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## APPENDIX

### CBSC Decision 08/09-1660 CIVT-TV (CTV British Columbia) re reports on *CTV News at 11:30* ("Seal Fur Uniforms" & "Oil Spill")

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#### The Complaint

The following complaint was sent to the CRTC on May 8, 2009 and forwarded to the CBSC in due course:

My complaint involves specifically the 11:30 pm news broadcast of the CTV-BC news program broadcast to Greater Vancouver on Thursday, May 7, 2009, with announcer Keri Adams.

During the broadcast, there were two significant errors of fact broadcast.

Before I go further, I note that I am, and have been, a working western Canadian journalist since 1970 and, frankly, I was appalled at the lack of professional journalism standards displayed by the broadcast.

The first instance involved a report to the effect that the House of Commons had voted to approve the addition of seal fur to the uniforms of Canadian athletes attending the 2010 Winter Olympics.

This is simply untrue, as a simple check via the Internet of the actual Hansard recording of the motion, which was released about 12 hours before the newscast occurred, showed.

The motion, made by Raynald Blais of the riding Gaspésie-Îles-de-la-Madeleine, said in its entirety, "That, in the opinion of the House, the government should take advantage of the opportunity provided by the 2010 Vancouver Olympic Games to promote seal products, particularly by studying the possibility of using these products in the making of the Canadian Olympic clothing." Source: <http://www2.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&Parl=40&Ses=2&DocId=3870633#OOB-2744428>

You will note that the word "uniform" does not appear in the motion, nor does the concept of requiring the application of seal products to any Olympic clothing. Hansard shows there was no debate of the motion in which these concepts could have been elicited. Studying the possibility of doing something is a far cry from actually doing something.

So the CTV-BC story as broadcast was a fabrication from beginning to end.

But it was not simply an erroneous report, but the wording shows it to be written with loaded adjectives and adverbs to deliberately enhance its sensationalism.

There is also context, which the announcer, Ms. Adams and the news director, would have been aware of, but which they did not reference: that PETA (People for the Ethical Treatment of Animals), a well-funded and well-organized protest group, had deliberately and recently invoked the 2010 Olympics as part of its campaign to oppose sealing. Thus, the Olympics-

clothing story thus broadcast was specifically designed -- in context -- to enhance the politicization of the Olympics in a negative way to a BC audience that has strong opinions about sealing and the Olympics.

This news room has a reporter specifically assigned to cover the Olympics, Mike Killeen, and he, at least, would have known that "Olympic clothing" meant branded merchandise, and that a House of Commons vote, even if it was exactly as fabricated by CTV-BC, could have no practical effect because of the approval process for Canadian Olympic team uniforms.

The second instance involved a report of an oil spill from a tank farm owned by Kinder Morgan in the Vancouver suburb of Burnaby. Most of the report was from the scene, and does not, with one exception, concern me. However, the intro and extro read by Ms. Adams does. In the intro, Ms. Adams announced that it was the second spill caused by Kinder Morgan, and in the extro, she announced that in the other case, "a pipeline owned by Kinder Morgan blew up." This implied, in context, that both oil spills were the fault of Kinder Morgan.

The concepts regarding the pipeline case are simply wrong, and because of the coverage CTV-BC's news department gave to the pipeline incident, it would have known the information it provided was incorrect.

The pipeline did not "blow up", nor was Kinder Morgan responsible for it doing so. The pipeline, carrying oil under pressure, was cut by a back-hoe digging up a road. The back-hoe was not contracted by Kinder Morgan, and CTV-BC's news department knew this, but by a third party. The news department also knew, at the time of the incident, that Kinder Morgan had earlier purchased the assets of Imperial Oil, and that it was one of the pipelines installed decades earlier by Imperial Oil that was cut. The cause was later discovered to be due in part to poor location record-keeping by Imperial Oil, which Kinder Morgan unknowingly inherited when it purchased the assets.

CTV-BC news should have been able to easily figure out that Kinder Morgan, which took full responsibility for its portion of the situation, was essentially as much a victim of the situation as those on whom the oil from the pipeline was sprayed.

