

---

**CANADIAN BROADCAST STANDARDS COUNCIL  
NATIONAL SPECIALTY SERVICES PANEL**

WTN re the movie *Wildcats*

(CBSC Decision 00/01-0964)

Decided January 16, 2002

R. Cohen (Chair), S. Crawford (Vice-Chair), P. O'Neill (Vice-Chair), R. Cugini,  
E. Duffy-MacLean and H. Pawley

---

## **THE FACTS**

This film, starring Goldie Hawn as the coach of a high school men's football team, was broadcast by the specialty service WTN on Sunday, June 10, 2001, from 4:00 pm to 6:00 pm EST. A classification icon of 14+ appeared at the beginning of the movie and again at the beginning of the second hour. There were no viewer advisories at either the beginning of the film or after the commercial breaks.

While coarse language was not a predominant aspect of this film, there was some use of foul language throughout the film. The broadcaster muted out the words "fuck" on two occasions and "motherfucker" on three. In four instances, though, the word "fuck" (or variations of it) and, in one instance, "motherfucker", were not muted out by the broadcaster. Other utterances of coarse language, such as "pussies", "shit", "bitch", and "ass" were neither muted nor edited.

The film also contained two scenes involving nudity. In one very brief scene, some of the male football players are seen without their pants from both the front and back. Their genitalia are briefly barely visible and at a distance. In the other, Goldie Hawn's character is in the bathtub and her breasts are in plain view for a couple of seconds.

A viewer complained to the CRTC via e-mail in July 2001 and the file was forwarded to the CBSC in the normal course:

WTN broadcast a show on Sunday June 10 from approximately 4-6pm called WildCats starring Goldie Hawn. During this broadcast, there was frontal nudity and a significant number of profanity [*sic*]. Can you advise what the regulations are in Canada for airing this type of program ... i.e. I thought it was only during the evenings.

The President of WTN responded on July 30, 2001 with an e-mail that read in part (the full text of the correspondence can be found in the Appendix to this decision):

*Wildcats* is a movie starring Goldie Hawn, a physical education teacher, who finally gets the opportunity to coach a men's junior varsity football team. This movie aired with a rating of 14+ which indicates to the viewer that the particular program contains themes or content elements which might not be suitable for viewers under the age of 14.

I want to assure you that we, at WTN, have a very stringent program screening process in place which includes one of our editors viewing each movie scene by scene as to violence, language and sex/nudity. Her assessment is then brought to a committee which determines the appropriate classification (rating).

This process was adhered to with regard to *Wildcats* and it was determined that the most offensive of profanities was screened out for our audience. There was one very short scene of partial frontal nudity which we feel was within the guidelines of the classification this movie was given.

On August 2, the complainant returned her Ruling Request and made the following comments (the full text can be found in the Appendix):

I do not remember seeing any indications of 14+ and regardless, given the time shown, I am still surprised that there would be any regulations that would allow frontal nudity and the numerous instances of profanity that were not screened out (every other station [...] seems to avoid the same language until 9:00 pm).

## THE DECISION

The CBSC National Specialty Services Panel considered the complaint under the Canadian Association of Broadcasters' (CAB) *Violence Code* and the *CAB Code of Ethics*. The relevant provisions of those Codes read as follows:

### *CAB Violence Code*, Article 3.1.1 (Scheduling)

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.

### *CAB Violence Code*, 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.

### *CAB Code of Ethics*, Clause 6, paragraph 3:

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of the broadcast publisher.

The National Specialty Services Panel Adjudicators viewed a tape of the program in question and reviewed all of the correspondence. For the reasons explained below, the Panel finds that the program as broadcast by WTN was in breach of Article 3.1.1 of the *CAB Violence Code* because it contained scenes intended for adult audiences thus requiring that the film be aired after 9:00 pm. In addition, the Panel determines that the broadcaster is in breach of Article 5.0 of the *CAB Violence Code* for failing to provide any viewer advisories at the beginning of or during the film.

### **The Meaning of the Watershed Hour**

Although the *Violence Code* makes specific mention of violence only, it has long been the practice of Canadian broadcasters to extend this scheduling provision of the Code to other types of content intended for adult audiences, such as that containing coarse language, nudity and sexual activity. The CBSC first noted this tendency in *CITY-TV re Ed the Sock* (CBSC Decision 94/95-0100, August 23, 1995):

In Canada, the Watershed was developed as a principal component of the 1993 *Violence Code*, establishing the hour *before which* no violent programming intended for adult audiences would be shown. Despite the establishment of the Watershed for *that* purpose, the Council has reason to believe that broadcasters regularly consider this hour as a rough threshold for *other* types of adult programming.

