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## APPENDIX

### CBSC Decision 09/10-0078 G4 Tech TV re *Superjail!*

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#### The Complaint

The CBSC received the following complaint via its webform on September 9, 2009:

station: G4 Tech TV

program: *Superjail!*

date: Sep 8, 2009

time: 9:00 pm

concern: The program, *Superjail!*, only had a mild advisory that it may not be suitable for younger children and is given a rating of PG.

The show is about a huge jail located in a volcano with a Willy-Wonka-like warden. The jail is an extremely violent place where graphic killings by inmates, staff, catastrophes and various monsters are commonplace. One of the main themes of the program is to explore innumerable ways people can be killed.

Clearly the advisory should be stronger and more specific and the rating should be 18+.

Another program, *The Venture Bros.*, which is shown Thursdays at 9:30 pm has the same advisory and rating. This program occasionally has violent scenes.

These two programs are part of the station's new ADd block <<http://www.g4techtv.ca/tv/ADd/>>. I haven't watched any of the other shows, but they probably all should be reviewed.

I emailed [info@g4techtv.ca](mailto:info@g4techtv.ca) about this a couple times, but got no reply.

The complainant wrote back to the CBSC on October 22 indicating that he had not yet received a broadcaster response, but noticed that G4 had changed its classification and advisory for the program in question:

I have not received a response from this complaint.

The broadcaster has changed the rating from PG to 14+. It's arguable since the violence is so pervasive and intense it should be rated 18+. The code gives very little guidance on what constitutes violence that should be rated 18+.

The disclaimer at the beginning of the episode has not changed, although it is now read aloud.

## **Broadcaster Response**

The broadcaster responded to the complainant with a letter dated October 21 but sent via email on October 22:

We have received your complaint to the Canadian Broadcast Standards Council (CBSC) regarding the broadcast of *Superjail!* on G4techTV at 9:00 pm on September 8, 2009.

The CBSC is an independent organization created to administer codes and standards proposed by the Canadian Association of Broadcasters (CAB), and approved by the CRTC. G4techTV is owned and operated by Rogers Broadcasting. We are a member in good standing at the CBSC and we welcome the opportunity to respond directly to your concerns.

As noted above, the CBSC administers a number of codes and standards, including the *CAB Violence Code* (the Code). As a member of the CBSC, G4techTV is subject to the Code. Relevant clauses are reproduced below for your reference:

### **3.0 Scheduling**

#### **3.1 Programming**

*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.*

*3.1.2 Accepting that there are older children watching television after 9 pm, broadcasters shall adhere to the provisions of article 5.1 below (viewer advisories), enabling parents to make an informed decision as to the suitability of the programming for their family members.*

*3.1.3 In order to provide viewers with the benefit of Canadian program classification and viewer advisories not available on foreign distant signals, broadcasters who have CRTC-permitted substitution rights over programming which is imported into their markets before the late evening viewing period, may employ substitution, notwithstanding article 3.1.1.*

*3.1.4 Broadcasters shall exercise discretion in employing substitution in accordance with article 3.1.3 and shall at no time avail themselves of substitution rights over programming which contains gratuitous violence in any form or which sanctions, promotes or glamorizes violence.*

*3.1.5 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 article 3.1.3.*

*(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.)*

### **5.0 Viewer Advisories**

*5.1 To assist consumers in making their viewing choices, broadcasters shall provide a viewer advisory, at the beginning of, and during the first hour of programming telecast in late evening hours which contains scenes of violence intended for adult audiences.*

*5.2 Broadcasters shall provide a viewer advisory at the beginning of, and during programming telecast outside of late evening hours, which contains scenes of violence not suitable for children.*

Clause 3.1.1 states that programming which contains scenes of violence intended for adult audiences shall not be telecast before the late evening viewing period, defined as 9:00 pm to 6:00 am. As further set out in Clause 5.1, broadcasters must also provide a viewer advisory at the beginning of each program, and during the first hour of programming telecast in late evening hours which contains scenes of violence intended for adult audiences.

*Superjail!* is an animated series that takes place in a rather unusual prison. *Superjail!* is characterized by its psychedelic shifts in settings and plots and outrageous behaviour by its prisoners. Animated programming is very different from real-life comedies and dramas. By its very nature, animation includes the element of the fantastic or surreal. As a result, animation can push the envelope a bit more in terms of character situations and graphic storyline depictions.

While we fully appreciate this program may not be to your taste, we believe *Superjail!* does fall into that characterization. While the show does carry violent scenes, the violence is intended to be humouristic in nature, and specifically unreal in its approach.

In your complaint, you stated that this program “only had a mild advisory that it may not be suitable for younger children and is given a rating of PG.”

We have reviewed the logger tape of the episode in question and discussed the matter with our programming department and learned that the PG rating was a technical error. *Superjail!* is rated 14+. However, in and around the time that you watched the program, a technical error in our traffic department caused some shows to carry an incorrect rating. That technical issue has since been corrected and all of the programs on G4 have been running with correct ratings.

Under the Canadian rating system 14+ is defined as follows:

*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.*

#### *Violence Guidelines*

*While violence could be one of the dominant elements of the storyline, it must be integral to the development of plot or character; might contain intense scenes of violence*

Given the fact that this program is scheduled after the watershed hour of 9:00 pm, included a viewer advisory and what we thought was an accurate rating, we believed at the time that any concerns with respect to the content were addressed.

However, given the concerns you raised, we revisited the issue and will adjust our practice with respect to the advisory in response to your feedback. Therefore, going forward we intend to broadcast a more restrictive advisory as follows:

*The following program contains scenes of violence and mature subject matter, which may not be suitable for young children. Viewer discretion is advised.*

We hope we have addressed your concerns. Thank you for bringing this matter to our attention. We value the opinion of all our viewers.

### **Additional Correspondence**

The complainant filed his Ruling Request on October 22:

I don't know if it was a coincidence, but a couple of hours after I submitted my first ruling request I received a response from Rogers media.

The response said, "*Superjail!* is rated 14+. However, in and around the time that you watched the program, a technical error in our traffic department caused some shows to carry an incorrect rating."

It had been rated PG since *Superjail!* started airing. It only changed to 14+ a couple of weeks [after] the complaint was submitted.

They propose a new advisory: "The following program contains scenes of violence and mature subject matter, which may not be suitable for young children. Viewer discretion is advised."

I'm not sure a 13-year old would be considered a young child.

Does the cartoon nature of the violence on this show make it not so bad?

I want the CBSC to make a decision.