had followed Rebecca to the house where the auction took place and then waited until she was alone in the bedroom before stabbing her repeatedly with a letter-opener. In a related storyline, the investigators discovered that Kornspan was involved in terrorist activities. Calleigh confronted Kornspan on a dock where Kornspan was awaiting shipment of illegal weapons. Kornspan fired at Calleigh, causing her to fall down, while another officer fired at Kornspan. Calleigh survived because she was wearing a bullet-proof vest, but Kornspan was shot dead. Meanwhile, Horatio and his team assembled a roadblock in order to intercept a transport truck that was carrying some of the terrorists' explosives. Horatio set up a sniper gun and fired at the truck as it approached, causing the truck to burst into flames.

THE DECISION

The Quebec Regional Panel examined the complaint under the following provisions of the Canadian Association of Broadcasters' (CAB) *Violence Code*:

Article 3.0 - Scheduling

3.1 Programming

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

Article 4.0 - Classification

8+ (General – Not Suitable for Young Children)

These programs are suitable for the general public but could contain mild or occasional violence that may disturb young children. Viewing with adult supervision is therefore recommended for young children (age 8 and under) who are less able to distinguish between real and make-believe programming.

13+

The program may be viewed, purchased or rented only by persons 13 years of age or older. Children under 13 may be admitted only if accompanied by an adult.

The Régie classifies in this category programs that require a certain level of judgement. These programs contain passages or sequences that may offend the sensibilities of younger viewers.

Teenage viewers are more aware of the fact that a program is not reality and are therefore better psychologically prepared to follow more complex or dramatic programs. Violence, eroticism, coarse language or horror may be more developed and may constitute a dominant characteristic of the program. However, it is important that the program allow viewers to discern the meaning that should be attributed to the various characters and their actions, because teenagers are not necessarily prepared to face everything. This is why certain themes (drugs, suicide, troubling situations, etc.) and their treatment are carefully examined.

16 +

The program may be viewed, purchased or rented only by persons 16 years of age or older.

At the age of 16, young people enter a transition period between the end of adolescence and the beginning adulthood. They are more independent, and have usually attained a certain level of psychological maturity.

Programs with this rating present troubling themes, situations or behaviours and adopt a more direct point of view about things. They may therefore contain scenes where violence, horror and sexuality are more graphic.

Article 5.0 – Viewer Advisories

5.1 To assist consumers in making their viewing choices, broadcasters shall provide a viewer advisory, at the beginning of, and during the first hour of programming telecast in late evening hours which contains scenes of violence intended for adult audiences.

5.2 Broadcasters shall provide a viewer advisory at the beginning of, and during programming telecast outside of late evening hours, which contains scenes of violence not suitable for children.

The Quebec Regional Panel Adjudicators read all of the correspondence and viewed the four challenged broadcasts. The Panel concludes that *Séries+* violated Article 5.2 of the *CAB Violence Code*, but none of the other aforementioned provisions of that Code.

Scheduling of Violent Content

Panels frequently draw the distinction between programming that, due to its mature content, is intended exclusively for adults and programming that is not so intended. The reason for the distinction is related to the scheduling requirements. Programming in the former category must play post-Watershed (between 9:00 pm and 6:00 am). All other programming may play at any time of the day or night. That said, not all programming that *may* be broadcast before 9:00 pm is suitable for children. The consequence of that categorization of programming relates not to scheduling but to the warning that must be provided to audiences.

The Panel has carefully considered the violent content in each of the four challenged episodes of *CSI: Miami*. In its evaluation of the episodes, it has considered the principles recently set down by the National Conventional Television Panel in *CTV re an episode of Criminal Minds ("Omnivore")* (CBSC Decision 08/09-1405, June 25, 2009), which set out the criteria for making that assessment in the following terms:

