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

Comedy Network re *Puppets Who Kill* ("The Island of Skip-Along Pete")

(CBSC Decision 05/06-0383)

Decided March 30, 2006

R. Cohen (Chair), S. Crawford (Vice-Chair, Industry),
H. Pawley (Vice-Chair, Public), M. Harris, M. Hogarth

THE FACTS

Puppets Who Kill is a comedy program intended for adults that focuses on the activities of four untraditional puppets, who, in their back story, had been convicted of various criminal acts and sent to a half-way house for rehabilitation. The puppets, named Cuddles, Buttons, Bill and Rocko, live in the house with their human social worker Dan. The Comedy Network broadcast an episode of the series entitled "The Island of Skip-Along Pete" on September 9, 2005 at 10:00 pm Eastern time. In that episode, Rocko was invited, one might say "enticed" to the cottage of Skip-Along Pete, a children's entertainer, only to learn, after arrival on the telephone-less island, that Skip-Along Pete hunts puppets for blood sport. Meanwhile, back at the half-way house, Buttons gets stuck on Dan's swollen hand.

No classification icon appeared at the beginning of the episode. The episode was preceded by the following viewer advisory, which also appeared coming out of every commercial break:

This program contains mature subject matter. Viewer discretion is advised.

The episode contained numerous instances of coarse language, including "fuck", "bastard", "shit", "Jesus" and "Jesus fucking Christ". It was the latter two religious terms that concerned a viewer who wrote a letter of complaint on September 20. She expressed her concerns in the following terms (the full text of all correspondence can be found in the Appendix):

I am writing to express my utter shock and disgust at the profanity viewers were subject to on the evening of Friday, 9 September on the Comedy Channel during an airing of *Puppets Who Kill*.

The said profanity was uttered against Christianity's most sacred person, Jesus Christ, and was so ugly that it grieves me to have to repeat it to advise you of its occurrence.

The words were, "Jesus f*****g Christ". As well, there were other instances of the name Jesus being used in a deeply disrespectful way. I would like to lodge a formal complaint against the producers of this programme, and the show. While I realize that swearing and profanities have become all too common on our airwaves – and justified as liberty of expression – television programmes need to be held to a standard of community decency. Words can be as powerful as images in conveying hatred or disrespect.

The producers should be held to a standard of decency in speaking of the most sacred persons of any major religion. An attack on one is an attack on us all, whether it is the God of Israel, Allah, Jesus Christ, or others. This is not a matter of liberty of expression: television producers can and do operate without let or hindrance in expressing their views. Where that expression violates community standards and demonstrates deep disrespect, it crosses the line and demands action.

The President of the Comedy Network responded to the complainant on October 26 with the following:

This program was not meant to be offensive. It is a comedy series and comedy programming can be risky. *Puppets Who Kill* sets out to portray a certain element of society that has no respect for anything, including the law or any moral codes. The series is set in a half-way house, attempting to rehabilitate its inhabitants. In that respect, the characters, who are mostly puppets, speak in much the same way that many members of today's society do. The puppets in this show represent the criminal element and in order to make them real, and to make the comedy work, they need to speak in a manner that we usually associate with criminals or people who have no respect for the mores of society – including religion. The show itself is not promoting hatred or disrespect – it is simply representing some characters found in our everyday lives. Having said that, we also acknowledge that reactions to comedic material are subjective and what one person finds offensive, others do not.

We would like to bring to your attention Clause 2: Human Rights of the Canadian Association of Broadcasters' *Code of Ethics* which reads [text cited in following section]:

We would also bring your attention to CBSC Decision 97/98-0560, July 28, 1998:

... [T]he CBSC considers that blasphemy alone would not be sufficient to constitute a violation of the CAB Code of Ethics. It would need to be hateful, not merely irreverent, comment, abusively discriminatory, not merely impious or irreligious. At this point in the 20th century, the CBSC expects that comedians are entitled to question tradition and to tickle formal and possibly outdated values without finding themselves, for that reason alone, exceeding Canadian broadcasting standards.

It continues:

There is undeniably a level of irreverence but it is light-hearted, not heavy-handed. It is flippant and casual but not disrespectful.

