
APPENDIX

CBSC File 02/03-0570 & -0631 CITY-TV re *Blind Date*

The Complaint

The following complaint dated January 24, 2003 was sent to the CRTC and forwarded to the CBSC in due course:

CITY TV Toronto is going to be showing "The Fifth Wheel" & "Elimidate" @ 5PM weekdays. These are adult programs, currently they're shown late at night but to show them as afterschool programming is irresponsible. I'm sure you'll agree parents have enough trouble finding activities for their children after school without City TV showing age inappropriate content to little kids!!! Please advise me as to whom I may follow up with at the CRTC.

The CBSC initially informed the complainant that it can only pursue complaints from individuals who have seen the programming themselves and that it would require specific dates and times of particular episodes that concerned him.

This decision deals only with the complaint against *Blind Date* because the broadcaster voluntarily moved *The 5th Wheel* to a late night time slot pursuant to this complaint.

Broadcaster Response

The broadcaster nevertheless responded to the complainant's letter on January 27 with the following:

The Canadian Broadcast Standards Council ("CBSC") has forwarded a copy of your e-mail to the Canadian Radio-television and Telecommunications Commission ("CRTC") relating to Citytv's decision to broadcast "Fifth Wheel" and "Elimidate" on weekdays commencing at 5 PM. We are writing to address the concerns you have raised.

First of all, Citytv does not, in fact, broadcast "Elimidate". We do, however, broadcast a show entitled "Blind Date" so I will address that show instead.

"Fifth Wheel" and "Blind Date" are relationship-game shows made for the amusement of the viewers of the two programs. While the language might, at times, be mildly suggestive, profanity is not allowed, nor is nudity. These two shows are a new spin on such classic television programs as "The Dating Game" or "The Newlywed Game". In fact, both of these programs were game shows about essentially the same subject matter as "Fifth Wheel" and "Blind Date", also containing thinly veiled references to "adult" things that you have referred to in your e-mail, yet both ran in time periods also accessible to younger viewers.

Moreover, I would also suggest that many daytime soap operas go much further - perhaps not in their choice of language but certainly in their portrayal of sexuality.

Most of the viewers of these programs are young adults. Research confirms that there are many adults home at 5 PM who also expect entertainment aimed at them. Over the years, we have built a relationship with our adult skewing urban audience that we take very seriously. We try to provide programming they want to watch as an alternative to other programming found on some other stations at the same time that is not intended for them. As such, we have purposely stayed away from children's programming or programs that are intended for young viewers so there can be no mistaking the type of broadcasting we provide.

In addition, there is a ratings icon of PG at the beginning of each show. This rating does allow for mild or suggestive language and brief scenes of nudity. The show is also v-chipped PG. If you are not aware of the v-chip, it is a device contained in new television sets that may be utilized by people to block out any programs they may not want to air in their homes. More information may be obtained at www.vchipcanada.ca or through your local cable provider.

Since you take issue with the inappropriateness of this telecast generally, I would like to take this opportunity to advise you of the CBSC's position on such matters. The CBSC supports the broadcasters' rights to the benefit of freedom of expression, however, other important Canadian social values are frequently set against free speech in reasonable limitation of that principle which is not absolute. To clarify, in a 1999 decision, the CBSC stated that:

(W)here, for example, a broadcaster violates one of the Codes administered by the CBSC, the Council will limit that particular free expression in conformity with the principles established by Canada's private broadcasters. Conversely, where a complainant may be offended by "inappropriateness" of subject matter, bad taste, a badly scripted, plotless or otherwise badly made film the Council's position is that the complainant must resort to the on/off switch as his or her personal sanction, or of course, register his or her protest to the broadcaster . . . the Council's experience is that broadcasters pay attention to audience complaints.

I respectfully suggest that the foregoing CBSC decision affirms the broadcaster's right to telecast adult-oriented material, which some viewers may not find to their particular taste. Although we cannot agree with your assessment of the show, we regret that you find some of the programming aired on our station offensive. It is never our intention to offend any of our viewers.

Thank you for taking the time to write the CBSC with your concerns. Please feel free to contact me directly should you have any further questions.

Additional Correspondence

The complainant wrote back to the CBSC twice on January 28:

These programs are currently on air, you mentioned you could not answer a complaint about shows not broadcast yet. These shows are being broadcast so please do your job and handle my complaint.

