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## APPENDIX B

### CBSC Decision 09/10-0895+ CTV re coverage of the fatal luge accident at the 2010 Winter Olympic Games

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#### Complaints

##### File 09/10-0895

The following complaint was submitted via the CBSC's webform on February 12, 2010:

station: CTV Canada  
program: Vancouver Olympic Coverage  
date: February 12th, 2010  
time: 11:20 am and again at 12:00 pm

concern: To preface my complaint, the footage that CTV aired is probably one of the most disturbing, tragic moments I have ever witnessed on TV or otherwise. I completely believe in freedom of the press and disagree with censorship, but my concern transcends these beliefs.

A member of the Georgian Luge team has just died from a fatal luge accident while practicing in Whistler. CTV aired the footage of this accident directly after it happened around 11:20 am and my partner and I sat stunned at the horrifying moment. We both presumed that this person had died immediately from the crash simply because of how it looked on television (it looks extremely fatal). I don't think CTV should have aired the footage based on the explicit nature of it. It is tragic footage that only seeks to render horror and sadness in the viewer. To my surprise, they replayed the footage at 12:00 pm while providing an update about the fatal crash.

To reiterate, CTV is basically showing the moment of death of an Olympian every time it re-airs this broadcast.

I think CTV should issue an apology for this lapse in judgement. It has seriously disturbed me and, from doing a simple Google search, it has obviously disturbed others who saw it on TV or can access the broadcast online.

##### File 09/10-0962

The following complaint was submitted via the CBSC's webform on February 13:

station: CTV  
program: News immediately following the opening ceremonies  
date: Feb 12th

time: 11:30 pm

concern: It is absolutely inappropriate to show the death of an Olympic athlete on national TV. Whoever decided that should be fired and CTV should be fined. It did not add anything to the news story but in fact tarnished the nice respect for the Georgian athlete the opening ceremonies had. CTV should be ashamed of themselves. It was absolutely disgusting.

The complainant also sent a letter to the CRTC on February 13, which was forwarded to the CBSC in due course:

Good Evening,

I would like to make a formal complaint about CTV news and their broadcast immediately following the Olympic opening ceremonies. It was a very poor programming choice to broadcast the horrific accident and death of an Olympic athlete on national television for everyone to see. Everyone that was watching with us gasped, as we never thought it would be shown. It was truly a horrible decision on CTV's part and ruined the whole respect and recognition that they had during the ceremonies themselves.

File 09/10-1139

The following complaint was submitted via the CBSC's webform on February 21:

station: CTV

program: CTV News, sports section of the show

date: 11<sup>th</sup> [sic, 12<sup>th</sup>] February 2010

time: 2:00 pm and again around 7:00 pm

concern: During the news broadcast, the footage of the Georgian athlete who died at the Whistler Sliding Centre was shown in full, including the athlete's death. Not only was this shown in the daytime but it was shown again in the evening. The broadcaster, whose name escapes me, stated on both occasions it was necessary to show the footage in order to convey the severity of the situation, but frankly this was purely gratuitous.

It was absolutely NOT necessary to show this young man's death on TV, twice; it was purely for shock value and absolutely disrespectful to the family of the deceased athlete. I happened to be in a restaurant showing the Olympic coverage at the 2:00 pm news broadcast, and everybody in the restaurant gasped aloud in shock at what they had seen.

CTV may have paid a lot of money for the Olympic broadcast rights, but that doesn't mean they can cross all boundaries of decency and respect in order to capitalise on their investment.

I would like this matter to be investigated, and I would be very surprised if I were the only person to have complained about this incident.

## Broadcaster Response

CTV responded to the first two complainants with the following letter dated April 14 (the CBSC gave the network an extension on the 21-day time frame for responding to complaints due to the large number):

Dear [Complainant],

The Canadian Broadcast Standards Council has forwarded your correspondence concerning the broadcast on CTV of images of the tragic death of Georgian luger Nodar Kumaritashvili during a practice run just before the opening of the 2010 Olympic Games in Vancouver.

