
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL COUNCIL**

CTV re Complex of Fear

(CBSC Decision 94/95-0022)

Decided August 18, 1995

M. Barrie (Chair), A. MacKay (Vice-Chair), P. Fockler, T. Gupta, R. Stanbury

THE FACTS

A viewer wrote to the Canadian Radio-television and Telecommunications Commission (CRTC) and to the CTV Television Network, concerning the network's airing of the film "Complex of Fear" on June 13, 1994 at 9 p.m. The movie of the week related the true story of a rapist living in an apartment complex and the police investigation of a number of rapes that occurred during the time frame covered by the film.

The complainant felt that the film had depicted, without viewer advisories, scenes of violence against women and glamorized rape. In his letter of July 26, 1994, he wrote,

I saw three rapes and one attempted rape ... they openly showed the pain the women were experiencing, over a period of several minutes In one case, the woman was bound at her hands and feet to the bed, and the rapist ran his hand between her breasts, saying that she would enjoy the event. At another time, the scene opens with an attractive women (*sic*) looking out her window, and she's wearing a bra without a shirt. The rapist enters the room and throws her to the bed, binds her and says she's going to enjoy this, but she screams and screams. In another scene a woman is seen playing with your (*sic*) young son. She leaves the room and is attacked by the rapist and (*sic*) lays on top of her. He is startled to see the young boy run in to help his mother, but he's violently pulled back into another room and locked there. While his mother is screaming for help, the little boy pounds on the door, saying "don't hurt my mom, don't hurt my mom." All of this and not one warning from ... CTV that viewer discretion is advised.

...

This sort of film is insidious and dangerous, perhaps more so than hard core pornography. This film invades homes of innocent people and children who will watch scenes of violence. This film hides under the guise of mainstream movie making, offering at first glance to be an important film about violence against women.

In fact, it is a movie that IS violent against women and children and to some men as well.

...

The producers of this film glamorized rape, manipulated the viewer and had the raw audacity to suggest the film is about preventing rape

On October 14, 1994, the CRTC referred the complaint to the CBSC for consideration. The Vice-President of Corporate Communications at CTV had already received the complaint and had replied on July 11, 1994. In her letter, she apologized for the omission of viewer advisories and explained the network's decision to telecast the film. She stated,

It is quite clear to me that there should have been a viewer advisory at the beginning of the feature and before the scenes you referenced. The producers acknowledge they were remiss in not placing those advisories on the film. They felt that since it was based on a true story, was telecast post-9 p.m., and was preceded by an explicit promotional opening describing the story, an advisory was not necessary. In this instance they made the wrong decision.

We also re-reviewed the movie in tandem with the CAB Voluntary Code Regarding Violence in Television Programming to which we adhere. The Code states that broadcasters shall ensure that women are not depicted as victims of violence unless violence is integral to the story. We believe the violence contained in "Complex of Fear" was integral to the story.

Thank you for writing to us. We apologize to you and other viewers for the lack of advisories on this film.

The complainant was unsatisfied with this response. He wrote to the CBSC on November 14, 1994, explaining that,

In her July 11, 1994 letter, [the Vice-President of Corporate Communications] of CTV, indicated the producers were remiss in not including viewer advisories during the film. She also apologized for their action. Given the fact that thousands of people saw this film, CTV owes an apology to all its viewers.

The complaint was referred to the CBSC's Ontario Regional Council for adjudication.

THE DECISION

The Regional Council considered the complaint under the Canadian Association of Broadcasters' *Voluntary Code Regarding Violence in Television Programming*, articles 1 (content), 3 (scheduling), 5 (viewer advisories) and 7 (violence against women). The texts of these articles read as follows:

Article 1.0 (Content), *Voluntary Code regarding Violence in Television Programming*

- 1.1 Canadian broadcasters shall not air programming which:
- \$ contains gratuitous violence in any form*
 - \$ sanctions, promotes or glamorizes violence
- (*"Gratuitous" means material which does not play an integral role in developing the plot, character or theme of the material as a whole).