The effect of the May 7 broadcast, however, was to improperly castigate Kinder Morgan for the pipeline incident by tying this much different situation in with the tank farm broadcast.

I mentioned earlier that I had no specific issue with the beat story of the tank farm incident, with one exception. That was a brief interview with a resident of the area who was interviewed about the situation. CTV-BC news decided in its ending to allow the woman to discuss the tank farm incident, which produced a strong smell, but then kept her portion of the broadcast going when she said she felt the company's tank farm should be shut down, because it was so close to a residential area. What was not clarified in the broadcast was that the tank farm was in existence before it was surrounded by residential.

It was the equivalent of a person building a house close to an airport and then complaining about all the aircraft noise.

This happened to be an egregious news broadcast, and it's the one I've taken the time to write about, but CTV-BC's journalism standards are sloppy, and have been for some time now. This can easily be seen by noting that the full complement of the journalism standard of "who, what, where, when and why" of a news story is rarely fulfilled in any of its news stories, and sometimes not just one but several of those basics are missing from them.

I feel that the CRTC should require CTV-BC to broadcast, in the same time period, a correction to the two stories, and in the process show how it left erroneous impressions with its audience, and to show why its broadcasting licence should not be imperiled by its consistent lack of good journalism standards during its newscasts: balanced reporting using neutral wording that cover the “five Ws” in each report. Wording that doesn't set out to find and then misidentify perps and victims.

Should they be reluctant to correct their errors of fact and context, perhaps they should then be asked to show cause if they should be held to the same standard they require of the RCMP in the case of Robert Dziekanski.

Thank you.

## Broadcaster Response

CTV replied to the complainant on May 20:

I am writing in response to a complaint, forwarded by the Canadian Broadcast Standards Council, about two stories broadcast May 7<sup>th</sup>, 2009 at 11:30 pm on CTV British Columbia. Mr. [M.], you allege that there were two significant errors of fact in our newscast, the first involving our coverage of a House of Commons motion and the second involving our coverage of an oil spill.

Regarding the House of Commons story, you allege our coverage was “a fabrication from beginning to end”. We strongly disagree with your allegations. Below is the exact transcript of what we broadcast in its entirety on this issue:

“MEANWHILE WHEN OUR CANADIAN ATHLETES SHOW UP AT THE 2010 OLYMPICS, SHOULD THEY BE WEARING SEAL FUR? THE HOUSE OF COMMONS SEEMS TO THINK SO. A MOTION HAS BEEN PASSED UNANIMOUSLY TO HAVE SEAL FUR INCLUDED IN THE UNIFORMS. POLITICIANS THINK THE 2010 GAMES SHOULD BE USED TO PROMOTE PRODUCTS FROM THE SEAL HUNT AND SUGGEST THE UNIFORMS OUR ATHLETES WEAR SHOULD INCLUDE AT LEAST ONE SEAL PRODUCT. THE MOTION IS A REACTION TO THE EUROPEAN UNION'S DECISION TO IMPOSE A BAN ON THE IMPORT OF CANADIAN SEAL PRODUCTS. THAT COULD HAVE A HUGE IMPACT ON CANADIAN HUNTERS AND EXPORTERS. THE CANADA OLYMPIC COMMITTEE, ON THE OTHER HAND, SAYS THAT FUR WON'T FLY BECAUSE THE ATHLETES' UNIFORMS HAVE ALREADY BEEN DESIGNED AND APPROVED BY THE IOC.”

