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## CANADIAN BROADCAST STANDARDS COUNCIL

### NATIONAL SPECIALTY SERVICES PANEL

#### Fox Sports World Canada re IFL promotional spot

(CBSC Decision 07/08-0012)

Decided August 7, 2008

R. Cohen (Chair), R. Deverell (*ad hoc*), M. Omelus (*ad hoc*) and P. O'Neill

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### THE FACTS

The specialty service Fox Sports World Canada (FSWC) aired a 30-second promotional spot for their broadcasts of International Fight League (IFL) programming on September 17, 2007 at 7:12 pm. The promo was aired during an episode of *Sky Sports News*, which is a sports news program from the United Kingdom that focuses primarily on that country's local sports, such as soccer, rugby and cricket. *Sky Sports News* includes news, interviews and highlights relating to those sports. A description of the audio and video portions of the IFL promo follows:

voice-over 1: I came to hurt somebody, hurt somebody.

voice-over 2: Can you feel the love?

images: Two men in the ring, one in yellow shorts and one in blue. The one in yellow kicks the one in blue in the face and the latter goes down. The one in blue is shown bleeding; same kick replayed from different angle; one in yellow with his arms raised in victory.

clip of interview with participant: There's no better feeling than crackin' the guy in the chin  
...

voice-over 2: No, no. Can you feel the love?

audio from interview: ... watching his crippled carcass go face down on the mat.

images: various clips of different matches which involve punches and kicks to the head and wrestling-type grappling moves.

voice-over 2: I mean really feel it. In your face.

images: close-up of participant having his nose attended to by a first aid administrator; close-up of participant's face as he's lying in the ring

audio from interview: Wakin' him up and showing him on a forty-foot screen: you just got knocked out.

images: close-up of participant with bloody face; a couple more clips from various matches; a participant sitting up in the ring, slightly bloodied

voice-over 2: The International Fight League and IFL Battleground on Fox Sports World Canada.

The broadcast times for the two programs being promoted also appeared on screen.

The following complaint about an IFL promo was originally sent on September 6 to the CRTC, which forwarded it to the CBSC in due course. Since the complaint did not identify a precise date for the promo, it took some days for the complainant to identify a time and date that would enable the CBSC to consider the challenged broadcast material. That date, as noted above, was September 17, hence the apparent odd relationship between the date of a complaint that precedes the date of the challenged promo. (The full text of all correspondence can be found in the Appendix.)

As most of the TV channels I watch continually warn about scenes containing material that may offend some viewers, I cannot understand why Fox Sports Canada, (channel 415 Rogers) can show ads for the International Fight League in prime time and during non-related programs. These ads are completely tasteless, mindless violence, extolling the pleasures of inflicting pain. In my opinion they have no place on a sports channel watched by many young, impressionable people.

When the complainant ultimately identified the promo dealt with in this decision, he added the following comments on September 18:

The ad shows clips from fights, a combination of boxing/kick-boxing, concentrating on close-up shots of facial damage to losing participants. Samples of dialogue include: "I came to hurt somebody." "There's no better feeling than cracking a guy in the chin." "... Waking him up and showing him on a 40-foot screen, you just got knocked out."

I realize that there is a market for such programmes, which I readily accept, if they are screened at an appropriate time. My concern is that the content of this ad is not appropriate for the time slot it is shown in, or during a programme dedicated exclusively to U.K. soccer and cricket, which I know is watched by younger viewers.

The broadcaster's Director of Marketing responded on November 2, in principal part as follows:

The International Fight League and IFL Battleground are two recently added new series exclusive to FSWC and another CanWest MediaWorks-owned network, Xtreme Sports. [...]

Mixed Martial Arts, or MMA, is a term used to refer to a combat sport that combines the elements of many fighting styles into one all-inclusive sport. MMA has been rapidly gaining in popularity in the U.S. and around the world, and is often referred to as “the world’s fastest growing sport”. The MMA is growing and the nature of the sport is to have one participant defeat the other in timed rounds with a referee in the ring.

Many legendary martial artists, such as Bruce Lee, have advocated the use of these hybridized, non-traditional forms to most closely resemble real world scenarios. Even legendary boxer Muhammed Ali took part in a cross-sport match-up when he agreed to face Japanese wrestler Antonio Inoki. These kinds of contests were the early foundation for the sport of MMA, which has grown tremendously in scope and practice since then.

The sport was almost outlawed completely in the U.S., but survived by altering its “no-holds-barred” strategy and embracing governmental regulation. Since then, MMA has incorporated a more stringent set of rules and weight classes, and has moved toward mainstream acceptance. Though specific rules vary depending on the organization, MMA usually refers to a sport that combines striking and grappling arts, while outlawing groin strikes, eye-gouging, small joint manipulation, biting, hair-pulling, and strikes to the spine or throat.

MMA has been vilified in the past by media and politicians, though there has never been a death or serious injury in a sanctioned MMA event. Early indications suggest that the sport is actually safer than boxing, thanks to the variety of techniques and the smaller gloves, which prohibit a fighter from absorbing repeated blows to the head, thus minimizing long-term damage.

