APPENDIX
To
***Showcase re an episode of Real Sex* (CBSC Decision 02/03-1667, January 30, 2004)**

I. The Complaint

The following complaint dated August 8, 2003 was sent to the CRTC and forwarded to the CBSC in due course:

> Subject: Questions regarding possible complaints
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> I have two possible comments/complaints, but, I do not know if I am in the right area – please let me know.
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> 1. [The first point was an advertising related complaint which has been forwarded to ASC for their action]
> […]
> 2. I was channel surfing this morning at approximately 7:00 am (Central) and came upon an Adult programme with graphic nudity and sexual discussion (Real Sex) on Showcase (channel 49 in Winnipeg). According to the digital programme guide from Shaw Cable, this programme was scheduled from approx 6:45 to 7:50 am and is considered by them as ADULT and the warnings after the commercials echoed the rating.
>
> I am not a prude and don't have a problem with this type of programming, at the proper time. Channels around Ch 49 are child related, i.e. cartoons, YTV, Teletoon, TreeHouse etc. and kids are up at this time getting ready to go to daycares and the like. What are the parameters (recommended timings) for showing this type of programming? Can this type of programming be kept off the open channels at times when children could be watching TV?

II. Broadcaster Response

Showcase's Publicist responded to the complainant's email on August 29, 2003 with the following:

> Dear Mr. [H],
>
> We have received a copy of your letter which was forwarded to us by the Canadian Broadcast Standards Council. Showcase appreciates and considers all viewer feedback and we thank you for taking the time to express your concerns about our programming. We regret that you were offended by Showcase's broadcast of Real Sex from 4:45 to 5:45 ET on Friday, August 8.
>
> I would like to take this opportunity to explain Showcase's programming policy. 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.

Real Sex is a documentary magazine series which explores how couples find sexual stimulation and fulfillment. It is a candid and intriguing look at some of the exciting and novel ways that men and women are re-discovering sex in today's society. The series follows the Showcase Revue (Monday through Thursday) and finishes airing by 6 a.m. ET/PT.

We understand that the sex scenes may have caused you grave concern. Our view is that these scenes must be viewed within the context of the program as a whole. The sex scenes depicted in **Real Sex** are consensual. They help define the emotional relationships of the characters and their experiences.

This program is intended for adult audiences only and Showcase has taken steps to broadcast this series responsibly. Before we decide to broadcast a program, our Programming Department screens it to ensure that it is suitable for broadcast. The determination of suitability includes ensuring that the broadcast would not contravene applicable broadcast laws and industry codes including, but not limited to, the Canadian Association of Broadcasters (CAB) Code of Ethics, the CAB "Sex-Role Portrayal Code for Television and Radio Programming," and the "Voluntary code Regarding Violence in Television Programming".

We are also concerned with the content of shows broadcast during hours when children may be watching. As required by the Voluntary Code Regarding Violence in Television Programming, Showcase is sensitive to the scheduling of programs with violent and other adult-oriented content. Such programming may not be aired prior to 9 p.m., or after 6 a.m. (times refer to point of origin of the broadcast, which is Toronto for Showcase). **Real Sex** always airs between 9 p.m. and 6 a.m. in order to lower the likelihood of younger viewers inadvertently watching the program.

Please note that the Canadian Broadcast Standards Council has set the watershed hour of 9 p.m. to 6 a.m., which means that material not suitable for children may air, with proper advisories, after 9 p.m., and before 6 a.m. ET. Though **Real Sex** finished airing at 7:45 in your time zone, Showcase is complying with CBSC regulations by airing these programs during this time slot.

In addition, Showcase also complies with the new program classification system developed by the Action Group on Violence on Television to give Canadian parents the most advanced control system in the world. This sex-level rating system is used to classify any levels of violence language or sex/nudity in all drama, feature film and children's programming broadcast in Canada. The "18+" icon is shown during our broadcast of **Real Sex** to warn parents that these series contain themes or content elements which might not be suitable for viewers under the age of eighteen. This classification allows parents to use V-chip technology to screen out programs with mature subject matter that they do not wish their children to watch. For more information about this technology, please visit www.vchipcanada.ca.