We believe our story was accurate. You quote Hansard when alleging that our report which effectively indicated “that the House of Commons had voted to approve the addition of seal fur to the uniforms of Canadian athletes attending the 2010 Winter Olympics ... is simply untrue.” But you fail to include this quote, also from Hansard, by Mr. Raynald Blais, the BQ MP who introduced the motion as follows:

*“Mr. Speaker, if the government wants to take concrete action, it should take advantage of the forum provided by the 2010 Olympic Games in Vancouver to promote seal products, perhaps by using them in Canadian Olympic athletes' uniforms.”*

As you can see, the MP, in introducing this motion, which was subsequently passed unanimously, clearly stated what we reported. You also argue that there was no mention of

athlete uniforms in the motion, but the record clearly shows the MP who introduced it was indeed referring to uniforms. As well, you complain that CTV did not differentiate between “studying the possibility of doing something ... from actually doing something.” Again, we disagree. The above transcription of our broadcast shows we used the words “Politicians ... suggest” and “The House of Commons seems to think so”. We believe the wording of our story was accurate and was in no way “designed to enhance its sensationalism” as alleged. We also disagree with your final complaint that CTV did not explain that the House of Commons motion “could have no practical effect because of the approval process for Canadian Olympic Team Uniforms.” Again, the transcription of our broadcast proves this allegation to be incorrect. The final line in our story states clearly that the motion could not be achieved because “the athletes’ uniforms have already been designed and approved by the IOC.”

Regarding the oil spill story, although you indicate that much of the report from the scene is not of concern, you do take issue with the intro and the extro to the report. “In the intro, [CTV] announced that it was the second spill caused by Kinder Morgan and in the extro, [CTV] announced that in the other case ‘a pipeline owned by Kinder Morgan blew up.’” These allegations are not supported by the actual transcription of the report which follows in its entirety:

“ANCHOR SAYS – FOR THE SECOND TIME IN LESS THAN TWO YEARS, THERE’S BEEN A MAJOR OIL SPILL INVOLVING ENERGY GIANT KINDER MORGAN IN BURNABY. 200,000 LITRES OF CRUDE OIL SPILLED OUT OF ONE OF ITS HOLDING TANKS ON BURNABY MOUNTAIN. HAZ MAT CLEANUP CREWS SPENT TODAY MOPPING UP THE TOXIC CRUDE. THE CONTRACTOR WAS ATTEMPTING TO REMOVE SEDIMENT FROM THE BOTTOM OF A HOLDING TANK WHEN A PRESSURE PUMP FAILED RELEASING THE OIL. MANY NORTH BURNABY RESIDENTS AWOKE FROM THE NOXIOUS SMELL.

ISABELLE HOYLE [NORTH BURNABY RESIDENT] SAYS – ‘I THINK THAT WHOLE THING SHOULD BE SHUT DOWN. IT SHOULD NOT BE THIS CLOSE PROXIMITY TO, TO RESIDENTIAL.’

ANCHOR SAYS – FORTUNATELY THE OIL WAS CAUGHT BY A PROTECTIVE BARRIER AND DID NOT LEAK INTO THE NEARBY COMMUNITY. IT WAS A MUCH MESSIER SITUATION IN THE SUMMER OF 2007. HOMES AND CARS WERE COVERED IN OIL WHEN A KINDER MORGAN PIPELINE BURST SPEWING 234,000 LITRES OF CRUDE INTO THE AIR.

As our transcription clearly shows, CTV never reported that the spill was caused by Kinder Morgan, as alleged. Our script states the spill involved Kinder Morgan and then goes on to explain that a contractor’s pressure pump failed at a Kinder Morgan holding tank. Those facts are accurate. In regards to your other assertions, that CTV reported a Kinder Morgan pipeline “blew up” previously, our transcription once again shows this to be incorrect. CTV used the word “burst” when referring to a pipeline spill in the summer of 2007. This wording is accurate. A Kinder Morgan pipeline did indeed burst when it was struck by a city works crew. You appear to accuse CTV of “improperly castigating” Kinder Morgan by tying the two incidents together. We disagree. Residents who live near the Kinder Morgan facility told CTV that because of the 2007 spill and this latest incident, they believe the proximity of the facility to residential homes is inappropriate and they want it moved. In our opinion, it is CTV’s responsibility to report matters in the public interest including the community’s concerns, regardless of whether or not [sic] Kinder Morgan was responsible for the incidents. The residents’ concerns, in our judgment, are newsworthy regardless of who is at fault for the spills. The residents who complained to CTV say they don’t like the location of the facility,

because when there is an accident, they suffer. The report was not on fault, but on residents' concerns.