Although it has dealt with violent content on television before, the CBSC does not have any sort of *mathematical* formula for determining what type of programming constitutes "intended exclusively for adults". Panels have, however, grappled with the issue and developed criteria that enable them to arrive at an increasingly predictable conclusion. In *CKCO-TV re Kazan* (CBSC Decision 96/97-0226, February 20, 1998), the Ontario Regional Panel set out some of those criteria. Although the level of violence in that particular television movie was not adult, the Panel said: "While it is difficult to propose any cut-and-dried formula to apply in coming to any such conclusion, the Panel does consider that the presence of the combined elements of fear, suspense, gore and explicitness may help characterize programming containing scenes of violence as *adult*." [The principle was followed in *TQS re the movie L'inconnu (Never Talk to Strangers)* (CBSC Decision 98/99-0176, June 23, 1999).] Then, in *CJMT-TV (OMNI.2) re episodes of Law & Order: Criminal Intent ("Want") and Law & Order: Special Victims Unit ("Pure")* (CBSC Decision 07/08-1441, January 7, 2009), the Ontario Panel expanded the list of criteria such that "the presence, and level of, gore, explicitness, graphic or horrific images, frequency of violence, fear, terror-provoking suspense, and realism will tend toward adulthood determinations."

The Panel also considered its own recent decision regarding another of the well-known *CSI* series in *TQS re two episodes of Les experts: Manhattan (CSI: New York)* (CBSC Decision 08/09-0880, August 11, 2009). In the challenged episodes of that series, this Panel described the violence in the following terms:

[T]he Panel concludes that the level of gore and explicitness of the murders, including the plunging of a hook into the stomach of a woman, the dumping of her body out a window onto the roof of a school bus, the plunging of a liquid nitrogen hose into a woman's chest, the beating of a man to death with a rifle butt, and the shooting of a woman with that rifle tossed off a building, qualified as exclusively adult. All of these scenes featured graphic, explicit, realistic and vivid detail.

Applying the foregoing principles to the four episodes of *CSI: Miami* at issue on this occasion, the Panel concludes that the violence was far less graphic, explicit, realistic, vivid and intense than that dealt with in the *TQS CSI: New York* decision. While the Panel did take note of the rather early post-school pre-dinner scheduling of the series, it is equally aware of the fact that the broadcaster is entitled to air this or any other program episode that is not intended *exclusively for adults* at any hour of the day. The Panel is equally aware of the fact that *Séries+* is a specialty service, which is by definition accessible only to homes that pay an additional fee to receive it. That said, the Panel hastens to add that the rules relating to mature content and the Watershed are *identical* for specialty and conventional services. The Panel's point is only that the customary duty of parents to control what their families access on their television sets is perhaps slightly greater when they have chosen to import specialty services that may be more susceptible of airing programming that is unsuitable for some members of their families. When broadcasters provide the informational and technological tools that enable viewers to make informed choices and to restrict access via the V-Chip or set-top digital controls, it is only reasonable that parents take the fullest advantage of their availability.

As a final point in this regard, the Panel considers it important to emphasize that its decision relates to the four episodes of *CSI: Miami* assessed by them. The broadcaster needs to remain vigilant about ensuring that other episodes of the series do not cross over the "intended exclusively for adults" content line.

Classification

In the broadcasts leading to the earlier decision of this Panel in *TQS re CSI: New York*, the broadcaster had rated the two episodes 8+. This Panel considered that the rating was not as high as it ought to have been as a function of the violent content. Although *Séries+* clearly understood that it was up to them (and not the Régie du Cinéma) to choose the appropriate ratings level for the broadcast, the Panel wishes to remind those

who may read this decision of the rule distinguishing between the two responsibilities, as laid down in the TQS decision:

The Régie has no role in the determination of ratings applicable to television programs. That is solely the responsibility of the broadcasters themselves, using the same classification *categories* and descriptors employed by the Régie (with the addition of an 8+ category), but applying these as appropriate to the television medium. In *TQS re the movie L’Affaire Thomas Crown (The Thomas Crown Affair)* (CBSC Decision 01/02-0622, December 20, 2002), this Panel made the important decision that Quebec French-language broadcasters were entitled to use the *system* of the Régie, but could not necessarily rely on the actual *rating* given by the Régie to any particular film due to the different circumstances of the television environment.

