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

Bravo! re the movie *Ordinary People*

(CBSC Decision 03/04-1187)

Decided December 15, 2004

R. Cohen (Chair), H. Pawley (Vice-Chair), R. Cugini, M. Harris and M. Hogarth

THE FACTS

The movie *Ordinary People* aired on the specialty service Bravo! on March 7, 2004 at 11:30 am. The movie revolves around the story of an “ordinary” family, made up of a mother, a father, and a son, who are called upon to deal with the accidental death of their other son/brother. While the mother mourns the loss of her (undeniably) favourite son and has great difficulty providing emotional support to the younger son, Conrad is forced to deal with his guilt-ridden emotions, which have led to his own suicide attempt. In the meantime, the father, very much caught in the middle, struggles to hold the family together. The movie included several uses of the f-word and its derivatives.

The broadcaster included the following advisory in both oral and visual formats at the beginning of the movie and after each commercial break:

This program contains scenes with coarse language. Viewer discretion is advised.

It also had a classification icon of 14+ that aired at the beginning of the movie and at the top of the hour for 11-12 seconds.

A viewer sent a letter dated April 2, 2004, to the CBSC. It included references to another motion picture, which are not pertinent to this decision. The full text of those parts of this letter that are pertinent to the feature film *Ordinary People* as well as all other correspondence are included in the Appendix.

“Ordinary People” (March 7, 11:30 AM) contained multiple uses of the “f-word” & [was], for this reason, unsuitable for daytime broadcast, despite viewer advisories.

Bravo! should note that almost any movie designed for an adult audience (clue – R-rating, adult-only cast) released during or after the nineteen-seventies is likely to include the f-word or one of the “c-words”, even if there is no nudity or excessive violence. Anything that came out after “Carnal Knowledge” is fair game in this regard, and broadcasters should be on “f-word alert”.

The broadcaster’s Director of Programming and Acquisitions responded to the complainant on April 28. She said:

I am responding on behalf of Bravo! to your complaint to the CBSC concerning the language in *Ordinary People*, which aired on March 7 at 11:30 a.m.

This Oscar-winning film by Robert Redford – a heartbreaking tale about a family coping with the death of their son - has been broadcast on Bravo! on 6 previous occasions, and yours is the first complaint we have received.

While we check carefully for content, occasionally a film of the calibre of *Ordinary People* might get scheduled prior to 9.00 p.m. in the province of origination, as part of a special tribute, or to compliment [*sic*] a particular theme. Context is of course an important consideration in making scheduling decisions.

Programming that may contain coarse language represents just a very small part of Bravo!’s broad and varied schedule. It is as a rule generally restricted to post-watershed viewing and is always prefixed with appropriate advisories.

On October 15, the CBSC Executive Director had a telephone conversation with the complainant, in which he indicated his wish to pursue the complaint.

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 Violence Code*.

CAB Code of Ethics, Clause 10 - Television Broadcasting (Scheduling)

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. Broadcasters shall refer to the *Voluntary Code Regarding Violence in Television Programming* for provisions relating to the scheduling of programming containing depictions of violence.

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.

In order to provide viewers with the benefit of Canadian program classification and viewer advisories not available on foreign distant signals, broadcasters which have CRTC-permitted substitution rights over programming which is imported into their markets before the late viewing period, may employ substitution, notwithstanding Clause 10(a).

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).

(Note: To accommodate the reality of time zone differences, and Canadian distant signal importation, these guidelines shall be applied to the time zone in which the signal originates.)

CAB Violence Code, Article 4.0 – Classification System

Icon Use Protocols - Frequency

The rating icon is to be keyed over the first 15-16 seconds of the program. [...] For programs which run longer than one hour, the icon is to be repeated at the beginning of the second hour. These are minimal use standards; stations may wish to use the icons more frequently on programs with particularly sensitive content.

The National Specialty Services Panel Adjudicators viewed a tape of the film in question and reviewed all of the correspondence. For the reasons provided at greater length below, the Panel considers that the broadcast of the challenged film breached Clause 10 of the *CAB Code of Ethics* and Article 4 of the *CAB Violence Code*.