We believe that our reporting of the House of Commons motion and the oil spill were both fair and accurate and in accordance with all codes and guidelines administered by the CBSC. CTV British Columbia is a member in good standing of the CBSC and adheres to its guidelines.

## **Additional Correspondence**

The complainant submitted his Ruling Request on May 22 with a lengthy explanation of why he still had concerns with the reports:

[The Managing Editor]'s May 20 letter of self-serving justification for the fabrication of the Olympics seal fur story shows that his department not only seeks to mislead its audience, its Managing Editor also attempts to mislead the CBSC, using the same style of reporting as his newsroom: editorial commentary sloppily disguised as fact, errant logic, poor research, failing to reveal key information, imbalance and taking things completely out of context in order to make them fit a preconceived notion of the event.

My complaint will show that CTV-BC's story violated, at various points, the following codes: the first four paragraphs of the CAB's Clause 5 - News, and all of Clause 6 - Full, Fair and Proper Presentation; as well as the following components of the RTNDA Canada *Code of Ethics*: Article One - Accuracy; the first and last sentences of Article Three - Authenticity; Article Seven - Corrections; and the first sentence of Article Thirteen - Sources.

You'll recall my complaint began over a broadcast by CTV-BC of a report that was completely fabricated about what the House of Commons had done. CTV's news team, in my complaint was then shown to have worked hard to prevent the facts from getting in the way of a good story. [The Managing Editor] now seeks to add to that insult by compounding the problem directly with you and me.

Let's parse the story, sentence by sentence, and see where the original story went wrong, and see if we can't expose at the same time the foamy foundation of [the Managing Editor]'s commentary in which he blatantly attempts to misdirect you about what he is pleased to call "fair and accurate reporting."

Here's what was broadcast, as provided by [the Managing Editor], sentence by sentence with my comments:

*"Meanwhile when our Canadian athletes show up at the 2010 Olympics, should they be wearing seal fur?"*

Well, there are no facts in that, are there? It's an opinion of the newsroom disguised as a rhetorical question of who, we don't know, based on what, we have no idea, is it not? If there were any facts in this query, it would be phrased differently, do you not agree? This is actually a favourite trick of [the Managing Editor]'s news room, to prejudice and prompt the audience to pre-judge a story before any factual material is offered about it; it's a conceit, don't you see?

*"The House Of Commons seems to think so. A motion has been passed unanimously to have seal fur included in the uniforms."*

[The Managing Editor] would have us believe, in a later quote of an MP he provides, that there's some rationale for this sentence. Let's put the ENTIRE exchange, as recorded by Hansard, the one that deals with all the introduction, debate, unanimous acceptance and passage of the actual motion in the House of Commons -- which is the underlying genesis of the event that prompted his newsroom's fabrication:

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Mr. Raynald Blais (Gaspésie-Îles-de-la-Madeleine, BQ): Mr. Speaker, I seek the unanimous consent of the House to adopt the following motion:

[Motion]

That, in the opinion of the House, the government should take advantage of the opportunity provided by the 2010 Vancouver Olympic Games to promote seal products, particularly by studying the possibility of using these products in the making of the Canadian Olympic clothing.

The Speaker: Does the hon. member for Gaspésie-Îles-de-la-Madeleine have the unanimous consent of the House to move this motion?

Some hon. members: Agreed.

The Speaker: The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

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As can be plainly seen, the motion and its debate, which describes in chief what the House of Commons actually intends to do (compared to what [the Managing Editor]'s news department, and, his letter shows, he himself believes) does not contain the phrase "seal fur", "included" nor "uniforms." The fact is the House decided -- without the commentary of Mr. Blais, who could well have said something if he chose, that [the Managing Editor] now quotes as justification for the story's "accuracy" -- to do something quite different than that which [the Managing Editor] and his news team concocted out of thin air.

