
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL COUNCIL**

CFTO-TV re News Report (Pollution Study)

(CBSC Decision 92/93-0178)

Decided October 26, 1993

Marianne Barrie (Chair), Al MacKay (Vice-Chair), Susan Fish, Paul Fockler,
Don Luzzi, Robert Stanbury

THE FACTS

During its 6 p.m. news on May 17, 1993, CFTO-TV aired an item in which it referred to a U.S. air pollution study. The newscast cited certain results of the study, which found that long-term exposure to levels of air pollution, even falling within existing standards, could worsen cases of heart and lung disease and result in thousands of additional deaths annually. The on-air host led into the report with the statement that "Minute particles of air pollution can raise the risk of death even when the pollution falls within acceptable levels." The reporter began his analysis by referring to the American study in the following terms:

The fine particles come mostly from the burning of fossil fuels which, among other things, power our cars. According to the author of a U.S. study, tens of thousands of people are dying each year as a result of air pollution that is within existing standards.

The report also referred to efforts of the Canadian federal and provincial governments to issue smog warnings and encourage Canadians to help reduce levels of air pollution. The reporter interviewed a representative from each of the Ontario Ministry of the Environment and Pollution Probe. The emphasis in both cases was on the relationship between the motor vehicle and pollution.

A viewer wrote to CFTO-TV on the same day to express his concerns about the newscast. In his lengthy letter, the viewer stated that the report was "particularly shameful and irresponsible." He was troubled in that, in his view, the source of the news report "was reasonably balanced. It did not suggest solutions, and in fact there is reason to suspect that, despite the extremely cautious and conservative language of the original, it still managed to exaggerate the problem ... But at least it did make some attempt to distribute the blame in a relatively equitable fashion."

The viewer felt that, in contrast, the CFTO-TV report distorted the original source. In his words, the newscast "took a reasonable if for various reasons insignificant news item (is it news that breathing crud, regardless of source, may eventually be harmful to your health? Or that given the inescapable natural loading, even when we meet the targets for our own activities we still can't escape all hazards?) and turned it into a sensationalized philippic against the pettiest and least meaningful target available, while totally ignoring the significant sources of the problem"

The response of the Vice-President of News and Public Affairs at CFTO-TV was sparse. Without dealing with the substance of the complaint at all, the respondent on May 21 sent the complainant a transcript of the news item in question and advised the complainant to contact the Canadian Broadcast Standards Council (CBSC), if he wished to carry the matter further. The complainant did so on June 10, 1993.

In his letter to the CBSC, the complainant wrote of his dissatisfaction with the station's response. He was quite frank regarding his belief that the entire question ought to be handled by the station *and not* the CBSC. In refusing to deal with the viewer, the station had frustrated him. When writing to the CBSC, the complainant stated that "at this stage, this should not be your concern... " The CBSC Secretariat sent the complainant a waiver form and explanation of the complaints process; the complainant returned the signed form indicating his desire to have the CBSC's Ontario Regional Council consider the matter.

THE DECISION

The CBSC considered the complaint under clause 6 of the Canadian Association of Broadcasters *Code of Ethics*. The text of this clause reads as follows:

Clause 6 -- News

It shall be the responsibility of member stations to ensure that news shall be represented with accuracy and without bias. The member station shall satisfy itself that the arrangements made for obtaining news ensure this result. It shall also ensure that news broadcasts are not editorial. News shall not be selected for the purpose of furthering or hindering either side of any controversial public issue, nor shall it be designed by the beliefs or opinions or desires of the station management, the editor or others engaged in its preparation or delivery. 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.

Therefore, nothing in the foregoing shall be understood as preventing news broadcasters from analyzing and elucidating news so long as such analysis or comment is clearly labelled as such and kept distinct from regular news presentations. Member stations will, insofar as practical, endeavour to provide editorial opinion which shall be clearly labelled as such and kept entirely distinct from regular broadcasts of news or analysis and opinion.

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of the broadcast publisher.