The Panel concludes that the 13+ rating chosen by Séries+ was the appropriate rating in terms of the descriptors provided above. It finds no breach of Article 4 of the *Violence Code* regarding the classification choice made by the broadcaster. That said, it does have an observation to make in the following section regarding the frequency of the on-screen appearance of the ratings icons.

Viewer Advisories

In a decision of even date taken by this Panel, namely, *Canal D re an episode of Sexe Réalité* (CBSC Decision 09/10-1790, January 25, 2011), the Panel was called upon to explain an apparent confusion that had arisen with respect to the use of two of the tools provided by broadcasters in general to assist audiences. The Panel can do no better than to refer to that decision to explain the requirements for the use of viewer advisories and ratings icons. In order to avoid lengthy quoted text in a smaller font, the Panel will take its words in the Canal D decision essentially verbatim and adapt them as needed to the matter at hand.

It is the obligation of broadcasters to provide their audiences with sufficient information to make *informed viewing choices*. In order to do this, they must employ ratings icons *and* viewer advisories. The ratings icons are a shorthand form of advice, principally but not solely age-related in their presentation (in English-language programming: C, C8, G, PG, 14+, 18+; and in French-language programming: G, 8+, 13+, 16+ and 18+). As is evident, they do not provide the viewer with an explanation of the *type* of content that results in the age-related classification. That said, they are undeniably a useful tool; the broadcaster’s obligation is to provide the appropriate ratings icon at the beginning of the program and at the start of the second hour, when the program runs more than sixty minutes. That is, as the Icon Use Protocol provides, a “minimal use standard [...]”; stations may wish to use the icons more frequently on programs with particularly sensitive content.” Séries+ has chosen to display the icon at the start of the program and following every commercial break. That is more than is required; Séries+ is to be applauded for that additional viewer advice.

Since it is to be expected that some types of content, whether sexual, violent or containing coarse language will be of greater concern to some families and of less concern to others, it is also important to provide more detailed information to viewers. *That* is the purpose of viewer advisories, which use words, not symbols, to inform audiences of what they can expect. As the National Specialty Services Panel explained in *Comedy Network re an episode of Gutterball Alley* (CBSC Decision 01/02-0450 & 01/02-0481, September 13, 2002),

Viewer advisories differ slightly from classification issues. They are broader and more descriptive [...]. They provide people with more than a single “catch-all” basket category for levels of coarse language, violence, nudity and sexual content. In descriptive words, they advise viewers of the kind of content they can anticipate encountering in a program about to be, or currently being, aired.

There are, however, two information elements required. One relates to the substance of the advisory and the other to the frequency of the provision of that information to audiences.

On the substantive (content) side, *Séries+* did not provide any indication of the nature of the potentially disturbing content, namely, the scenes of violence. The non-specific reference to [translation] “scenes that may not be suitable for some viewers” is of little or no help to viewers and is in violation of Article 5.2 of the *CAB Violence Code*.

As to the frequency of broadcast of the advisories, the import of Clause 5.1, as elucidated by numerous CBSC Panel decisions, is clear. The appropriate viewer advisory must appear at the start of the program *and following every commercial break*. The reason for that rule is obvious. People tune in and out of programs. They channel surf. The rule was established in the expectation that viewers may not arrive at the start of the show. They are not on that account less entitled to the information about the program than those individuals who are there from the very beginning of the broadcast. The Panel finds the statement of the National Specialty Services Panel in *WTN re Sunday Night Sex Show* (CBSC Decision 99/00-0672, January 31, 2001) apt in this respect.

[T]he Panel considers it important to emphasize the informative value to viewers of advisories coming out of *every* commercial break. It is not reasonable to expect that viewers who may be channel-surfing or simply turning on their television sets ten or fifteen or more minutes into a show should be deprived of *such important viewing information*. [Emphasis added.]

