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## APPENDIX

### CBSC Decision 07/08-1222 Sportsnet East re *Sportsnet Connected*

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#### The Complaint

The CBSC received the following complaint dated February 10, 2008:

Dear Sir,

I would like to forward a complaint to your board for consideration. This is regarding broadcasting sports fights during news programs, and during daytime hours. I have approached the broadcaster directly as you will see in the attached letter. I received an immediate response by email, also attached. I continue to have concerns with television broadcasters showing any fights during daytime hours, particularly during news programs, as this not only unnecessarily exposes me to violence, but also potentially children. The details of one instance are outlined in the attached letter; please note that this is only one example. I understand from our previous conversation that you have not had any similar complaints in the past and hope that you take this one into very serious consideration. My issue is not really with whether fights in hockey are accepted or not, but rather how they are shown on television. The broadcaster that I have written to here is merely one of many who share the same practices. I have informed the broadcaster that I would be forwarding this complaint to you.

Thank you very much for your consideration in this matter and look forward to hearing from you.

The complainant had sent the following letter dated February 7 directly to Sportsnet:

I would like to make a complaint regarding your television programming.

I will begin by noting that I am not a regular viewer of your station, or of sports in general. However, I do like to keep fit and go to my fitness centre on a regular basis. As in many fitness centers, there are a number of televisions in the cardio room for the users to watch. I have found repeatedly, when at the gym, that I have been exposed to violence presented on your television programs. One example occurred today, 7 February 2008, between 6:30 and 6:45 am. I believe the program was called *Sportsnet Connected*, but am not sure because I was not listening to the program. Within a 5-minute period there were two instances of hockey fights presented on the screen in front of me. I found myself falling off the treadmill, as I had to look away from the television with my repulsion. Also within that time frame, I observed a notice of an upcoming program about "fights of the week".

I understand that there are a number of sections relating to this in the Canadian Broadcast Standards Council, Voluntary Code Regarding Violence in Television Programming, specifically the following:

- 3.1.1 Programming which contains scenes of violence intended for adult audiences shall not be telecast before the late evening viewing period, defined as 9 pm to 6 am.

- 6.1 Broadcasters shall use appropriate editorial judgment in the reporting of, and the pictorial representation of violence, aggression or destruction within their news and public affairs programming.
- 6.2 Caution shall be used in the selection of, and repetition of, video which depicts violence.
- 10.0 Broadcasters shall not promote or exploit violent action which is outside the sanctioned activity of the sport in question.

I feel that programming specifically showing hockey players fighting, exploits violent action outside the activity of the sport. While I understand that fights do occur in hockey, I do not believe they are sanctioned because it is my understanding that players are given penalties for this behaviour. I do not believe the showing of a fight as part of news programming enhances the viewer's understanding of the outcome of the game and demonstrates poor judgment in selecting and repeating video to illustrate the game. I believe that advertising a program that highlights hockey fights, and showing such programming, exploits the violence of this game and represents a breach of the code section 6.2.

I do enjoy watching hockey as a sport, and have no problem with the normal physicality of the game, however I do not understand how fistfights and excessive violence contribute to the game. I personally find the activity of fighting repulsive and it makes me physically sick to think that grown men are engaging in that behaviour. The injuries sustained during these fights are dangerous and can result in long standing impairments for the players. Regardless of whether I am supported in my beliefs by hockey fans or not, I am offended by the behaviour and do not wish to be exposed to it. As a result, I do not normally watch hockey.

Unfortunately, I cannot change what is shown on the televisions at the fitness centre, and am not happy with what I must be exposed to. I would suggest that the display of fights be confined to the hockey game programming itself, which is typically shown at night during the late evening viewing period, and within the specific time frame of the program. I suggest the display of fights and excessive violence be kept out of the news or "highlights", which are shown at any time throughout the day.

I thank you for considering my opinion, concerns, and suggestions, and look forward to your response.

The response that the complainant had received prior to contacting the CBSC was also attached, dated February 7:

Thanks for your recent e-mail. We certainly appreciate the constructive feedback and the eloquence with which you presented your argument. First and foremost, we would like to apologize if you were offended by any of the programming aired on Rogers Sportsnet and particularly *Sportsnet Connected*. While I have forwarded your comments to the producer of *Sportsnet Connected*, please keep in mind that the debate over fighting in hockey extends beyond the realm of sports television.

Arguments regarding the validity of fighting's place in the game of hockey have been made by both its supporters and detractors. While you are obviously entrenched in and entitled to your opinion (and it is certainly welcomed by Sportsnet) there are equally those in our viewing audience who believe its place is very much an indelible part of the NHL game and very much inside "the sanctioned activity of the sport". As long as the NHL sanctions fighting, considers it a legitimate part of the game (as penalties are only assessed after a fight), and a percentage of our audience regards it as both entertaining and pivotal to the story of a game, then it is our responsibility to report on it within our game highlights. The "Fights of the Week"

feature is also a hotly debated segment on *Sportsnet Connected*. Much like the issue of fighting in the NHL game, there are arguments to be made on both sides of the issue.

Our apologies for any inconvenience that this may have caused. While Sportsnet does not have the contact information for individuals at the NHL, their website does have a feedback section. Simply click here: <http://www.nhl.com/nhlhq/index.html> scroll down and click on: Contact us here.

You also contacted us to inquire about our call letters. As Sportsnet is not an over-the-air station, we do not have call letters, we are simply known as Rogers Sportsnet.