Since that decision, the CBSC Adjudicating Panels have applied the Watershed provision in numerous other cases involving scenes intended for adult audiences. A review of the CBSC's decisions on this issue can be found in *WTN re Sunday Night Sex Show* (CBSC Decision 99/00-0672, January 31, 2001).

It should also be noted that classifying a program with a 14+ rating is not in and of itself an obstacle to a program's airing before 9:00 pm. As the CBSC has previously stated, not all programming appearing before 9:00 pm should be considered suitable for all ages. As the Ontario Regional Panel explained in *CFMT-TV re an episode of The Simpsons* (CBSC Decision 94/95-0082, August 18, 1995), the 9:00 pm Watershed hour should not be treated as the "Great Divide":

The community has tended to consider that *all* post-Watershed programming falls into the "adults only" category and that *all* pre-Watershed programming falls into the "suitable for everyone, including young children" category. Neither generalization is wholly accurate.

The Watershed hour is *only* the hour before which no programming containing scenes of violence intended for adult audiences may be shown. Private broadcasters have *voluntarily* tended to extend this principle to all programming containing any material which they believe is intended for adult audiences, even if not of a violent nature.

[...]

This practice ought not to lead the Canadian public to conclude that *any* programming aired *before 9 pm* is, *by that fact alone*, suitable for *all* members of their families, whatever their age. That would be true of programming intended for young children (below 12 years of age), which airs in a different time slot, but material broadcast in the early evening falls within “the rich broadcasting fare” mentioned above and should be vetted by parents as to its suitability in *their* homes.

For material not to be playable in a pre-Watershed time slot, it must be clearly intended for adult audiences. All programming that is not characterized as “clearly intended for adult audiences” is, on the contrary, susceptible of passing the threshold of acceptability and playing pre-Watershed.

### The Nudity

The scene showing the rear and frontal nudity of the football players lasted no more than two seconds; in the scene where the female character was in the bathtub, her breasts were exposed for only a few seconds before she covered herself with a towel. In neither instance was the nudity paired with sexual activity or even remotely presented in a sexual context. In such circumstances, CBSC Panels have ruled that nudity alone would not be understood as “intended for adult audiences” and hence not required to be relegated to a post-Watershed broadcast hour. In *TQS re Strip Tease* (CBSC Decision 98/99-0441, February 21, 2000), the Quebec Regional Panel put the matter thus:

While acknowledging that the showing of bare breasts on strip tease dancers was intended by the filmmaker to be sexual, the Council considers that the absence of sexual contact or lovemaking in the film rendered it, to all intents and purposes, sufficiently innocent that there would not even be a requirement that its broadcast occur only in a post-Watershed time frame.

While the issue of nudity in *CTV re The Sopranos* (CBSC Decision 00/01-0130+, March 8, 2001) did not involve the Watershed, the National Conventional Television Panel also drew the distinction between nudity and sexual contact in the following terms:

While nudity is present in virtually every episode of *The Sopranos*, it is rarely seen in combination with sexual activity. In general, nude women are seen dancing on stage as a part of the business operations of Tony Soprano’s Bada Bing! Club. They are so much the backdrop of more important activities that, even when one of the women comes forward to speak to one of the mobsters, her unclothed appearance seems to be virtually ignored, if not utterly unimportant.

If anything, the nudity in *Wildcats* is presented in a humorous context and is even more devoid of sexual innuendo than that in either *Strip Tease* or *The Sopranos*. There is no breach of the Code on that account.

## Coarse or Offensive Language

The CBSC has dealt with coarse or offensive language on numerous occasions, including in *Showcase Television re the movie Destiny to Order* (CBSC Decision 00/01-0715, January 16, 2002), another decision of this Panel, rendered today. Since several of the decisions relevant to that issue are discussed there, the Panel considers it unnecessary to review these again in the context of this decision. Suffice it to say that the Panel dealt there with the words “fuck”, “fucker” and related language and found

it useful to observe that, were it called upon to characterize the severity and frequency of the coarse words and expressions in *White Men Can't Jump* and *The Sopranos*, it would find that, in both cases, the language would be “intended for adult audiences” and entirely inappropriate for broadcast in a pre-Watershed context. Similarly, in *Destiny to Order* the Panel finds that the coarse language was “intended for adult audiences” and equally inappropriate for broadcast in a pre-Watershed context.