There are many additional CBSC Panel decisions that make the point about the requirement of viewer advisories at the beginning of the show and following *every single* commercial break. [See, for example, *TQS re the movie L'inconnu (Never Talk to Strangers)* (CBSC Decision 98/99-0176, June 23, 1999); *CTV re Poltergeist - The Legacy* (CBSC Decisions 96/97-0017 and 96/97-0030, May 8, 1997); *TQS re the movie Les Girls de Las Vegas (Showgirls)* (CBSC Decision 01/02-0478, December 20, 2002);

and *VRAK.TV re Charmed ("Dead Man Dating")* (CBSC Decision 02/03-0365, July 17, 2003), among others.] The Panel comes to the same conclusion as the long line of jurisprudence, namely, that *Séries+* has breached Clause 5 of the *CAB Violence Code* as the result of its broadcast of both a non-specific viewer advisory and an insufficient number of advisories during each of the episodes of *CSI: Miami*.

Broadcaster Responsiveness

In all CBSC decisions, the Council's Panels assess the broadcaster's responsiveness to the complainants. In the present instance, the Panel finds that the response of the broadcaster's Legal Counsel was a careful attempt to deal with the issues related to a program that included elements of violence. His reply was thoughtful although it did not satisfy the complainants. That is, of course, always the case in any matter that ultimately gets to a Panel adjudication. Indeed, it is a prerequisite to that step in the formal Panel process. In the end, the Quebec Panel agreed with the substance of the broadcaster's Legal Counsel on the issue of the timing and rating of the broadcast. That said, the Panel also notes that the broadcaster separately explained its misunderstanding of the viewer advisory requirements and committed to rectify its use of advisories in future episodes of the series. All things taken into account, the Panel considers that *Séries+* has fully met its membership obligation of responsiveness in this instance.

ANNOUNCEMENT OF THE DECISION

Séries+ 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 *CSI: Miami* 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 *Séries+*.

The Canadian Broadcast Standards Council has found that *Séries+* violated the Canadian Association of Broadcasters' *Violence Code* in its broadcasts of *CSI: Miami* in June 2010. Although *Séries+* did broadcast a viewer advisory at the beginning of the program, its failure to provide viewer advisories following every commercial break during the entire hour of the program, constituted a breach of Clause 5.2 of the Code, which

requires such information to be provided so that the audience can make the necessary viewing choices for themselves and their families. *Séries+* also failed to mention the violent content of the program in the wording of its advisories, also required by the Article 5.0 of the Code.

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

ANNEXE

Décision du CCNR 09/10-1730

Séries + concernant *CSI Miami*

La plainte

Le CCNR a reçu la plainte suivante le 8 juin 2010 :

station: Séries +
émission: *CSI : Miami*
date: Tous les jours à 17 h
heure: 17 h

préoccupations: La série suit les activités d'un groupe d'enquêteurs spéciaux, lesquels utilisent des techniques de criminalistique pour élucider des crimes commis dans la ville de Miami. Tel que rendu dans votre décision du 11 août 2009 contre TQS - V Télé pour *CSI : NY*, cette émission à caractère violent n'a absolument pas sa place dans une plage horaire avant 21 h.

Je cite: « Le Conseil canadien des normes de la radiotélévision (CCNR) a jugé que TQS, maintenant V, a violé le *Code concernant la violence* de l'Association canadienne des radiodiffuseurs lors de la diffusion de *Les experts : Manhattan* les 16 et 23 février 2009 à 20 h. Ces émissions contenaient des scènes de violence à l'intention d'auditoires adultes qui ne devaient pas par conséquent être diffusées avant 21 h, tel que stipulé par l'article 3 du Code. TQS a incorrectement classifié l'émission 8+, alors que cette classification aurait dû être 16+ selon l'article 4. En outre, TQS n'a pas présenté de mises en garde à l'auditoire au sujet du caractère violent de l'émission, ce qui va à l'encontre de l'article 5 du Code. »

L'émission *CSI : Miami* est de toute évidence mal classifiée et en dehors de sa plage horaire. Il est épouvantable de voir que les enfants revenant de l'école (en l'occurrence la mienne) puissent avoir accès du bout des doigts à autant de violence et de gore. Je demande à ce que les mêmes dispositions imposées à TQS pour *CSI : NY* soient également imposées à Séries+ pour *CSI : Miami* basé sur la jurisprudence citée précédemment et que *CSI : Miami* soit retiré de cette plage horaire ASAP. Cela a assez duré!