The Regional Council viewed a tape of the lead-in and the news report in question and reviewed all relevant correspondence. It was the view of the Regional Council that there was no breach of Clause 6.

It should first be noted that the complainant's letter revealed in-depth technical expertise in the area. Indeed, this seemed to be at the root of the complaint. CFTO-TV's report had deviated from the thrust of the American study, but the Regional Council did not consider that the station had foisted an *inaccurate* report upon the public. The reporter had *briefly* referred to the American report as the *lead* to his story. In stating (emphasis added), "The fine particles come *mostly* from the burning of fossil fuels which, *among other things*, power our cars," he seems, even according to the complainant's explanation, to have not inaccurately reflected the summary of the American study.

It is here that the complainant and the station parted company, for CFTO-TV used the American report only as a "top" to its story, which dealt with a local perspective, oriented more particularly toward the automobile. It did not *represent* that this was the essence of the study, or even a part of it. The complainant was obviously dissatisfied that the report did not adequately explain the American study; *this was not the story which CFTO-TV chose to tell*. In that, it was not inaccurate or biased. At worst, it simplified the more complex issues raised by the study. This does not, however, constitute a breach of the CAB Code of Ethics.

The complainant had, however, attempted to dialogue on the question of perspective with the station directly and was even reluctant to bring the matter to the CBSC. He felt frustrated by his inability to evoke any kind of response from CFTO-TV. "I would expect a reasonable medium to try to resolve complaints on its own." The station did not, however, respond to the substance of the viewer's complaint *at all*. The Council does not consider that sending a transcript of the newscast constitutes an acceptable level of response.

In addition to reviewing the Code, the Regional Council considered the quality of the station's response to the complainant. In the *Manual* of the Canadian Broadcast Standards Council, one of the Council's guiding principles involves ensuring that "direct dialogue between a complainant and a broadcaster is the best means of resolving a concern. The Council will not consider a complaint until it is satisfied that sincere and demonstratable efforts have been made by both parties to deal with the matter to their mutual satisfaction" (page 9).

The Council reaffirmed its reconciliation mandate in the B.C. Regional Council decision in *CFOX-FM re Larry and Willie Show* (CBSC Decision 92/93-0141, August 30, 1993), where the Council stated, "in the course of complaint resolution, the CBSC considers that it is firmly within its mandate to evaluate not only the complaint itself against the standards established by the various Codes which it administers, but also the responsiveness of the broadcaster in dealing with the viewer or listener."

The *CBSC Manual* provides in Clause 1 of Section VI, on p. 38, that "To become a member of the Council, a broadcaster must ... agree to carry out the responsibilities of membership.~' It then outlines, in clause 2 of Section VI, a series of standards or responsibilities of membership for members of the Council. Clause 2(f) provides that

Stations voluntarily becoming members of the Council agree to:

[...]

(f) Co-operate fully whenever a complaint is received, by:

[...]

responding to all complaints quickly and directly, attempting to resolve the issue to the complainant's satisfaction [...]

The Regional Council determined that CFTO-TV has not made *any* effort to respond to the complainant's concerns, much less "to resolve the issue to the complainant's satisfaction." In the Regional Council's judgment, the station's response was dismissive of the complainant's concerns and ignored the complainant's willingness to resolve the matter at the station level, before approaching the CBSC.

Thus, while there was no contravention of the CAB *Code of Ethics*, CFTO-TV failed, as a broadcaster member of the Council, to adhere to the standards of responsiveness to complaints established as one of the responsibilities of membership in the *CBSC Manual*. In the circumstances, the broadcaster is required to announce the decision, in the following terms, during prime time within thirty days of the publication of this decision:

The Canadian Broadcast Standards Council has found that CFTO-TV has breached one of the responsibilities of membership of the Council, in not responding to a viewer's complaint. While the Council found that the news report aired on CFTO-TV on May 17, 1993, did not breach its *Code of Ethics*, CFTO-TV made no attempt to respond to the viewer's concern about the news report in question.

This decision is a public document upon its release by the Canadian Broadcast Standards Council.