
APPENDIX

CBSC Decision 10/11-1669 Teletoon Retro re an advertisement for The Night Exchange during *Batman: The Animated Series*

The Complaint

The CRTC forwarded to the CBSC the following complaint dated May 13:

I am very concerned about some of the advertisements that are shown during the *Batman: The Animated Series* on the network Teletoon Retro. The advertisements are for the "Night Exchange", which is an adult chat line. I contacted the network, and they responded by saying that:

"Ads considered to contain mature content, such as the Night Exchange chat-line commercial you refer to in your email, are recommended for broadcast post-9 pm. TELETOON Retro only has one broadcast feed from Toronto to serve a national audience and broadcasts the Night Exchange commercials exclusively after 12 am ET and 9 pm PT, in accordance with all CBSC guidelines."

With today's technology, the issue is not what time the show is broadcast, but is the advertising content appropriate for the rating of the show. I PVR this show for my children and would like this type of advertising removed from a show that is rated for children!

I have never lodged a complaint with the CRTC, but this is unacceptable to have adult themes broadcast during a children's animated television show.

The CBSC informed the complainant that he would need to provide a specific date and time of broadcast in order for the CBSC to pursue his complaint. He provided that information on May 17:

Thank you for taking the time to follow up on this issue. The commercial for "The Night Exchange" airs regularly during the airing of *Batman: The Animated Series*. The last episode I saw this commercial [in] was aired on May 16, 2011 approximately eleven minutes into the show, but I believe the commercial is shown during every broadcast. The television show is programmed to run daily at 11:30 pm local time on Teletoon Retro.

I recognize that the time of the broadcast is late, but the content of the commercials is not appropriate for a children's show regardless of the broadcast time. My children do not watch this show at the time it is aired, but PVR every episode to watch at their convenience. As a parent, I make every effort to make sure my children watch television shows that are age appropriate. I should not have to scrutinize the advertisements that are broadcast during a children's show to ensure that they are age suitable as well. I do not believe that advertisements promoting adult chat lines should be televised during a show that is intended for children's viewing.

Broadcaster Response

The broadcaster responded to the complainant on May 24 with the following letter:

We received your complaint through the Canadian Broadcasting Standards Council (CBSC) on May 19, 2011. We thank you for sharing your concerns about a commercial for Night Exchange airing on TELETOON Retro. As per our correspondence through TELETOON's Audience Relations mailbox, we sincerely regret that you and your family were upset by this airing as it is certainly never our intention to offend our viewers. I would like to take this opportunity to reiterate some information about the programming and commercial scheduling on TELETOON Retro.

Batman The Animated Series is a program that appeals to viewers of all ages but in its current programming slot at 1:30 am ET, TELETOON has chosen to cater this program to our mature audience. With new PVR technology we cannot control when our viewers choose to watch our programming. We can only advise them to be aware of the program's original broadcast time as the advertisements are intended for the audience watching at that time.

As mentioned in our previous correspondence, TELETOON Retro is not solely a children's network. It is a 24-hour animation and animation-related station, dedicated to providing a variety of programming for a wide variety of viewers. Although the channel is popular with children and pre-teens, TELETOON Retro presents classic cartoons of the '60s, '70s and '80s which appeal to not only kids, tweens and teens but also adults. Bureau of Broadcast Measurement (BBM) ratings show that, on average, 70% of the channel's viewers are adults.

It is also important to mention again that all commercials broadcast on TELETOON receive clearance by the Telecaster Services of the Television Bureau of Canada. The Telecaster services' function is to review each advertisement message or announcement to ensure it complies with the Telecaster Committee Guidelines, including guidelines for violence, gender portrayal, sexuality, moral, legal and/or ethical issues in modern-day society and broadcast ethics. Ads considered to contain mature content, such as the Night Exchange commercial you refer to in your email, are recommended for broadcast post-9 pm. TELETOON Retro only has one broadcast feed from Toronto to serve a national audience and after verifying our logs, I can confirm that Night Exchange aired after 1:30 am ET and 11:30 pm MDT, during *Batman The Animated Series*, in accordance with all CBSC guidelines.

That said, please know that we take our viewer feedback very seriously and have forwarded your comments to the programming department for their consideration.

Once again, we regret that this commercial has upset you and your family. Thank you again for taking the time to write us. If you have any other comments or questions, please do not hesitate to contact us again.

Additional Correspondence

The complainant filed his Ruling Request on the same day, accompanied by the following note:

The broadcaster has insisted that they are following the guidelines and are doing nothing wrong according to the CBSC. I understand that Teletoon Retro is following the "letter of the

law", but they are not using their judgement when placing advertisements of a mature nature on during a children's television program. The guidelines need to be revisited to catch up with the technology (PVR) in use, to keep this from happening.