We are aware of our responsibility as a broadcaster to adhere to industry codes, and we believe that our service complies with applicable industry codes and guidelines.

Dissatisfied with the result, the complainant filed her Ruling Request dated November 14.

THE DECISION

The National Specialty Services Panel examined the complaint under the following provisions of the Canadian Association of Broadcasters' (CAB) *Code of Ethics* and the *CAB Voluntary Code regarding Violence in Television Programming*.

CAB Code of Ethics, Clause 2 – Human Rights

Recognizing that every person has the right to full and equal recognition and to enjoy certain fundamental rights and freedoms, broadcasters shall ensure that their programming contains no abusive or unduly discriminatory material or comment which is based on matters of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status or physical or mental disability.

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

[...]

Suggested language for suitable viewer advisories is outlined in Appendix A. The suggestions are meant as possible illustrations; broadcasters are encouraged to adopt wording which is likeliest to provide viewers with the most relevant and useful information regarding the programming to which it applies.

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. [...]

AGVOT's Classification System for English-language Broadcasters

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.

[...]

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 Service Panel Adjudicators viewed a tape of the program and read all of the correspondence. The Panel concludes that the broadcaster did not violate Clause 2 of the *CAB Code of Ethics*, but that it did violate Clause 11 of the *CAB Code of Ethics* and Article 4.0 of the *CAB Violence Code*.

Religious Epithets and Human Rights

The Panel understands the painful reaction of the complainant to the words and phrases “uttered against Christianity’s most sacred person,” as she has characterized some of the characters’ expressions. Indeed, the Panel considers that they are offensive to many and in very poor taste. It also understands that its responsibilities oblige it to *limit* its consideration to whether the use of such language constitutes abusive or unduly discriminatory comment based on religion.

Given that there were no comments made that were directly focussed on an identifiable group based on its religion, the question is whether the use of admittedly religious epithets could obliquely be reasonably considered to be the equivalent. The Panel considers that it is not. By analogy, it refers to the decision of the National Conventional Television Panel in *CTV re an episode of Open Mike with Mike Bullard* (CBSC Decision 01/02-0783+, January 15, 2003), in which there was a satirical segment of the late-night comedy program that

focussed on the acts of certain members of the Roman Catholic clergy. The Panel understood “that the individuals or groups on the receiving end of the satirical commentary are likely to feel discomfited by the exposure. That is, after all, the nature of satire.” And, as the Ontario Regional Panel explained in *CFNY-FM re Humble & Fred (“Danger Boy on a Cross”)* (CBSC Decision 97/98-0644, February 3, 1999),

Religion is not, after all, immune from farce, sarcasm or parody. The issue to determine is whether the barb has become a poison arrow, and whether, in other words, the humoristic device has stepped over the farcical threshold and into the bitter and nasty territory of abusively discriminatory comment. Disrespectful and even apparently harsh words *may* be on the safe side of that threshold despite the sensitivity of the listener of the same religious persuasion or even the listener who is sympathetically inclined.

Similarly, in judging a weekly religious satirical show in *TQS re Dieu reçoit* (CBSC Decision 98/99-0402+, June 23, 1999), the Quebec Regional Panel found

that the humour in *Dieu reçoit* is undeniably irreverent, certainly impious and arguably, at times, in bad taste. It is casual and flippant with respect to certain traditional Catholic practices, even as to the undefined appearance and nature of God. It is not, however, in the Council’s view, at any time, bitter, nasty, disdainful or hateful about Catholicism and certainly *never* about individuals on the basis of their religion. Accordingly, the Council does not find that a breach of Clause 2 of the *CAB Code of Ethics* has occurred in this case.

In a more closely related example (which dealt with coarse words with religious overtones in the French language), namely, *CKAC-AM re a Comedic Sketch by Michel Beaudry* (CBSC Decision 01/02-0966, December 20, 2002), the Quebec Panel said that the words aired in that broadcast “were merely used as expletives without any intended reference to things religious.” That is also the case in the matter under consideration here. Moreover, in the present instance, the Panel finds that the words were not used in an abusive or even aggressive way vis-à-vis the religion or its practitioners. There was, in other words, no attempt to discriminate on the basis of religion. The Panel considers the two incarnations of the epithet used in this episode of the program tasteless and regrettable but not in violation of the Human Rights Clause.