Finally, in order to assist our viewers in making their viewing choices, we run a viewer advisory before such programs indicating whether they contain scenes that may be offensive to some viewers. A viewer advisory warning of scenes with nudity, sexuality and coarse language is aired before the broadcast of **Real Sex** and after each commercial break.

It is certainly not our intention to offend our viewers but to introduce them to the wealth of quality, unique drama from Canada and around the world. We realize that these series are not suitable for everyone's tastes but we do want to provide viewers with the option to look at alternative lifestyles and stories. We have tried to construct the Showcase schedule to deliver something for everyone, and to permit viewers to make their choices on an informed basis.

Thank you for taking the time to voice your opinion. We do appreciate feedback and hope that this letter has addressed your concerns.

III. ADDITIONAL CORRESPONDENCE

The complainant was unsatisfied with the broadcaster's response and sent the following e-mail on September 4, 2003 to the CBSC:

I have received the letter, as you advised me, from the broadcaster with regard to my complaint of Aug 08, 2004. Although I do not have a problem with many of the points addressed by Ms. [M], I have some glaring points that I wish to have further adjudicated. Please forward the "RULING REQUEST FORM (see form below at the bottom of your email attachment) TO BE RETURNED IF UNSATISFIED WITH THE BROADCASTER'S REPSONSE" to the appropriate office for their action. I want to amplify the form and my dissatisfaction of the letter and the CBSC with the following two points. Please follow your normal procedures for the disclosure of my surname (if requested) to the media.

Regarding the first paragraph of letter from Ms. [M], she states that the programme was shown from 4:45 to 5:45 a.m. ET, and this would have been translated to show times in Winnipeg of 3:45 to 4:45 a.m. CT and this is false (FACT: Winnipeg is only one hour behind Toronto during the whole year). Instead, my email stated that the programme was from approximately 6:45 to 7:50 a.m. CT – and if the feed was from Toronto (7:45 to 8:50 a.m. ET), this directly contradicts her statements in paragraph six and seven regarding the concern of SHOWCASE and the CBSC standard of "such programming will not be aired prior to 9 p.m. or after 6 a.m….". Are you sure this feed was sent from ET or was it PT (Vancouver – 4:45 to 5:50 a.m. PT)?

Secondly, I wish to bring up the apparent CBSC standard of ADULT programme broadcast times. Although SHOWCASE maybe [sic] legally able to show (appropriate times from the point of origin) this programming at these times, it does not cover the moral issue of discrimination due to the number of time zones in this country and the centralization of programming. All the children in Toronto and Vancouver are looked after by this 'standard', however it is not a Country-wide 'standard' and the broadcaster should ensure that all time zones are treated equally under the 'standard'. Is a child's propensity to negate violence on TV stronger outside of Toronto and Vancouver time zones? I understand that in many cases there are two centres of programming (Toronto and Vancouver), but in this particular case, the broadcaster failed in its duty to ensure that the rest of the world outside of Toronto/Vancouver were also covered by the 'standard'.

My original email did not ever say that I was offended and have grave concerns, I was concerned about the regulations regarding air times for ADULT programming. As I get deeper into the process, I do get offended by people who tell falsehoods, don't the facts straight and/or hide behind 'guidelines and standards'. The only 'grave concern' I have is that the "RIGHT" course of action in this case may not be followed by either organization. Admit the mistake, enact policies to ensure they don't happen again and for the CBSC – change your 'standard' so that the "rights" of **all** Canadians (in all time zones) can be covered by your watchdog council. Please treat the people in the rest of the Canada as you treat those people in the chosen areas of programming feeds.

Your timely response to this email is appreciated. And please pass on to the broadcaster – do not put words into my email that I did not write nor infer. I have fully disclosed my contact

particulars on the original email, pick up the phone or write me an email if you have questions.

Sincerely,
xxx

p.s. – is the ‘standard’ for programme times the same for ADULT and 18+? Ms. [M] seems to use the 18+ designation interchangeably. Does the 18+ designation on the programming guide with SHAW Cable fall under the programme schedule “standards”? Shaw Cable designates REAL SEX as ADULT and a programme like Comedy Club 54 on the Comedy Channel (shown at 11 am. and 5:00 p.m. Winnipeg time) as 18+.