It is these same words that cause the National Specialty Services Panel concern in *Wildcats*. The use of “fuck” and “motherfucker” in a dramatic film renders it programming “intended for adult audiences”. In such circumstances, WTN had two options: either edit all instances of these words or air the film post-Watershed in the originating time zone. On the basis of the broadcaster’s letter and the five instances in which such coarse words were muted, it appeared that the broadcaster had selected the first option. It is not clear, in the circumstances, why the broadcaster had muted out “fuck” and “motherfucker” in some instances but left them in on five other occasions. Whether a purposeful choice or an inadvertence, their inclusion in a film aired prior to the Watershed constitutes a breach of Clause 3.1.1 of the *Violence Code*.

The Panel also finds some discomfort with some of the other expletives in the film, such as “pussy”, “shit” and the phrase “You can’t win a pissing contest against a prick.” While the use of such expressions would present no difficulty post-Watershed, the Panel finds that such words are problematic in their unedited form at a time which was not merely pre-Watershed, but at an early enough hour that children could be expected to be watching television, as in this case of *Wildcats* which was broadcast from 4:00-6:00 pm on a Sunday afternoon.

## The Tools: Classification Icons and Viewer Advisories

It is of the essence of the *Violence Code* that, with respect to programming including scenes of violence, coarse language, nudity or sexual activity, children and families be either protected or informed with respect to their viewing choices. On the one hand, parents need to know that programming directed at their children (defined as being under 12 years of age) will be free from inappropriate violence. Parents also need to know that even programming not pointedly directed at their young children will not contain elements of violence, coarse language, nudity, sexual content or other potentially offensive content of which they are not advised. Not only may they wish to make informed choices for their

families on the basis of that content but they may also have their own programming tastes which do not extend to violence, coarse language, nudity or other such matters. In the end, viewer advisories and classification icons are important literacy tools for television viewers.

Nor has their importance been lost on the private broadcasters, who have explained the rationale for viewer advisories in the Background section of the *CAB Violence Code*:

- 1.17 However creative freedom carries with it the responsibility of ensuring that our children are protected, and that viewers have adequate information about program content to make informed viewing choices based on their personal tastes and standards.
- 1.18 This Voluntary Code represents the commitment of Canada's private, over-the-air broadcasters to address that responsibility, to in essence create a pact between the broadcasters and their viewers.

Through their programming, production and scheduling practices, the development of a program classification system, and the use of viewer advisories, Canada's private broadcasters undertake to play their part to protect our children and to use discretion in addressing the sensitivities of their viewers. In return, viewers, using the programming information provided to them, accept responsibility for their viewing behaviour and for that of their children.

With respect to the matter at hand, the Panel notes that the television broadcast of the film was given a 14+ rating. The icon denoting this classification appeared at the beginning of the film and at the beginning of the second hour as required by Article 4.0 of the *CAB Violence Code*. The Panel considers that this is the appropriate rating for the broadcast. It allows for the possibility of strong and frequent use of profanity and some scenes of nudity or sexual activity. The description of the 14+ classification also suggests that the content of such programming may not be suitable for viewers under the age of 14, and that parents should exercise discretion in permitting viewing by pre-teens and early teens. As indicated above, there is nothing in the Codes to prohibit the broadcast of 14+ programming before 9:00 pm (provided all other requirements are met).

One such requirement is the provision of viewer advisories. In past decisions where a broadcaster has not aired viewer advisories, such as *CTV re Complex of Fear* (CBSC Decision 94/95-0022, August 18, 1995), the CBSC has been unequivocal in its determination on the broadcaster's failure in this respect: "The total absence of viewer advisories was a breach of both the principle of the *Code*, expressed in this 'Background' section, and of article 5.1 of the *Code*." The absence of *any* viewer advisories in WTN's broadcast of *Wildcats* amounts to the failure of the broadcaster to live up to its end of the "pact" between broadcasters and viewers. Had the broadcaster aired *Wildcats* in its appropriate time-slot, that is, after 9:00 pm due to the coarse language in the film, it would still have been required to air viewer advisories at the beginning of and during the first hour of the program as outlined in Article 5.1 of the *Violence Code*.