We appreciate your concern over the use of this footage and we certainly understand that the visual images used in our reporting were upsetting as was the event itself. However, we at CTV believe these visuals were integral to the story and to informing Canadians about this unfortunate tragedy at this year's Olympic Games.

Too often, events covered by news organizations are tragic and shocking. Our news policy is to treat graphic or disturbing images with care and restraint. After much consideration, we decided to make available the images of the Georgian luger run in connection with news reports about this tragedy.

We at CTV are members of both the Canadian Broadcast Standards Council (CBSC) and the Radio Television News Directors Association of Canada and we adhere to the industry codes administered by the CBSC. Clause 5 of the Canadian Association of Broadcasters' (CAB) *Code of Ethics* specifically recognizes that "the fundamental purpose of news dissemination in a democracy is to enable people to know what is happening, and to understand events so that they may form their own conclusions."

Moreover, although broadcasters are not expected to "exaggerate or exploit situations of aggression, conflict or confrontation", it is specifically recognized in the *Voluntary Code regarding Violence in Television Programming* (the "Violence Code") that "equal care shall be taken not to sanitize the reality of the human condition".

We believe appropriate editorial judgment was exercised at CTV in the reporting of and the pictorial representation of this tragic death at the 2010 Vancouver Olympic Games in accordance with our obligations under Clause 6 of the *Violence Code*. The images shown were not gratuitous or exploitive. In addition, we did our best to strongly warn audiences that they may find the video disturbing. Our reports on the tragic event were preceded by an appropriate caution as required by Section 6.3 of the *Violence Code*.

Sports today such as alpine skiing and the sliding sports contain a tremendous amount of risk, constantly putting athletes at the edge of disaster. Kumaritashvili's accident and the circumstances that led to his death are central to understanding what happened and very much a matter in the public interest.

We are sorry you were offended by these images, but we believe they were vital to the proper reporting of the story and in accordance with our obligations under the various Codes administered by the CBSC. CTV is a member in good standing of the CBSC and complies with its guidelines.

Thank you for taking the time to write with your concerns.

The third complainant received a shorter version of the letter, also dated April 14:

Dear [complainant],

Thank you for your letter, which we received through the Canadian Broadcast Standards Council on March 11, 2010.

I understand and appreciate your concerns regarding the luge footage that aired during our broadcast of the Vancouver 2010 Olympic Winter Games on February 12.

Too often, events covered by news organizations and television networks are tragic and shocking. Our policy is to treat graphic or disturbing images with care and restraint. After much consideration, we decided to make available the images of the Georgian luger Nodar Kumaritashvili's run. Understanding that the video was graphic, our anchors warned viewers in advance that they may find the footage disturbing.

Sports such as alpine skiing and the sliding sports contain a tremendous amount of risk, constantly putting athletes on the edge of disaster. Kumaritashvili's accident, and the circumstances that led to his death, are central to understanding what happened. Therefore, we believe that showing video of the crash was vital to the proper reporting of the story.

CTV is committed to maintaining the highest standards in our programming content. We did not intend to upset viewers by airing the luge footage and regret that you were distressed.

I hope this letter clarifies the situation and conveys how seriously we take our broadcast responsibilities. CTV is a member in good standing of the Canadian Broadcast Standards Council and follows the Canadian Association of Broadcasters' codes and guidelines, which they administer.

## **Additional Correspondence**

### **File 09/10-0895**

The complainant sent the following letter on April 22:

Hope this email finds you well. Please see my attached response to CTVglobemedia's reply to my complaint.

At this time, I'm requesting that this complaint be elevated to a CBSC Committee as I feel strongly that CTVglobemedia has failed to address my complaint in a responsible and professional manner. Instead, they manage to deflect responsibility by blaming a democratic media-based system. However, I believe they made an editorial decision that is far more complex than how they articulate it in their reply.