In addition, I have seen these shows "Elimidate and Fifth Wheel" as they are currently on air by City TV. Therefore I am entitled to adjudication by a CBSC panel and am formerly [*sic*] requesting one.

Pursuant to those e-mails, the CBSC agreed to pursue the complaint by ordering recent episodes of the programs from the broadcaster. This is customary CBSC procedure when a complainant insists that it is an entire series that is potentially in violation of the Codes.

The complainant later sent correspondence describing his specific concerns. The following e-mail was sent to the CBSC on February 3:

Thank you for initiating this procedure, although a bit confusing?

City tv started broadcasting these shows (Fifth Wheel & Blind Date) on Jan 27,2003 weekdays at 5pm, so why are you only considering the shows on Jan.27/03?

Obviously the content will vary from show to show, but an average show should be representative of the age inappropriateness that is at issue here.

If you and Canada's other related broadcasting regulatory bodies can't see that these shows should be aired at a later time slot, then our children are victims of your poor decision making.

5PM is family time, parents are preparing dinner etc., while children are doing homework, playing, watching tv! Many psychologists would agree some scenes in these shows could result in immediate or long term problems with young viewers.

My investigation shows enough evidence to file a class action suit against parties responsible for broadcasting these shows at a time that puts Canadian children at risk. I had hoped our government agencies and City tv had better judgement, but so far neither are carrying the ball!

The CBSC responded to that e-mail on February 4:

The CBSC has received your latest correspondence in which you express your concern about the CBSC only considering the programs broadcast on January 29, 2003. Normally, in order for the CBSC to pursue a complaint, we require the station's name or call letters, a brief outline of the concerns and a specific date and time of the programming in question in order to contact the station and ask them to hold the logger tapes of the program. In your case, since you did not provide us with a specific date of broadcast, we contacted the station and asked them to hold a copy of their most recently aired programs of "The 5th Wheel" and "Blind Date" which we expect will serve as representative examples of the programs in question. If there are specific episodes that have concerned you, please let us know the particular dates and we will ask CITY-TV to hold those tapes as well.

Since the CBSC has neither the resources nor the mandate to monitor the programming of all its broadcaster members, it relies on complaints from viewers/listeners concerning specific programming to ensure compliance with the Codes. I am sorry that you found our procedure to be confusing. I would invite you to visit our website at www.cbcs.ca which might provide you with some more comprehensive information, including past decisions and the Codes that our broadcaster members must abide by.

Please do not hesitate to contact me should you require any further information.

The complainant wrote back on February 4:

I appreciate like most companies you don't have the human or financial resources to monitor all programming. However I would expect that when a citizen alerts your organization to questionable program content, you would have the personnel and mandate to start a simple discovery and preliminary investigation. After this process a determination would be made to decide if further investigation and possible action is warranted.

In this case I am familiar with approximately 15-20 episodes of each program and I will try to watch future episodes to build my case. Have you seen any of these programs?

What information about programming is submitted to make a determination about about the range of its content?

As I said in previous emails the content does vary by episode, but the underlying theme of both programs and average content is not appropriate for young children, and therefore should be aired at a later time slot.

Key examples:

Fifth Wheel - the show has a "fifteen minute" room where daters that have just met go and make out and often have oral or simulated sex, with partial nudity.

- Contestants' objective is to win a date with another contestant, where the most common strategy is using sex to win.

Blind Date - On average a little more respectable, but inappropriate for children.

- Use of alcohol very common strategy, drunken contestants.
- partial nudity and loosely censored sexual activity common.
- adult themes and situations.

The CBSC responded to that e-mail on February 4 giving a more detailed explanation of the CBSC's process and a brief summary of how the CBSC has treated sexual content in past decisions. The complainant responded again on February 4:

In summary and with regard to my previous e-mails,

Specifically CityTV is violating your **Code of Ethics, Clause 10, Section A**, by airing *The Fifth Wheel* and *Blind Date* before the watershed time of 9PM.

My wife and I watched these episodes today while our three children ages 9, 10 & 12 didn't.

[describes "highlights" of *The 5th Wheel*]

The episode of *Blind Date* was a little more family oriented.

The first date included such statements as "*My dates have to have a breast to stomach ratio of 2.5*" What? & "*No sex tonight*" but they just met, & "*I like partying and getting laid*" Don't we all kids?!