The phrase "Canadian Olympic clothing", by the way, is used by the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games (VANOC), the federal government and the federal Olympic & Paralympic Secretariat to describe branded merchandise VANOC sells, merchandise which does not come near an athlete's body in any official way: T-shirts, parkas, sweatshirts, pants and the like. When its officials talk about uniforms, they use the word "uniforms", not "clothing".

*"Politicians think the 2010 games should be used to promote products from the seal hunt and suggest the uniforms our athletes wear should include at least one seal product."*

Compare the Hansard report with CTV's report, and you see that this sentence, too, is considerably different from what actually occurred, particularly if you take the word

“Politicians” at its face value, as one should. We are talking about more than one “politician” who apparently thinks as CTV daydreams.

[The Managing Editor] hauls into his letter of justification the quote from Mr. Blais. Well, I have to admit that [the Managing Editor] is factually correct here. Mr. Blais did indeed say what he said, and in the House, and on the day in question, but of course, [the Managing Editor] leaves out the context entirely. And context, as [the Managing Editor] knows, is everything in news. That piece of paper on the ground by your feet is of little importance until you see that it's a \$20 bill.

Here's the actual portion of the debate in full in which Mr. Blais's quote occurs -- Hansard shows it took place much earlier in the day and in different circumstances and context from the motion and -- for our purposes here, had nothing specific to do with the motion that was subsequently approved in the House, the focus of CTV-BC's story:

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[Translation]

Mr. Raynald Blais (Gaspésie-Îles-de-la-Madeleine, BQ): Mr. Speaker, the European Union's decision to ban the sale and import of all seal products in the 27 member countries as of 2010 will have a devastating effect on everyone in the Magdalen Islands. Everyone agrees that we have to exert more pressure and raise awareness to counter all of the false information surrounding this well-managed hunt. Will the government invest more money in a campaign to promote seal products?

[English]

Hon. Gail Shea (Minister of Fisheries and Oceans, CPC): Mr. Speaker, this government condemns the EU ban on Canadian seal products. Securing markets for Canadian seal products is a priority and will continue to be a priority for this government. I can assure the member that we will stand up and fight for sealers.

[Translation]

Mr. Raynald Blais (Gaspésie-Îles-de-la-Madeleine, BQ): Mr. Speaker, if the government wants to take concrete action, it should take advantage of the forum provided by the 2010 Olympic Games in Vancouver to promote seal products, perhaps by using them in Canadian Olympic athletes' uniforms. Will the government take that kind of concrete action to save the industry that many families in my riding depend on?

[English]

Hon. Gail Shea (Minister of Fisheries and Oceans, CPC): Mr. Speaker, I do recognize that this is a big issue for the Hon. member, particularly because the Magdalen Islands are big for sealers. I welcome any suggestions that my colleague might have to help the Canadian sealing industry. Maybe he could share them with the Liberal Party.

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You will also note that “politicians”, as noted in the news copy written by [the Managing Editor]'s trusty crew, is plural and Mr. Blais, alas, is quite, quite singular in his belief about what he, at some future point, hopes, as a backbench MP for a party that is uniformly ignored outside of Quebec, might be able to persuade the other 304 MPs, including the government

MPs, to do. Not even the Conservatives, to whom Mr. Blais was talking and who form the government, not the Liberals, deliver a kind word to him without it being offered impaled on the point of a cutting remark.

There is certainly no third-party indication that anybody but Mr. Blais has anything to say about the matter upon which CTV's sensational news team is basing its entirely fabricated news story about what all 304 MPs did. And, nor did he use the word "fur."

*"The motion is a reaction to the European Union's decision to impose a ban on the import of Canadian seal products."*

Now that's interesting. One can suppose, assume, guess, hope -- and [the Managing Editor]'s news team actually does one or all of those things on air in this story, the bugle subsequently to be taken up by [the Managing Editor] himself -- to tie to CTV's fallacy the motion later in the day to a one-off comment by a single MP at another time but, of course, the House did not, by its own collective hand, do so, as you can read above for yourself.