Many thanks for your assistance.

His attached letter dated April 15 read as follows:

Please accept this as a response to the letter I received from CTVglobemedia on April 14th, 2010 that explained their decision to broadcast images of the tragic death of Georgian luger Nodar Kumaritashvili during a practice run just before the opening of the 2010 Olympic Games in Vancouver.

I believe that CTVglobemedia underestimates the complexity behind showing the death of Mr. Kumaritashvili, which is clearly evident in their employment of a general defence of the broadcast in their letter instead of specifically addressing the issue of the traumatizing effects of watching a fatal accident on television. The footage was shown prematurely because the outcome of Mr. Kumaritashvili's accident was unknown. Consequently, it would have been more appropriate and responsible to mention the accident orally instead of showing the broadcast. And, when Mr. Kumaritashvili's death was confirmed, CTVglobemedia decided to show the footage again. Why was this necessary? People die in gruesome and various ways every day. Is this also "news?" Was the footage necessary to explain how the unfortunate accident occurred? Or was it necessary because of its association with one of the most watched events in television history that CTVglobemedia wanted to bank on? Finally, why was it necessary to show the images of Mr. Kumaritashvili's death in both instances? Is this not exploitative?

There are many questions that develop out of such a complex issue; however, the central question to consider is: why does CTVglobemedia think it is necessary to show explicit images of the very moment of a person's death? Was this footage vital to the story? Is CTVglobemedia unable to articulate such a tragic and explicit event in anything other than images? I think the answer to this question is that CTVglobemedia broadcasted these images for ratings because our society is drawn to this type of imagery. This type of rare imagery is not news; it is exploitative, raw and traumatic. [The Vice President of Regulatory Affairs] cites Clause 5 of the Canadian Association of Broadcasters (CAB) *Code of Ethics* and Clause 6 of the *Violence Code* in an effort to implicitly argue that images such as these should be free of censorship on the part of the broadcaster in a democratic society – to effectively allow the public to "form their own conclusions" and to avoid the "sanitization" of the public. This argument is problematic considering that some members of the viewing public at this time of day – especially children – may not have the capacity to form conclusions from these traumatic images. Further, CTVglobemedia fails to take responsibility for the dissemination of this footage by making an attempt to link it to a theory focused on the "good of the public." However, I think these images, albeit in a horrible way, assisted CTVglobemedia in its ratings campaign during the Olympics, and this is the main reason why it continues to defend such an irresponsible decision in the wake of the many people it traumatized.

CTVglobemedia's response to my complaint is general and vague. The clauses [the Vice President of Regulatory Affairs] cites are not specifically related to the footage of a person's death yet he attempts to make sense of them through this. It is also expected that CTVglobemedia will defend their journalistic integrity given the fact that they have to support a delicate public relations campaign because of their competition with other national networks. [the Vice President of Regulatory Affairs] states that "Our news policy is to treat graphic or disturbing images with care and restraint. After much consideration, we decided to make available the images of the Georgian luger run in connection with news reports about this tragedy." There was no care or restraint with this footage as it was broadcasted repeatedly prefaced with a very short warning – hardly enough time for parents or adults, even, to turn away or turn off the television. Further, he states that "the images shown were not gratuitous or exploitive." This is an arguable statement considering that this footage exploits the death of the Luger in a way that renders him vulnerable, exposed and dying in front of a mass audience. In my opinion, the footage CTVglobemedia broadcasted was completely exploitive. Finally [the Vice President of

Regulatory Affairs] states that "Kumaritashvili's accident and the circumstances that led to his death are central to understanding what happened and very much a matter in the public interest." The central question here is why does CTVglobemedia need to rely on the image to "tell the story" when journalism can work with both images and words. Understandably, it's a television broadcast, but if there is traumatic footage in doubt, can CTVglobemedia not find other ways to disseminate its "news?"