Le CCNR a expliqué au plaignant qu'il faut indiquer des dates précises des épisodes qui l'ont préoccupé. Le 10 juin, ce dernier a envoyé un courriel : « Les dates sont les 3, 4, 7 et 8 juin à 17 h. »

La réponse du radiodiffuseur

Séries+ a envoyé une lettre de réponse en date du 7 juillet :

Monsieur C.,

Nous avons pris connaissance de votre plainte du 8 juin dernier dans laquelle vous nous faites part de vos préoccupations concernant la diffusion de la série *CSI : Miami* sur les ondes de Séries+ avant 21 heures.

Tout d'abord, nous désirons vous remercier de nous transmettre vos préoccupations à ce sujet. Votre opinion est très importante pour nous et nous sommes désolés si l'heure de diffusion de cette série vous a choquée.

Cependant, nous tenons à vous préciser que bien que la programmation de Séries+ est principalement destinée à un auditoire adulte, certaines émissions ou séries peuvent également s'adresser à un plus vaste public. La série *CSI : Miami* s'inscrit selon nous parfaitement dans cette optique. Nous voulons par ailleurs vous souligner le fait que la Régie du cinéma du Québec classe la série *CSI : Miami* comme étant Général mais de nature à heurter la sensibilité des enfants de moins de huit ans, puisque la Régie du cinéma précise que la série est « Déconseillée aux jeunes enfants ».

Conséquemment, nous avons donc prudemment classé cette série comme visant un public de 13 ans et plus et nous avons donc jugé bon d'ajouter une mise en garde au début de chaque émission de même qu'une puce de classification 13 ans et plus au début de chaque émission et à chaque retour de pause.

Par ailleurs, nous tenons à vous souligner que le *Code concernant la violence* de l'Association canadienne des radiodiffuseurs prévoit, à son Article 3, que les émissions comportant des scènes violentes et **destinées à un auditoire adulte** ne doivent pas être diffusées avant le début de la plage des heures tardives de la soirée, plage comprise entre 21 h et 6 h. La série *CSI : Miami* n'étant pas destinée exclusivement à un auditoire adulte, nous sommes d'avis qu'elle n'est donc pas visée par cette disposition.

Les commentaires reçus de nos téléspectateurs nous permettent d'ajuster et d'améliorer continuellement le contenu de notre programmation de façon à mieux répondre à notre mandat de diffuseur. À cet effet, soyez assuré que nous prenons bonne note du commentaire que vous nous avez communiqué.

En espérant que ces explications vous conviennent, veuillez agréer, Monsieur C., l'expression de nos sentiments les plus distingués.

Correspondance additionnelle

Le 13 juillet, le plaignant a envoyé le courriel suivant :

Séries+ a simplement ignoré les arguments présentés et la jurisprudence associée au cas (voir l'exemple de *CSI : NY* ci-bas) qui avait été évalué 8 ans+ par V Télé. Cette décision avait été renversée par le CCNR et évaluée 16 ans+. Comme *CSI : Miami* est exactement le même genre d'émission à caractère explicite, il serait logique de considérer la même évaluation. J'enverrai donc ma plainte au lien que vous m'avez donné dans votre courriel.

Le plaignant a également rempli le formulaire de Demande de décision et a répété ses préoccupations :

La série suit les activités d'un groupe d'enquêteurs spéciaux, lesquels utilisent des techniques de criminalistique pour élucider des crimes commis dans la ville de Miami. Tel que rendu dans votre décision du 11 août 2009 contre TQS - V Télé pour *CSI : NY*, cette émission à caractère violent n'a absolument pas sa place dans une plage horaire avant 21 h.

