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

Showcase Television re the movie *Muriel's Wedding*

(CBSC Decision 02/03-0882)

Decided January 30, 2004

R. Cohen (Chair), S. Crawford (Vice Chair, Industry), H. Pawley (Vice Chair, Public), M. Hogarth, M. Harris, V. Morrissette, P. O'Neill

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**THE FACTS**

The feature film *Muriel's Wedding* was broadcast by the specialty service Showcase Television, starting at 1 pm on March 6, 2003. It is the story of a wallflower, Muriel, who lives in Porpoise Spit, Australia. She watches her high-school friends, one after the other, marry but her own life is dull and she spends her days alone in her room listening to Abba music and dreaming of her wedding day. Her fantasy is, however, subject to a slight problem, since Muriel has never had a date. Then she steals money from her father to go on a tropical vacation, meets a bizarre friend, changes her name ever so slightly to Mariel, and turns her life around. On two occasions, the characters in the movie engaged in a chat about "lipstick on his dick" and "sucking cocks". On another occasion, one character told another character about her adultery in the following language: "We saw them fucking in the laundry room." On yet another occasion, two naked men were shown from the back, but not in a sexual context.

A rating icon of 14+ appeared at the beginning of the movie and again during the second hour of the film. There were viewer advisories at the beginning of the presentation and coming out of each and every commercial break during the first hour of the movie. During the second hour, the broadcaster had three commercial breaks but failed to air advisories coming out of the break on two occasions (once at 2:04 and once at 2:45). The text used for the advisories read as follows:

This program contains scenes with nudity, sexuality, and coarse language. Viewer discretion is advised.

On March 14, a complainant wrote that “the word ‘Fuck’ is uttered at least twice, & there is also a portrayal of post-coital nudity, contrary to the 9:00 pm threshold.” The broadcaster’s Publicist replied on July 4, in part as follows (the full text of all the correspondence is reproduced in the Appendix).

As I have indicated to you in a previous letter, it is our programming mandate at Showcase to offer an alternative to other broadcasters’ offerings. One way that we have achieved this distinction is to broadcast high-quality international drama series and world-class films. The decision to air ***Muriel’s Wedding***, an award-winning Australian film, is consistent with Showcase’s mandate to be the number one destination for critically-acclaimed programming from around the world.

***Muriel’s Wedding*** is a delightful, wacky look at a woman who discovers the joys of being herself. The film does contain language which some viewers may find offensive. Showcase is very conscious of the need for viewer advisories and we take them very seriously. The advisory which airs during the movie warns of the nudity, sexuality and coarse language in the film.

However, as a result of your letter, we have decided that we will air a version of ***Muriel’s Wedding*** in which the swearing is muted whenever the film is broadcast before 9 p.m. on Showcase.

While the complainant did not file a formal Ruling Request, he made his dissatisfaction with the broadcaster’s reply clear, and the CBSC considered his response to be the equivalent of a Ruling Request, thereby triggering the process.

## THE DECISION

The National Specialty Services Panel considered the complaint under the following provisions of the Canadian Association of Broadcasters’ (CAB) *Code of Ethics* and its *Voluntary Code Regarding Violence in Television Programming*:

### *CAB Code of Ethics*, Clause 10 (Scheduling)

- (a) Programming which contains sexually explicit material or coarse or offensive language intended for adult audiences shall not be telecast before the late viewing period, defined as 9 pm to 6 am. [...]
- (b) Recognizing that there are older children watching television after 9 pm, broadcasters shall adhere to the provisions of Clause 11 below (viewer advisories), enabling viewers to make an informed decision as to the suitability of the programming for themselves and their family members.  
  
[...]
- (d) Broadcasters shall take special precautions to advise viewers of the content of programming intended for adult audiences, which is telecast before 9 pm in accordance with Clause 10(c).

### *CAB Code of Ethics*, Clause 11 (Viewer Advisories)

To assist consumers in making their viewing choices, when programming includes mature subject matter or scenes with nudity, sexually explicit material, coarse or

offensive language, or other material susceptible of offending viewers, broadcasters shall provide a viewer advisory

- (a) at the beginning of, and after every commercial break during the first hour of programming telecast in late viewing hours which contains such material which is intended for adult audiences, or
- (b) at the beginning of, and after every commercial break during programming telecast outside of late viewing hours which contains such material which is not suitable for children.

#### *CAB Violence Code, Article 4.0 (Classification System):*

##### **14+ (Over 14 Years)**

###### Descriptive

Programming with this classification contains themes or content elements which might not be suitable for viewers under the age of 14. Parents are strongly cautioned to exercise discretion in permitting viewing by pre-teens and early teens without parent/guardian supervision, as programming with this classification could deal with mature themes and societal issues in a realistic fashion.

###### Violence Guidelines

- while violence could be one of the dominant elements of the storyline, it must be integral to the development of plot or character.
- might contain intense scenes of violence.

###### Other Content Guidelines

Language: could possibly include strong or frequent use of profanity

Sex/Nudity: might include scenes of nudity and/or sexual activity within the context of narrative or theme

The National Specialty Services Panel read all of the correspondence and viewed a tape of the film. The Panel concludes that Showcase is in breach of Clauses 10 and 11 for broadcasting a program containing coarse language before 9:00 pm and for failing to include viewer advisories to this effect following each of the commercial breaks during the March 6 broadcast.

Since this decision is one of three relating to the same issue and the same broadcaster, all of which have been decided at the same meeting of the Specialty Services Panel, there will be some reliance on the text of this Panel's decision in *Showcase Television re the movie Frankie Starlight* (CBSC Decision 02/03-0682, January 30, 2004).