Viewer Advisories

In the recent decision of the National Conventional Television Panel, *Global Television re ReGenesis (“Baby Bomb”)* (CBSC Decision 04/05-1996, January 20, 2006), there were certain very useful observations made regarding the nature and importance of viewer advisories.

Viewer advisories play an important role in informing viewers of what they may expect to encounter in the programs they are about to watch or may be watching. Unlike the abbreviated information included in a ratings icon, which is, in general,

tied to an age group and earns its level on the basis of any one of a number of content issues, an advisory *describes* the material that may trouble a viewer. While the description is pithy, it refers to categories of content, which have tended to be: violence, coarse language, sexuality, nudity, and mature themes. There is, however, no *requirement* that it be limited to such matters. If advisories are thought of as a useful and informative tool for audiences, they can be designed to include other categories of information in order to be helpful in ways that any broadcaster knowing its programming can make them. Not always as a breach or non-breach of a codified standard. Just as a visual aid.

The fundamental issue in the broadcast under consideration, though, is the non-specific nature of the viewer advisory provided. A similar point was dealt with by this Panel in *Showcase Television re the movie Rats* (CBSC Decision 99/00-0772, August 23, 2001), where a full advisory was repeated in only summary form out of each commercial break. In that case, the advisory (in oral form only, as it happens) was worded "Viewer discretion is advised." Leaving aside the other issues raised in that decision, on the germane issue, this Panel decided that the shorter advisories coming out of the commercial breaks were inadequate because they did not provide "any reasons for which a viewer might choose to exercise discretion." This Panel faced another similar circumstance in a case involving the very specialty service that broadcast the program under consideration here. In *Comedy Network re an episode of Gutterball Alley* (CBSC Decision 01/02-0450 & 01/02-0481, September 13, 2002), the Comedy Network merely alerted viewers to "mature subject matter," as it did in *Puppets Who Kill*. In the *Gutterball Alley* decision, the Panel noted that viewer advisories must

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. In the matter at hand, the broadcaster is obliged to advise its audience of the coarse language in the program.

For other examples of CBSC decisions dealing with such general non-specific viewer advisories, see also *CITY-TV re an episode of Ed's Night Party* (CBSC Decision 03/04-0516, October 22, 2004) and *CITY-TV re an episode of Ed the Sock!* (CBSC Decision 03/04-1814, March 11, 2005).

The Panel finds that the failure to provide a specific advisory warning audiences of the coarse language to follow constitutes a breach of Clause 11 of the *CAB Code of Ethics*. The Panel also notes its concern regarding the repetition of a Code breach in the broadcast of a non-specific advisory; it expects that the broadcaster will take the necessary steps to avoid a recurrence of this breach of Canada's private broadcasters' codified standards in future.

Classification

In addition to providing viewer advisories to their audiences, broadcasters are obliged to include classification or ratings icons at the start of each dramatic program. Such ratings are a shorthand way of permitting parents to make decisions regarding the suitability of broadcasts for themselves and their families. Those who prefer the greater detail of the advisory may rely more on that option but many viewers rely solely, or in tandem, on the ratings icon. Despite the broadcaster's advice that it complies with industry codes, it has simply failed to include a classification icon at the start of the broadcast, as it was obliged to pursuant to Article 4 of the *CAB Violence Code*. It flows that the Comedy Network has breached that Article.

It is the view of the Panel that the coarse language used in the episode would have been aptly described as "strong or frequent use of profanity" and that, accordingly, the appropriate level of rating would have been 14+.

Broadcaster Responsiveness

The CBSC always assesses the broadcaster's responsiveness to the complainant, which is, after all, a responsibility of membership in the Council. It expects that response to be thoughtful and focussed on the substance of the complaint. In the matter at hand, the Panel considers that the response of the President of the Comedy Network responded fully to the issues raised by the complainant. While it was not satisfactory from the complainant's perspective (it is after all only such matters that arrive at CBSC Panels for adjudication), it was, in the Panel's view, a thoughtful response that fulfilled the Comedy Network's obligation of responsiveness on this occasion.