Référence: Conseil canadien des normes de la radiotélévision, Comité Régional du Québec, *TQS concernant deux épisodes de Les experts : Manhattan (CSI : New York)* (Décision du CCNR 08/09-0880), Compte rendue le 11 août 2009.

Je cite partiellement : « Le Conseil canadien des normes de la radiotélévision (CCNR) a jugé que TQS, maintenant V, a violé le Code concernant la violence de l'Association canadienne des radiodiffuseurs lors de la diffusion de *Les experts : Manhattan* les 16 et 23 février 2009 à 20 h. Ces émissions contenaient des scènes de violence à l'intention d'auditoires adultes qui ne devaient pas par conséquent être diffusées avant 21 h, tel que stipulé par l'article 3 du Code. TQS a incorrectement classifié l'émission 8+, alors que cette classification aurait dû être 16+ selon l'article 4. En outre, TQS n'a pas présenté de mises en garde à l'auditoire au sujet du caractère violent de l'émission, ce qui va à l'encontre de l'article 5 du Code. »

L'émission *CSI : Miami* est de toute évidence mal classifiée et en dehors de sa plage horaire. Bien qu'il y aient [*sic*] des avertissements au retour des pauses publicitaires, il en demeure pas moins épouvantable de voir que les enfants revenant de l'école (en l'occurrence la mienne) puissent avoir accès du bout des doigts à autant de violence et de gore. J'ai demandé à ce que les mêmes dispositions imposées à TQS pour *CSI : NY* soient également imposées à Séries+ pour *CSI : Miami* basé sur la jurisprudence citée précédemment et que *CSI : Miami* soit retiré de cette plage horaire dès que possible. Or Séries+, dans sa réponse du 7 juillet, mentionne que *CSI : Miami* est une émission classée 13+ par la Régie du cinéma ce que le CCNR a justement débouté dans sa décision du 11 août 2009 vs V Télé reclassifiant [*sic*] l'émission 16 ans +. Comme *CSI : Miami* est exactement le même genre d'émission que celle reclassifiée [*sic*], il serait logique de s'attendre au même dénouement.

PS : Dans une émission de *CSI : Miami* diffusée ultérieurement à ma plainte, on voit un homme uriner par vengeance sur un cadavre en sang ... quand on parle de choses dégueulasses pour les enfants!

Séries+ a également envoyé un couple de lettres directement au CCNR afin de clarifier sa décision de diffuser *CSI : Miami* :

- Séries+ a noté que la décision du CCNR concernant TQS et *CSI : NY* a trouvé que les épisodes auraient dû être classés 16+, mais en même temps étaient « destinés exclusivement à un auditoire adulte » et donc devraient être diffusés après 21 h. Séries+ a écrit : « Il nous apparaît en effet incompatible de classer une émission ou une série comme étant destiné à un auditoire de **16 ans et plus** et de prétendre que cette même émission ou série puisse contenir des scènes de violence destinées **exclusivement aux adultes** ne devant pas être diffusée avant 21 h. »
- Séries+ a noté que les services américains qui sont distribués au Canada, tel que A&E, diffusent la série *CSI : Miami* « à toute heure de la journée ». Limiter la

diffusion de telles séries à entre 21 h et 6 h sur les ondes des diffuseurs canadiens « pourrait avoir pour effet de nuire aux radiotélédiffuseurs privés du Canada et ainsi créer un avantage indu aux diffuseurs américains dont les chaînes sont distribuées au Canada. »

- Séries+ reconnaît qu'il « a mal interprété » et a renversé les règlements concernant les mises en garde à l'auditoire vs les icônes de classification. Il avait pensé que la présentation d'une icône de classification à la fin de chaque pause publicitaire suffisait comme avertissement. Séries+ comprend maintenant que « les icônes de classification ne remplacent pas les mises en garde à l'auditoire » et que « la mise en garde à l'auditoire doit paraître en format audio et vidéo au début d'une émission ayant du contenu destiné aux adultes ou qui ne convient pas aux enfants ayant moins de 12 ans et après chaque pause commerciale de cette émission. »