The broadcaster's failure to provide viewer advisories is, however, further exacerbated by the fact that it aired the film *well before* 9:00 pm. Article 5.2 makes it clear that

programming telecast *outside* of late evening hours, which contains scenes not suitable for children, must carry advisories at the beginning of and *during the entire program*. Although the Panel has found WTN in breach of the scheduling provision of the *Violence Code* since it determined that the unedited coarse language amounted to “scenes intended for adult audiences”, at the very least, the broadcaster was obligated to provide viewers with information as to the content of the film being broadcast in such an early time-slot. By failing to do so, WTN has breached Article 5.0 (concerning viewer advisories) of the *CAB Violence Code*.

### **Broadcaster Responsiveness**

Broadcaster responsiveness is always an issue considered in CBSC adjudications. The CBSC considers that the dialogue between broadcasters and complainants is an extremely positive component of the self-regulatory process, to the point that it is in fact a membership responsibility of all CBSC broadcaster members; however, this assessment of the dialogue process does not affect the findings of CBSC Adjudication Panels with respect to the actual content of the programming. In this case, the broadcaster responded to the complainant in a timely manner and adequately addressed the complainant’s concerns. The National Specialty Services Panel concludes that WTN met its responsibilities of membership in this regard.

### **Content of Broadcaster Announcement of the Decision**

WTN is required to: 1) announce this decision, in the following terms, once during prime time within three days following the release of this decision and once within seven days following the release of this decision during the time period in which the movie *Wildcats* was broadcast; 2) within the fourteen days following the broadcast of the announcements, to provide written confirmation of the airing of the statement to the complainant who filed the Ruling Request; and 3) to provide the CBSC with that written confirmation and with air check copies of the broadcasts of the two announcements.

The Canadian Broadcast Standards Council has found that WTN has breached the provisions concerning the scheduling of programming intended for adult audiences and the use of viewer advisories in the industry’s *Violence Code*. The Council found that WTN had failed to sufficiently edit the coarse language in the movie *Wildcats* which was broadcast at 2:00 pm on Sunday, June 10, 2001. The severity of the language in the film required that it not be aired before the industry-established Watershed hour of 9:00 pm. The Council also concluded that, by failing to air any viewer advisories during the course of the program, alerting potential viewers to the coarse language and nudity in the film, WTN breached the provision in the *Violence Code* requiring the use of viewer advisories.

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



---

## APPENDIX

### Complaint File 00/01-0964 WTN re the movie *Wildcats*

---

#### I. The Complaint

The following complaint of July 2001 was sent via e-mail to the CRTC and was forwarded to the CBSC:

WTN broadcast a show on Sunday June 10 from approximately 4-6pm called WildCats starring Goldie Hawn. During this broadcast, there was frontal nudity and a significant number of profanity [*sic*]. Can you advise what the regulations are in Canada for airing this type of program ... ie. I thought it was only during the evenings.

#### II. Broadcaster Response

The broadcaster responded to the complainant's e-mail on July 30, 2001 with the following:

The Canadian Broadcast Standards Council (CBSC) has forwarded to us your complaint dated July 4, 2001, regarding a movie called "Wildcats" broadcast on WTN on June 10, 2001. Thank you for sharing your concerns with us. We appreciate hearing from all our viewers at WTN.

"Wildcats" is a movie starring Goldie Hawn, a physical education teacher, who finally gets the opportunity to coach a men's junior varsity football team. This movie aired with a rating of 14+ which indicates to the viewer that the particular program contains themes or content elements which might not be suitable for viewers under the age of 14.

I want to assure you that we, at WTN, have a very stringent program screening process in place which includes one of our editors viewing each movie scene by scene as to violence, language and sex/nudity. Her assessment is then brought to a committee which determines the appropriate classification (rating).

This process was adhered to with regard to "Wildcats" and it was determined that the most offensive of profanities was screened out for our audience. There was one very short scene of partial frontal nudity which we feel was within the guidelines of the classification this movie was given.

Once again, thank you for your comments. I hope we have clarified for you how seriously we take these guidelines and if there is any further information you would like, please do not hesitate to contact me.

#### III. Additional Correspondence

On August 2, 2001, the complainant sent the CBSC her ruling request along with the following e-mail:

I have received the response which I do not feel is satisfactory so as suggested, I am returning this form as a formal ruling request. I do not remember seeing any indications of 14+ and regardless, given the time shown, I am still surprised that there would be any regulations that would allow frontal nudity and the numerous instances of profanity that were not screened out (every other station [...] seems to avoid the same language until 9:00pm).

Thank you for your attention to this.