Should you have any additional questions or comments, please feel free to contact us toll-free at: 1-877-288-7767

## **Broadcaster Response**

Once the CBSC became involved, the broadcaster responded a second time to the complainant in a letter dated March 20:

We have received your complaint to the Canadian Standards Broadcast Council (CBSC) regarding the programming on Rogers Sportsnet (Sportsnet). The program in question was broadcast on *Sportsnet Connected* between 6:30 am and 6:45 am on February 7, 2008.

Sportsnet is owned and operated by Rogers Media. We are a member in good standing with the CBSC and we appreciate the opportunity to respond directly to your concerns.

I understand from your email to the CBSC that you contacted Sportsnet directly on this issue on February 7, 2008, and received a reply from their Community/Audience Relations department. Having considered their reply, you then contacted the CBSC to formally pursue your complaint.

As a member of the CAB, Sportsnet is subject to the various CAB codes, including the Violence Code which prohibits broadcasters from airing programming that contains gratuitous violence in any form, or programming that sanctions, promotes or glamorizes violence.

Sportsnet is sensitive to viewer concerns about violence in television programming, and in particular, about violence in sport. As a specialty service offering sports and sports-related programming, we look to Clause 10 of the Violence Code for guidance. Clause 10 recognizes the dynamics of sports as follows:

### ***10.0 Violence In Sports Programming***

*10.1 Broadcasters shall not promote or exploit violent action which is outside the sanctioned activity of the sport in question.*

It is important to note that the wording of Clause 10.1 makes specific allowances for physical contact when it is part of the sanctioned activity of the sport. In the case of hockey, we do not believe that the game itself can be said to be inherently violent. Hockey is a full contact sport and, as is the case with many contact sports, can be perceived by some viewers to be violent. However, many of these concerns relate to actions that are an accepted part of the game. In our respectful opinion, such actions are sanctioned activities in the sport of hockey, albeit not without penalty in the course of play.

*Sportsnet Connected* is Sportsnet's flagship sports news and information program. Launched in early 2007 to replace *Sportsnet News*, it features sports scores and sports-related news, with an emphasis on home-team coverage. Our commentators read sports-related news in much the same way as newscasters report on the news, except our stories are lighter in tone and our commentators often try to inject a bit of humour in their reporting.

Our decision to show hockey fights on *Sportsnet Connected* is based on the desire to accurately reflect the tone of each of the games that is featured. For example, if a game-winning goal was scored as a result of penalties being called for a fight, in all likelihood, we would show a clip of the fight in our highlights. If there were multiple fights in a game, we will likely show a number of those fights in order to accurately convey the truculent tone of that particular game.

Clause 10.1 prohibits broadcasters from promoting or exploiting violent action which is outside of the sanctioned activity of the sport in question. In this case, *Sportsnet Connected* promoted a segment called "Fights of the Week", an occasional feature showing clips of various hockey fights. As we stated earlier, physical contact is a sanctioned activity of the sport of hockey. As such, we do not believe that in choosing to show clips of fighting on *Sportsnet Connected*, or in promoting a feature called "Fights of the Week", we have breached Clause 10.1 of the Violence Code.

We thank you for taking the time to express your opinion. Your input is respected.

## **Additional Correspondence**

The complainant wrote back to the CBSC on March 21:

Thank you for this. I am a bit confused though. I thought it would be the CBSC who was making a decision on this issue. This appears that the broadcaster is the one making the decision as to whether the fighting is a breach of conduct or not. And they have given me the same unsatisfactory answer that they did the first time I contacted them. Surely this is not an independent assessment, and I would think as a regulating body you would want an unbiased opinion.

What I understood would happen was that CBSC would independently review the information and make a decision as to whether showing offensive fights on television during daytime hours is a breach of conduct or not.

Could you clarify this for me?

The CBSC wrote back to her, explaining that she must file a Ruling Request in order for the CBSC to proceed with an examination of her complaint. She did so on March 25:

I think my confusion is because I had already had direct contact with the broadcaster before I made my complaint to the CBSC, and I forwarded that communication to you with my initial complaint. And so at that time, I thought I was taking it to the next step for CBSC to make a ruling because I was not satisfied with the response that I got. I apologize if I did not make that clear, or did not fully understand the process.

I am not satisfied with the response that I received as it is the same response that I received the first time I contacted the broadcaster. I think it shameful that our society and CBSC will allow such violence to be repeatedly broadcast when there are children viewing and when there are individuals obviously offended by that content. It is not just one broadcaster or isolated event. Another example is the recent brutal beating of a goalie, shown repeatedly on the news, and on commercials for the news over the past few days. There is no way to escape it. It saddens and sickens me that such violence is acceptable. If the same events happened on the street, outside of the hockey arena, I would think that there would be a different opinion as to its acceptability, and there would certainly be viewer warnings before broadcasting. The visual images are exactly the same, therefore I am not clear how hockey violence is different. I am not suggesting that it is not "part of the game"; what I suggest is that it merely be kept to the game and not visually broadcast outside of that venue. This would allow viewers [to] have control over whether they will be subject to it or not.

It appears to me that you have already made a decision on a ruling when you say: "In the circumstances relating to your complaint, based on the correspondence in the file, it does not appear as though the CBSC would find any breach of the Codes it administers." It would seem that the exercise of having you go through the process would be futile since the decision has already been made.

Unfortunately, I have been forced to make a complaint using just one example of a chronic problem with all broadcasters. I think that if the CBSC took the time to examine the entire issue as a whole, rather than isolated incidents, then there would be increased evidence to demonstrate the chronic breach of code by all broadcasters. Is there a way that I can request this process to happen?

Thank you for your time.

The CBSC wrote to the complainant again, explaining that the sentence it had included in previous correspondence relating to finding a Code breach was inaccurate and premature; it was the result of a miscommunication within the CBSC Secretariat.