The 2nd date had topless scenes, oh I'm sorry they were covered up by tackless [sic] video tricks again. OK now what, let's talk about having a "*one night stand*".

Please add these episodes to the list.

Self-regulated and doing a great job! Way to go, you should be proud.

I would advise that any programs aired before nine PM that appear to have adult content must be reviewed before being allowed to broadcast when young children are watching.

Still hoping someone will see the light and change the air time slot.

I've learned from [T.G.] @ CITYTV that "sexual innuendo" and "sexually suggestive" content is OK before 9PM. If this is the case there should be a disclaimer to that effect as per **Clause 10 sections B & D** of

your regulations. Furthermore these shows expect for their tacky censoring with cartoon images and audio bleeps (which don't leave anything to the imagination) would be sexually explicit!

If the broadcasters self regulate, what good does your council do expect offer the broadcasters a frustrating foil for concerned citizens like myself. My recommendation to my government representatives is to close the CBSC as it seems redundant and ineffective and a waste of tax payers money. Or give the CBSC some teeth in its mandate so that it can do the job Canadians want done. Otherwise the CBSC seems like a PR spin doctor and bureaucratic red tape machine working to make broadcasters' lives easy with no social responsibility to Canadians.

Thanks for your mostly form letter, and City TV's lack of responsibility with programming decisions for your child viewers. The Fifth Wheel (don't you love that "15 minute room")& Blind Date **would be sexually explicit** if it weren't for the tacky censoring with cartoons and audio bleeps. This censoring is so minimal it really leaves very little to the imagination. What audience watches TV after school? I'm sure children are a significant demographic at this time slot.

Please reconsider your decision and air these programs at a later time, and or at least warn parents that these programs may not be appropriate for children. Self-regulation is your privilege [*sic*] and responsibility, if you don't take it seriously and show leadership and social responsibility you may lose that privilege.

Do you let your children watch these programs?

Do they demonstrate a good role model for children?

He wrote further on February 5:

Here's my report from the Feb.4/03 episodes of The Fifth Wheel & Blind Date on City TV (Toronto).

[lists key portions of *The 5th Wheel*]

Blind Date

The first date included drunkenness and slurry speech. Some dialogue included:

- after several drinks she says, "*Is this where you take advantage of me*"
 - he says, "*I brought the Trojans (condoms)*"
 - he says "*have you ever had a one night stand?*"
 - he says "*Patty didn't show me her boobs, so I'm not going to call her*"
- Tacky censorship graphic stating-CRY FOR HELP OR PITY SEX

Second Date, the female says the following,

"As far as sex goes I'm a dirty girl"
"I enjoy women too"
"I've had a foursome"

There was one topless scene, making out, implied desire for group sex. The female kept implying she was bi-sexual, every time she did a graphic came up, here's seven of them.

- The Good-**Bi** Girl
- **Bi**-Sexual Hint (she loves red headed women)
- Going **Bi**-Way
- Dude she's **Bi**
- If at First You Don't Succeed, **Bi Bi** Again

- I'm **Bi** I'm **Bi**
- 3 Way

As he walks her to her room he says, "*Would you like to prolong the date?*", they both enter her room.

Again I would like to consider adding these episodes with the others as inappropriate for children.

I tried to find out if these programs have a rating for content.

I didn't have much luck, *Universal World Wide Television* owns both programs, their and all related web sites say nothing about a rating, even the TVGuide site.

Is there a rating system for TV programs in Canada? e.g. violence and sexual content etc. like the movies

However The Fifth Wheel website requires you to be 18 years of age to enter, and the Blind Date website requires you to be 14 years old to enter.

The CBSC responded to his questions about the Canadian television rating system on February 7.

The complainant added other episodes to his complaint on February 11:

Please add these 4 episodes to my complaint. How many episodes do we need to qualify the whole series?

[description from *The 5th Wheel*]

Blind Date Feb10/03

- "the Bitch"

- "that guy can kiss my _____ and go _____ himself!"

- Topics include the Unabomber, Male claims if his girlfriend got pregnant he'd, "Push her down a staircase!"

- "your tongue will be down my throat by the end of the night."

- making out in a hot tub and elevator, before getting naked and going into the bedroom.

Blind Date Feb11/03

- 20 minutes making out in a limo, hot tub and then rented a motel room and hung up the DND sign.

- He has an oral fixation

- A lot of sexual innuendo in this episode.