### **The Content and Rating of the Film**

In the view of the Panel, there is nothing in the plot or presentation of the film, other than the language issue, that renders it problematic for broadcast prior to the Watershed. The scene of "post-coital nudity", to quote the wording of the complainant, presented no problem for the Panel, whose concerns generally focus more on coitally-coincident nudity. On the other hand, in the Panel's view, the language was intended

for adult audiences. In any event, the Panel finds no problem with the choice of 14+ as the rating for the film itself. Its difficulties are with the presence of coarse language and the frequency of use of the viewer advisory.

### **The Issue of Coarse Language before the Watershed**

As noted above, this Panel has reviewed this issue at some length in its decision of this date in *Showcase Television re the movie Frankie Starlight* (CBSC Decision 02/03-0682, January 30, 2004). It referred there to its previous decisions in *WTN re the movie Wildcats* (CBSC Decision 00/01-0964, January 16, 2002), *Showcase Television re the movie Destiny to Order* (CBSC Decision 00/01-0715, January 16, 2002), and *Showcase Television re The Cops* (CBSC Decision 01/02-1076, February 28, 2003), the joint effect of which is that the use of the f-word and its derivatives constitutes television broadcast fare intended for adult audiences. In the result, the choice for the broadcaster is either to air the programming integrally after 9:00 pm or, as Showcase has acknowledged in its letter to the complainant, to mute, bleep or delete it, if the film is to show prior to Watershed. The broadcast of *Muriel's Wedding* at 1:00 pm is in breach of the terms of Clause 10 of the *CAB Code of Ethics*.

### **Viewer Advisories**

In *Showcase Television re the movie Frankie Starlight* (CBSC Decision 02/03-0682, January 30, 2004), the Panel had an additional concern with viewer advisories that is not present here. There, Showcase had failed to include a reference to coarse language. In both cases, though, a viewer advisory was required throughout the program because the language content was unsuitable for children. Since, in the circumstances (as well as in the *Frankie Starlight* decision), Showcase has failed to include one *following every commercial break*, the Panel finds the broadcaster in violation of Clause 11 of the *CAB Code of Ethics*.

### **Continuing Breaches of the Private Broadcaster Codes**

The Panel has commented in *Showcase Television re the movie Frankie Starlight* (CBSC Decision 02/03-0682, January 30, 2004) on the repeated breaches of particular Code provisions by Showcase Television. It considers those comments to be applicable to the present decision.

### **Broadcaster Responsiveness**

The requirement that a broadcaster be responsive to the letter of complaint sent by a member of the public is considered by the Adjudicating Panels to be a significant part of the membership requirements of the CBSC. Such responsiveness is an essential part of the dialogue by which the CBSC considers that matters that trouble members of the public sufficiently to compel them to write are often successfully resolved. When

accomplished in thorough and sensitive ways, such correspondence is also a way of letting the public know that broadcasters care about their audience's concerns. The Publicist's letter fulfilled the broadcaster's obligations in this regard in this instance.

## **ANNOUNCEMENT OF THE DECISION**

Showcase 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 *Muriel's Wedding* was broadcast; 2) within 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; 3) at that time, 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 Showcase Television breached the scheduling and viewer advisory provisions of the Canadian Association of Broadcasters' *Code of Ethics* in its broadcast of the feature film *Muriel's Wedding* on March 6, 2003. By broadcasting the film, which contained several instances of coarse language before the 9:00 pm Watershed hour for programming intended for adult audiences, Showcase has violated Clause 10 of the Code. By failing to include viewer advisories following every commercial break, Showcase has also violated the provisions of Clause 11 of the Code.

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

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**APPENDIX**  
**To**  
**Showcase re the movie *Muriel's Wedding* (CBSC Decision 02/03-882,**  
**January 30, 2004)**

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**I. The Complaint**

The following complaint dated March 14, 2003 was sent to CBSC:

Canadian Broadcast Standards Council  
Ottawa, Ontario, Canada

I am writing to articulate a series of grievances regarding recent television broadcasts. These complaints are intended to enable dialogue & debate about broadcasting policy & ARE NOT intended as indictments of the broadcasters.

*[References to other files have been omitted.]*

In the recent broadcast of the movie "Muriel's Wedding", (Showcase, March 6, 2003; 1:00 PM) the word "Fuck" is uttered at least twice, & there is also a portrayal of post-coital nudity, contrary to the 9:00PM threshold.

*[References to other files have been omitted.]*

Thank you for your consideration.

**II. Broadcaster Response**

The broadcaster responded to the complainant's letter on July 4, 2003 with the following:

Dear Mr. C,

Showcase appreciates and considers all viewer feedback and we thank you for taking the time to express your concerns about the movie ***Muriel's Wedding***, which aired March 6 at 1 p.m. ET/PT on our network.

As I have indicated to you in a previous letter, it is our programming mandate at Showcase to offer an alternative to other broadcasters' offerings. One way that we have achieved this distinction is to broadcast high-quality international drama series and world-class films. The decision to air ***Muriel's Wedding***, an award-winning Australian film, is consistent with Showcase's mandate to be the number one destination for critically-acclaimed programming from around the world.

***Muriel's Wedding*** is a delightful, wacky look at a woman who discovers the joys of being herself. The film does contain language which some viewers may find offensive. Showcase is very conscious of the need for viewer advisories and we take them very seriously. The advisory which airs during the movie warns of the nudity, sexuality and coarse language in the film.

However, as a result of your letter, we have decided that we will air a version of ***Muriel's Wedding*** in which the swearing is muted whenever the film is broadcast before 9 p.m. on Showcase.

Thank you for drawing our attention to this matter and I hope that we have addressed your concerns.