I was not only offended by the footage of the Luger's death, but traumatized. As I stated in my original complaint, a brief Google search also yielded others who were traumatized by the footage. CTVglobemedia needs to take responsibility in its presentation of explicit events and it cannot simply rely on theories and ideologies of censorship and democracy. This footage complicates these theories and ideologies as it demands for a different editorial approach that would consider a mass audience open to influence.

I do sincerely hope that the CBSC's Committee will consider this complaint seriously and keep in mind that CTVglobemedia attempts to simplify the broadcast of this footage to protect their self-interest.

File 09/10-0962

This complainant submitted his Ruling Request via webform on April 14:

Hello,

I have received the response from CTV and don't think that it was satisfactory. In the response CTV claims that "these visuals were integral to the story". I disagree, as no one watching the news needed to see the poor man's death replayed over and over. He died during training, we understand that, and showing a few clips of his race before the accident would have been fine.

Their reference to "Clause 5" I think is also a bit far fetched. When I read that paragraph it sounded like it was meant for coverage of political rallies, wars, etc. I don't think an Olympic accident is democratic news. I think our country and its people will be fine if we did not see that video. (Whereas if our government was killing people at a protest, etc, Clause 5 would be appropriate and we would want to see for ourselves what "our" country leaders were doing).

I also strongly disagree with their defense using Clause 6. I think they did exploit those images. It was immediately following the opening ceremonies, one of the top-watched programs, and they wanted to keep viewers interested with "blood and gore". They also claim to strongly warn the audience. I don't think they fulfilled their duty in this regard either. I was in a room filled with educated adults, and none of us expected that we would be watching his death, even after their "warning". We all gasped when we saw it, and not one person in the room could believe it. Also note that I don't think it is appropriate to show that video even if a stronger warning was made, although at least if they made a proper warning I would have changed channels or something.

In CTV's paragraph discussing the risk associated with "Alpine skiing and sliding sports" they mention that "the circumstances that led to his death are central to understanding what happened and very much a matter of public interest". I completely agree. I am interested in the fact that this was the fastest Olympic luge track, and that he might not have been trained enough, or that the conditions weren't good, etc. However, these are fact-based reporting that can easily be reported without the video. I fail to understand how this in any way relates as a defence for showing the video clip.

I disagree completely with CTV and think that this video was not within the guidelines set out by CBSC, and furthermore not appropriate in any way whether or not they will get in trouble. It is because of CTV's attitude towards this video and event that creates the need for oversight. Obviously the staff at CTV can't make these important decisions themselves, so it is up to the CBSC to do it for them.

Thank you for your time in this matter.

File 09/10-1139

This complainant submitted a Ruling Request via webform on April 16:

I received a reply to my complaint on the 14th [of] April 2010 and I feel frankly the letter does nothing to address the concerns I raised in my complaint; rather, it reiterates the words used by the newscaster during the broadcast (that it was necessary to show the death), words which I've heard before and disagreed with. Is that really a way to explain the situation or the decisions made by CTV?

The fact remains it was not necessary to show the death of the athlete, and there are no circumstances I can think of where it would ever be acceptable to show such footage. The argument put forth by CTV that it was vital to the story does not hold water. If I am told a person died in an accident, I understand the person talked about ceased to be living. It's that simple. I do not need to see his death, twice, to believe that he is in fact dead. If it was felt, as it is stated in the letter, it was necessary to show dead bodies to really get the story across, why do CTV and others not show the dead bodies of the many hundreds of other people who die throughout the year and whose stories make it onto the news? It is not shown because it is disrespectful and in very poor taste, and the same is true of the decision to show the death of Nodar Kumaritashvili, twice.

Somebody within the CTV organization signed off on the decision to broadcast the accident and death of this young man, and that person needs to explain themselves [*sic*] to the public and the CBSC. Until such time as that happens, I will remain dissatisfied with the response I have received from CTV to date and I will seek to escalate the matter with the CBSC.