Like boxing, hockey or football this is clearly a contact sport. When promoting hockey or football, bone-crunching hits and spills are regularly used and we have likely grown accustomed to this level of on-screen physical contact. Clearly, the same use of video clips holds true for boxing where the combatants are shown hitting each other.

The ad that you saw does feature hard hits from matches as well as athlete comments. We created the promo ad to showcase the action of these highly competitive athletes while demonstrating the athletic skills and focus required to be successful in this sport. We limited any video clips that had a bloody nose and consciously only had a couple of brief clips of an athlete with blood on his face. We did not show any punch, kick or hit that caused immediate bloodshed. The ads do run on Fox during other shows to cross-promote from one program to another.

In summary, we do not believe that the choice of video clips in this promo ad is “completely tasteless, mindless violence, extolling the pleasures of inflicting pain.” The combat clips and athlete interview clips are an important part of establishing the nature of the program it is supporting. In terms of having young impressionable youth see the ad, the IFL features athletes as young as 19 years old competing in matches. These athletes visit hospitals and schools to meet with youth and identify the importance of believing in themselves and to chase their dreams. [...]

The complainant submitted his Ruling Request on November 13 accompanied by the following note:

The response I received from Global Television Specialty Networks was largely a history of the development of the sport. My complaint was not about televising such fights but about showing advertising for it during a totally unrelated programme, *Sky Sports News*, dealing with news from the U.K. soccer leagues, tennis, cricket and rugby. My mention of this ad not being suitable for the young, and therefore impressionable, was met with a response about how some of the fighters were as young as 19 and visited schools and hospitals. I maintain that showing bloodied combatants and having one declare "I came here to hurt someone" is acceptable if you choose to watch that particular show but should not be inserted into unrelated programmes, thereby influencing a captive audience.

## THE DECISION

The National Specialty Services Panel examined the complaint under the following provision of the Canadian Association of Broadcasters' (CAB) *Violence Code*:

*CAB Violence Code*, Article 3.0 – Scheduling

- 3.2 Promotional material which contains scenes of violence intended for adult audiences shall not be telecast before 9 pm.

The Panel Adjudicators read all of the correspondence and watched a recording of the challenged promotional spot. The Panel concludes that the promo was in violation of the foregoing Code provision.

### Promos and the Watershed

The abiding principle in the case of promotional matter, as well as general programming, is that content intended exclusively for adult audiences must be relegated to the post-Watershed period, i.e. between 9:00 pm and 6:00 am. In two past decisions, namely, *CKY-TV re Promos for The Sopranos and City Hall* (CBSC Decision 00/01-0071, August 20, 2001) and *CKCK-TV re Promos for The Sopranos and an Advertisement for The Watcher* (CBSC Decision 00/01-0058, August 20, 2001), the Prairie Regional Panel has made it clear that "a post-Watershed program may be promoted before the Watershed provided that the content of *the promo* does not include material intended for adult audiences [emphasis original]." The question for the Specialty Services Panel today is the converse, namely, can a promo for a program that is not necessarily a post-Watershed program possibly be restricted to a post-Watershed broadcast period? The Panel says "not necessarily" because the IFL series episodes being promoted in the spot it is now considering are not before it today, and because, in *TSN re Ultimate Fighting Challenge* (CBSC Decision 02/03-1395, January 30, 2004), this Panel did decide that the MMA example before it on *that* occasion did not require post-Watershed broadcast. The point in the matter at hand is that this Panel considers

that a promotional spot can be so edited and constructed that the resulting promo constitutes adult material even if the program which it advertises does not. In other words, *even if* the MMA programming being promoted were acceptable for pre-Watershed broadcast, this Panel will base the present decision solely on the content of the 30-second promotional spot of September 17.

This position may appear to be a contradiction of the following statement made in *Global re an advertisement for the movie SkinWalkers* (CBSC Decision 06/07-1352, November 29, 2007): “Given that the movie itself [variously rated between 13+ and 14A by the various provincial cinema ratings boards] did not contain material deemed to be intended exclusively for adults, it is not likely that the commercial for the movie would fall into that category.” It is not. In the case of a *single* film or program that does not include *any* problematic material, any editing together of that un-adult content is unlikely to generate any aggregated scheduling difficulty. Where, however, as in the matter at hand, material is taken from several programming sources, one or more of which may be on, or adjacent to, the edge of adult-ness, the collected content may well exceed any or even all of the component parts.

It is clear to the Panel that the promo’s creators targeted their spot at an adult audience. It began with the words, not stated just once, but rather twice, “I came to hurt somebody, hurt somebody,” followed by “There’s no better feeling than crackin’ the guy in the chin ...” and “watching his crippled carcass go face down on the mat.” Those introductory words remind the Panel of the decision of the National Conventional Television Panel in *CIII-TV (Global Television) re an advertisement for the movie Seed of Chucky* (CBSC Decision 04/05-0567, April 19, 2005), in which the words “the words ‘You’re gonna get sliced’ reinforced the visual message of the promo.” In the present case, the preliminary words set the tone for the corresponding visual images of bloodied faces. Whether any of the *images* were isolated examples in previous episodes or not, the Panel is unaware. In the 30-second spot, they have been aggregated to create a harsh physical and gory effect, one which, in the view of the Panel, is exclusively appropriate for adult audiences. Consequently, the Panel concludes that the broadcast of the challenged promotional spot was in violation of Article 3.2 of the *CAB Violence Code*.