ANNOUNCEMENT OF THE DECISION

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 this episode of *Puppets Who Kill* 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) 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 Comedy Network.

The Canadian Broadcast Standards Council has found that the Comedy Network violated Clause 11 of the Canadian Association of Broadcasters' *Code of Ethics* and Article 4 of the Canadian

Association of Broadcasters' *Violence Code* in its broadcast of an episode of *Puppets Who Kill* on September 9, 2005. By failing to provide specific information regarding the coarse language present in the episode in its viewer advisories, and by failing to air any classification icon, the Comedy Network prevented audience members from making an informed choice about the appropriateness of the program for their homes.

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

APPENDIX

CBSC Decision 05/06-0383 Comedy Network re *Puppets Who Kill* (“The Island of Skip-Along Pete”)

The Complaint

The following complaint dated September 20, 2005 was sent to the CRTC and forwarded to the CBSC in due course:

Dear Sir or Madam,

Comedy Channel, Friday, 09 September 2005 – *Puppets Who Kill*

I am writing to express my utter shock and disgust at the profanity viewers were subject to on the evening of Friday, 09 September on the Comedy Channel during an airing of *Puppets Who Kill*.

The said profanity was uttered against Christianity’s most sacred person, Jesus Christ, and was so ugly that it grieves me to have to repeat it to advise you of its occurrence.

The words were, “Jesus f*****g Christ”. As well, there were other instances of the name Jesus being used in a deeply disrespectful way. I would like to lodge a formal complaint against the producers of this programme, and the show. While I realize that swearing and profanities have become all too common on our airwaves – and justified as liberty of expression – television programmes need to be held to a standard of community decency. Words can be as powerful as images in conveying hatred or disrespect.

The producers should be held to a standard of decency in speaking of the most sacred persons of any major religion. An attack on one is an attack on us all, whether it is the God of Israel, Allah, Jesus Christ, or others. This is not a matter of liberty of expression: television producers can and do operate without let or hindrance in expressing their views. Where that expression violates community standards and demonstrates deep disrespect, it crosses the line and demands action.

The action in this case ought to be first a public apology to their viewers; and second, that in its regulatory capacity the CRTC hold television producers to account for this by a formal reprimand to the full extent of its powers.

Broadcaster’s Response

The broadcaster responded to the complainant on October 26:

The Canadian Broadcast Standards Council has forwarded to us a copy of your letter of September 20, 2005 regarding the program *Puppets Who Kill* which aired on The Comedy Network at 10 p.m., Friday, September 9, 2005.

This program was not meant to be offensive. It is a comedy series and comedy programming can be risky. *Puppets Who Kill* sets out to portray a certain element of society that has no respect for anything, including the law or any moral codes. The series is set in a half-way house, attempting to rehabilitate its inhabitants. In that respect, the characters, who are mostly puppets, speak in much the same way that many members of today's society do. The puppets in this show represent the criminal element and in order to make them real, and to make the comedy work, they need to speak in a manner that we usually associate with criminals or people who have no respect for the mores of society – including religion. The show itself is not promoting hatred or disrespect – it is simply representing some characters found in our everyday lives. Having said that, we also acknowledge that reactions to comedic material are subjective and what one person finds offensive, others do not.

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We would also bring your attention to CBSC Decision 97/98-0560, July 28, 1998:

... [T]he CBSC considers that blasphemy alone would not be sufficient to constitute a violation of the CAB Code of Ethics. It would need to be hateful, not merely irreverent, comment, abusively discriminatory, not merely impious or irreligious. At this point in the 20th century, the CBSC expects that comedians are entitled to question tradition and to tickle formal and possibly outdated values without finding themselves, for that reason alone, exceeding Canadian broadcasting standards.

It continues:

There is undeniably a level of irreverence but it is light-hearted, not heavy-handed. It is flippant and casual but not disrespectful.

We are aware of our responsibility as a broadcaster to adhere to industry codes, and we believe that our service complies with applicable industry codes and guidelines.

Please be assured that it is not our intention to offend our viewers and we are truly sorry that you were offended by the program *Puppets Who Kill*. Thank you for taking the time to express your concern.

The complainant filed her Ruling Request dated November 14.