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**CANADIAN BROADCAST STANDARDS COUNCIL  
ONTARIO REGIONAL COUNCIL**

CTV re Canada AM (Murder Graphic)

(CBSC Decision 93/94-0071)

Decided June 22, 1994

M. Barrie (Chair), S. Fish, P. Fockler, D. Luzzi, R. Stanbury

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**THE FACTS**

As a part of its CANADA AM broadcast of November 12, 1993, the 8:30 a.m. newscast included an item on the murder of a priest in Montreal. While the newsreader described the crime, a graphic was supered behind her. It depicted a handgun and a chalk outline such as police regularly use to describe the placement of a murder victim.

The Canadian Broadcast Standards Council (CBSC) received a complaint dated November 22, 1993, which had initially been made to the Canadian Radio-television and Telecommunications Commission (CRTC), and which had been forwarded to the CBSC by the CRTC on November 24. In it, the complainant noted that the priest had been strangled and that firearms were in no way implicated in the murder. He found the use of that graphic "very misleading and deceiving to the viewers." In his view, the use of the weapon sensationalized the story. In his words, "If a gun had not been used in the crime, it should not be in the picture to sensationalize the news broadcast and put unjust fears into the viewing audience."

The complainant also referred to another similar situation which had occurred in the previous month but for which he was unable to provide a specific reference. In the circumstances, without the original tape to review, the Regional Council was unable to consider the second part of the complaint. It should be noted by all members of the public that the CBSC requires that a complaint refer to a *specific* program in order that: it can evaluate the complaint; and the broadcaster is in a position to respond to a precise concern or series of concerns.

CTV's Vice-President, Corporate Communications, responded to the complainant on January 8, 1994. In her letter, she explained that she had spoken to the executive producer of Canada AM about the two complaints raised.

She has acknowledged that in the case of the two killings you talked about the graphics used were inappropriate since guns were not the cause of death. Your letter was discussed with the Canada AM production team and all are aware of your comments and of the error in the choice of graphic in those two instances.

CTV's news team works very hard to ensure that the news is reported accurately and fairly both through the spoken word and the visuals used on CTV News and Canada AM. The network adheres to the recently-approved CAB Voluntary Code on Violence in Television. Sensationalism is not an objective in our news coverage. On the other hand, CTV does not believe sanitizing the news is in the best interest of our viewers. Responsible reporting is our primary objective and we are always sensitive to the way we report stories involving violent acts.

The CTV response did not satisfy the complainant, who returned to the CBSC with his request that the matter be referred to the Regional Council for adjudication. In his accompanying letter [of December 14], he noted that he was "an owner of handguns" and was offended by the presentation "of a handgun as a symbol of murder". He added:

This kind of broadcasting created prejudice against lawful gun owners. I do not wish to be looked at as a murderer or a criminal because I own a gun.

## THE DECISION

The CBSC considered the complaint under Article 6 of the Canadian Association of Broadcasters *Code of Ethics*, and Article 3 of the RTNDA *Code of Ethics*, the texts of which read as follows:

### *CAB Code of Ethics*, Article 6

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 broadcast 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.

### *RTNDA Code of Ethics, Article 3*

Broadcast journalists will not sensationalize news items and will resist pressures, whether from inside or outside the broadcasting industry, to do so. They will in no way distort the news.

The Regional Council reviewed all the correspondence and watched the tape of the program in question. The Regional Council did not consider that the broadcast had breached either code.

Although the network had itself acknowledged that the firearm graphic which had been used was “inappropriate since guns were not the cause of death”, this cannot imply that the network’s acknowledgment unavoidably means that the broadcast complained of constitutes a violation of the code provisions. In order for the CBSC to reach that conclusion, it would be necessary to find that the news report in question had been presented inaccurately or sensationalized. Neither of these characteristics was found here.

In the first place, the *opening* words of the news reader were: “The strangling death of a Montreal priest, Reverend [...], has heightened the fears among the city’s gay community that someone is stalking and killing homosexuals.” While the graphic used was that of a handgun, it was the view of the Regional Council that the gun had been used as a *symbol* of crime, not as an indication of the means of assassination. *Any* doubt on this issue was clearly resolved by the broadcaster in her three opening words “the *strangling* death”. Short of not using any background graphic, the Council members were hard pressed to conjure up a generalized depiction of a strangling. Consequently, the Council did not consider that the use of the graphic coupled with the text of the newscast could be considered inaccurate or misleading so as to breach article 6 of the *CAB Code of Ethics*.

Furthermore, the Council did not consider that this graphic depiction in any way sensationalized the event, which was in and of itself sufficiently horrifying, without regard for the *method* used in murdering the priest. Consequently, the Council did not consider that the use of the graphic could be considered a sensationalization of the news so as to constitute a breach of article 3 of the *RTNDA Code of Ethics*.

Although Council members sympathized with the complainant’s concern that, as a gun owner, he might be tarred by the same brush, they felt that ordinary members of the public could not *reasonably* reach such a conclusion. The issues involved in the news item in question extended far beyond the method of killing the priest. They related to serial murders, police success in crime resolution, homosexuality, and other sensitive questions. Had the murder in fact been committed with a firearm, it is doubtful that that fact would have risen near the top of the concerns in this case. Had the murder in fact been committed with a firearm it is doubtful that lawful gun owners would have been singled out

as murderers or criminals. In the result, the Council concluded that the complainant and other gun owners could not reasonably have considered themselves prejudiced by the Canada AM newscast.

In addition to its review of the code provisions, the Regional Council considered the adequacy of the broadcaster's response to the complainant. The Council's reconciliation mandate, as established in the CBSC *Manual*, has been considered and reaffirmed on several occasions by the British Columbia and Ontario Regional Councils, in the decisions in *CFOX-FM re the Larry and Willie Show* (CBSC Decision 92/93-0141, August 30, 1993), *CHTZ-FM re the Morning Show* (CBSC Decision 92/93-018, October 26, 1993), *CFTO-TV re Newscast (Pollution)* (CBSC Decision 92/93-0178, October 26, 1993) and *CIII-TV re Mighty Morphin Power Rangers* (CBSC Decision 93/94-0270 and 0277, October 24, 1994), among others. In the *CFOX-AM* case, the BC Regional Council stated:

The CBSC is equally conscious of the further responsibility which it has beyond the measurement of on-air programming against the standards established in the three voluntary CAB codes to encourage dialogue between the broadcasters and the members of their audiences.

Thus, 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.

In the present case, the Regional Council considers the response of CTV's Vice-President, Corporate Communications, to the complainant and the steps taken within the Canada AM program structure to be of a thoughtful and collaborative nature in the fulfilment of broadcaster responsiveness to a complainant.

*This decision is a public document upon its release by the Canadian Broadcast Standards Council and may be reported, announced, or read by the station against which the complaint had originally been made; however, in the case of a favourable decision, the station is under no obligation to announce the result.*