*"That could have a huge impact on Canadian hunters and exporters."*

This is a completely unsubstantiated and, as with this entire item, another unattributed editorial comment specifically written to bolster the story that isn't. There are a lot of hunters and exporters in Canada, by far the majority have no dealings with seal products.

*"The Canada Olympic Committee, on the other hand, says that fur won't fly because the athlete's uniforms have already been designed and approved by the IOC."*

The first half of the sentence is factually incorrect. The COC actually said no such thing; what it says has been completely invented, and [the Managing Editor], who knows it, will not be able to find any independent reference for it, yet it's passed off as an accurate paraphrase. The second half of the sentence is half incorrect. The IOC did not design the Canadian athletes' uniforms, HBC - the Hudson's Bay Company -- did so under a complex sponsorship agreement which was negotiated by VANOC's CEO John Furlong. That still leaves a sentence with, at best, 25% accuracy.

Thus, this particular story, taken sentence by sentence, and in totality, should not be accepted by the CBSC as a representation of what happened, as [the Managing Editor], who should choose his wording even better in this forum than his tip-top news team does on air, thinks to be, as he implores, "fair and accurate and in accordance with all codes and guidelines administered by the CBSC."

The point is this: CTV's audience wasn't misled, because that suggests that somehow CTV didn't quite understand what was going on, or didn't quite word something correctly. In this case, CTV passed off as fact an entire sensationalist story about something that never happened. It had, moreover, an entire day to check for any facts to support the story.

What would you call that, in total? I know what I call it, and, as [the Managing Editor] has deftly shown in his unsuccessful justification attempt, it's institutionalized at CTV-BC.

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I have reviewed [the Managing Editor]'s diatribe that purports to justify the oil spill story. I intended to dissect it in the same way as above, but I have compared what I would say to what I said in my original complaint, and I simply stand by everything I originally said in my complaint, with the exception of substituting the word "burst" instead of my phrase "blew up".

I was sure that the word the announcer used was "blew up", but if the transcript is accurate, and I take [the Managing Editor]'s say-so that it is, then on that sole point I was apparently mistaken.

In my opinion, he has answered no better than he did so in the House of Commons story, but a line-by-line refutation would be redundant to my original complaint. Equating the two spills, as CTV-BC did, left a serious misapprehension in the viewer's mind that Kinder Morgan was irresponsible, and to use unqualified the resident's statement, which is nothing more than an editor's gratuitous kick at a company while it's down. The fact is, she moved near to the company's facilities over the predecessor company's objection to the city of Burnaby allowing her and her fellow residents to do so, and to not say so reinforces the alleged notion of irresponsibility -- in context.

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Finally, there seems no other channel or time to ask this, so I shall do so now, though it be in advance of any panel ruling that might occur. I wish to make clear that I am not doing so in the assurance that you would find for the complainant.

If the CBSC upholds the complaints about one or both stories, I should like to be considered to take part in the station's correction-approval process. I make the request for two reasons.

One, I should like to see the station produce a news story, as its apology, about how it came to air fabricated or misleading material, and what it's learned in the process of being corrected. A two-minute investigative-like report, which includes interviews with the writers and editors responsible, about how they came to air the information, and the decision-making about why they decided to fight it, would be both useful to them and transparent to the audience, because it would also have to show the involvement of the CBSC, why it exists, and its methodical complaint process, thus providing some real education to viewers.

Two, this particular news room has shown itself to be resourceful in its ability to write its way out of serious problems. In addition, there is the matter parallel complaint via the CRTC by Rogers Communications and a long list of other major telecommunication companies, filed today (May 22, 2009) about CTV using its news room in a blatantly biased matter in advancing its own causes. If founded, that complaint demonstrates that the lack of journalist ethics of CTV is upwardly extensive. Unless there's a steel grip on the correction process in resolving my complaint, the wording and subsequent presentation of CTV-BC's apology could easily show it appearing to be apologizing and mean nothing of the kind.

Thank you, in advance, for the consideration.