Coarse Language

It has been the established policy of the CBSC Panels called upon to deal with the f-word that programming including such language was intended exclusively for adult audiences. Moreover, the matter is dealt with at greater length in this Panel's decisions of today's date in *Bravo! re Perfect Timing* (CBSC Decision 03/04-1719, December 15, 2004) and *Bravo! re the movie Kitchen Party* (CBSC Decision 03/04-0928, December 15, 2004), in which reference is made to earlier CBSC decisions dealing with this subject, namely, *WTN re the movie Wildcats* (CBSC Decision 00/01-0964, January 16, 2002), *Showcase Television re the movie Frankie Starlight* (CBSC Decision 02/03-0682, January 30, 2004), and *Showcase Television re the movie Muriel's Wedding* (CBSC Decision 02/03-0882, January 30, 2004). The reader is referred there. As to the present matter, there is no question but that, on the grounds of the presence of coarse language, the broadcaster has breached Clause 10 of the *CAB Code of Ethics* by broadcasting *Ordinary People* prior to the Watershed.

The Classification Icon

One of the tools that broadcasters are required to provide their audiences is an on-screen classification system. As noted in this Panel's decision of even date, namely, *Bravo! re the movie Perfect Timing* (CBSC Decision 03/04-1719, December 15, 2004), that system

is a source of information for viewers, which enables them to make informed viewing decisions. Moreover, it is but one of the panoply of tools provided by broadcasters to their audiences. When Canada's private broadcasters established the classification system with on-screen icons, they determined that the minimum duration of the visibility of the icon would be *15 seconds*. It can, of course, be longer, but it *must* be no less than 15 seconds.

The conclusion of this Panel in *Perfect Timing* was that Bravo!'s 10-11 second displays of the ratings icon were insufficiently long and were in violation of the provisions of Article 4 of the *Violence Code*. Running the classification icons for 11-12 seconds in the case of the present film is equally insufficient. The broadcaster is, in the present case, equally in violation of the provisions of Article 4 of the *Violence Code*.

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 letter from the Director of Programming and Acquisitions has fulfilled the broadcaster's obligations in this regard in this instance.

ANNOUNCEMENT OF THE DECISION

Bravo! 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 *Ordinary People* 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 Bravo! breached the scheduling and ratings provisions of the Canadian Association of Broadcasters' *Code of Ethics* in its broadcast of the feature film *Ordinary People* on March 7, 2004. By broadcasting the film, which contained coarse language, before the 9:00 pm Watershed hour for programming intended for adult audiences, Bravo! has violated Clause 10 of the Code. By broadcasting the ratings icon for only a part of the required time, Bravo! has breached the article of the classification system that requires the provision of ratings information which is of assistance to viewers in deciding the suitability of the program for themselves and their families.

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

APPENDIX
To
***Bravo! re the movie Ordinary People* (CBSC Decision 03/04-1187, December 15, 2004)**

I. The Complaint

The following complaint dated April 2, 2004, was sent to CBSC:

I am writing to complain about two movies that aired recently on Bravo.

“Saturday Night fever” (Feb. 1, noon) & “Ordinary People” (March 7, 11:30 AM) contained multiple uses of the “f-word” & were, for this reason, unsuitable for daytime broadcast, despite viewer advisories.

Bravo should note that almost any movie designed for an adult audience (clue – R-rating, adult-only cast) released during or after the nineteen-seventies is likely to include the f-word or one of the “c-words”, even if there is no nudity or excessive violence. Anything that came out after “Carnal Knowledge” is fair game in this regard, and broadcasters should be on “f-word alert”.

Some examples include:

Birdy, Absence of Malice, The Commitments, The Snapper, Sid & Nancy, Muriel’s Wedding, Priscilla Queen of the Desert, Flashdance, Rain Man, Animal House, American Graffiti, Tootsie, Victor/Victoria, Cocktail, My Favourite Year, Diner, The Verdict, The Doors, Network, Stand By Me, An Officer & a Gentleman, Annie Hall, Manhattan, MASH, Klute, The Long Goodbye, Raging Bull, Arthur, 48 Hours, The Big Chill, Being There, A Fish Called Wanda, and When Harry Met Sally.

Thank you for your consideration.

II. Broadcaster Response

The broadcaster responded to the complainant's letter on April 28, 2004, with the following:

I am responding on behalf of Bravo! to your complaint to the CBSC concerning the language in Ordinary People, which aired on March 7 at 11:30 a.m.

This Oscar-winning film by Robert Redford – a heartbreaking tale about a family coping with the death of their son - has been broadcast on Bravo! on 6 previous occasions, and yours is the first complaint we have received.

While we check carefully for content, occasionally a film of the calibre of Ordinary People might get scheduled prior to 9.00 p.m. in the province of origination, as part of a special tribute, or to compliment a particular theme. Context is of course an important consideration in making scheduling decisions.

Programming that may contain coarse language represents just a very small part of Bravo!'s broad and varied schedule. It is as a rule generally restricted to post-watershed viewing and is always prefixed with appropriate advisories.