### **Broadcaster Responsiveness**

It is a fundamental step in the CBSC’s process that broadcasters respond to complaints about their programming. While not required to agree with a complainant, broadcasters are expected to respond in a timely and thoughtful manner to those audience members who have taken the time to express their concerns. In this case, Fox Sports World Canada provided a substantive letter which outlined its rationale for choosing to

broadcast the challenged promo. While the arguments did not resonate with the complainant, the Panel considers that FSWC has met its obligations in terms of responsiveness and nothing further is required in this regard on this occasion.

## **ANNOUNCEMENT OF THE DECISION**

Fox Sports World 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 the International Fight League promotional spot was broadcast; 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 Fox Sports World.

The Canadian Broadcast Standards Council has found that Fox Sports World Canada has breached the promotional material scheduling provision in the Canadian Association of Broadcasters *Violence Code* in its broadcast of a promotional spot for International Fight League programming on September 17, 2007. By scheduling a program promo containing scenes of violence intended for adult audiences before 9 pm, which is the Watershed hour before which no programming intended for adults can be shown, Fox Sports World Canada has breached Article 3.2 of the *Violence Code*.

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

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## APPENDIX

### CBSC Decision 07/08-0012 Fox Sports World Canada re IFL promotional spot

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#### The Complaint

The CBSC received the following complaint dated September 6, 2007 via the CRTC:

As most of the TV channels I watch continually warn about scenes containing material that may offend some viewers, I cannot understand why Fox Sports Canada, (channel 415 Rogers) can show ads for the International Fight League in prime time and during non-related programs. These ads are completely tasteless, mindless violence, extolling the pleasures of inflicting pain. In my opinion they have no place on a sports channel watched by many young, impressionable people.

Since the complainant characterized the spot as an “advertisement”, the CBSC initially forwarded the complaint to Advertising Standards Canada (ASC). When ASC explained that it would require more specific information regarding date and time of broadcast, the complainant responded with the following:

Thank you for replying to my e-mail concerning this matter. In response to your request for details:

Date: Last viewed September 17, although the ad is shown nightly at approximately the same time during a break in an entirely unrelated programme.

Time: 7:13 pm

Description: The ad shows clips from fights, a combination of boxing/kick-boxing, concentrating on close-up shots of facial damage to losing participants. Samples of dialogue include: “I came to hurt somebody.” “There’s no better feeling than cracking a guy in the chin.” “... Waking him up and showing him on a 40-foot screen, you just got knocked out.”

I realize that there is a market for such programmes, which I readily accept, if they are screened at an appropriate time. My concern is that the content of this ad is not appropriate for the time slot it is shown in, or during a programme dedicated exclusively to U.K. soccer and cricket, which I know is watched by younger viewers.

At this point, ASC realized the spot was a promo and referred it back to CBSC.

#### Broadcaster Response

The station responded on November 2:

We are in receipt of your correspondence to the Canadian Broadcast Standards Council (CBSC) regarding on air promotion of the International Fight League on Fox Sports World

Canada (FSWC) on September 17, 2007. We thank you for your interest in FSWC programming.

The International Fight League and IFL Battleground are two recently added new series exclusive to FSWC and another CanWest MediaWorks-owned network, Xtreme Sports. These shows are also broadcast on Fox Sports Network and MyNetworktv in the United States.

Mixed Martial Arts, or MMA, is a term used to refer to a combat sport that combines the elements of many fighting styles into one all-inclusive sport. MMA has been rapidly gaining in popularity in the U.S. and around the world, and is often referred to as “the world’s fastest growing sport”. The MMA is growing and the nature of the sport is to have one participant defeat the other in timed rounds with a referee in the ring.

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It is through the feedback of viewers such as yourself that we are able to build strong programming schedules, and as such, we appreciate your feedback and suggestions. If you have any additional requests or comments to make about Lonestar [*sic*] programming, please do not hesitate to contact us via e-mail ([contactus@globaltv.com](mailto:contactus@globaltv.com)), by phone (toll free at 1-866-729-7140), or by mail at Fox Sports World Canada Viewer Relations, c/o 2100 One Lombard Place, Winnipeg, Manitoba, R3B 0X3.

### **Additional Correspondence**

The complainant submitted his Ruling Request on November 13 with the following note:

The response I received from Global Television Specialty Networks was largely a history of the development of the sport. My complaint was not about televising such fights but about showing advertising for it during a totally unrelated programme, *Sky Sports News*, dealing with news from the U.K. soccer leagues, tennis, cricket and rugby. My mention of this ad not being suitable for the young, and therefore impressionable, was met with a response about how some of the fighters were as young as 19 and visited schools and hospitals. I maintain that showing bloodied combatants and having one declare "I came here to hurt someone" is acceptable if you choose to watch that particular show but should not be inserted into unrelated programmes, thereby influencing a captive audience.