Article 3.0 (Scheduling), *Voluntary Code regarding Violence in Television Programming*

- 3.1.1 Programming which contains scenes of violence intended for adult audiences shall not be telecast before the late evening viewing period, defined as 9 pm to 6 am.
- 3.1.2 Accepting that there are older children watching television after 9 pm, broadcasters shall adhere to the provisions of article 5.1 below (viewer advisories), enabling parents to make an informed decision as to the suitability of the programming for their family members.

Article 5.0 (Viewer Advisories), *Voluntary Code regarding Violence in Television Programming*

- 5.1 To assist consumers in making their viewing choices, broadcasters shall provide a viewer advisory, at the beginning of, and during the first hour of programming telecast in late evening hours which contains scenes of violence intended for adult audiences.
- 5.3 Suggested language for suitable viewer advisories is outlined in *Appendix A*.

Article 7.0 (Violence against Women), *Voluntary Code regarding Violence in Television Programming*

- 7.1 Broadcasters shall not telecast programming which sanctions, promotes or glamorizes any aspect of violence against women.
- 7.2 Broadcasters shall ensure that women are not depicted as victims of violence unless the violence is integral to the story being told. Broadcasters shall be particularly sensitive not to perpetuate the link between women in a sexual context and women as victims of violence.

- 7.3 Broadcasters shall refer to the Canadian Association of Broadcasters' code on Sex Role Portrayal for guidance regarding the portrayal of women in general.

The Regional Council members reviewed all the correspondence and viewed an air-check viewing cassette of "Complex of Fear". The Council's decision was unanimous.

Gratuitous Violence and Violence against Women

This decision is the third one issued by the CBSC under the November, 1993 *Voluntary Code Regarding Violence in Television Programming*. The first decision, concerned violence in children's programming.¹ The second, as this case, concerned violence in a feature-length film.² Given the relatively few decisions interpreting the Code, the Council could not rely on a body of interpretation and, as it stated in the *CITY-TV re Silence of the Lambs* (CBSC Decision 94/95-0120, August 18, 1995), the notion of "gratuitous violence" must "be measured against the content of a challenged program and the Council expects that these general terms will only come to be fully understood when sufficient examples will have been considered."

The Regional Council explored the question of gratuitous violence which, as defined in the Code, is "material which does not play an integral role in developing the plot, character or theme of the material as a whole." It also explored the question of violence which "sanctions, promotes or glamorizes any aspect of violence against women." The latter question was dealt with at length in the Council's *Silence of the Lambs* decision, in which the CBSC defined "sanctions, promotes or glamorizes violence" as material which encourages or even glorifies the use of violence.

The Regional Council noted four rape scenes in the film. While any scene depicting rape is necessarily awful, the members remarked that no scene lasted more than several seconds, none depicted the actual rape, and none glamorized the rape. In fact, scenes following the rapes depicted the *consequences* of the rape: the shock and despair of the victims as they related the event to the police; the occasional refusal of police to accept the characterization of the event as a rape; victims' self-doubt as to blame for the occurrence; the imputed role of previous victim behaviour as a contributing factor; and so on.

¹ Namely, the decision concerning *CIII-TV re Mighty Morphin Power Rangers* (CBSC Decision 93/94-0270, October 24, 1994).

² Namely, the decision concerning *CITY-TV re Silence of the Lambs* (CBSC Decision 94/95-0120, August 18, 1995).

In no way did these scenes encourage or glorify violence against women. While the film dealt with a form of crime that is defined by violence against women, the film itself did not depict gratuitous, or unnecessary, violence against women. In other words, the Council affirmed that a film *about* rape does not necessarily *condone* rape.

Indeed, several scenes encouraged women to protect themselves against rape. The police officer investigating the rapes trained his wife and other women to use whistles and other means to fend off potential rapists. The officer's wife, discussing the subject with her husband, affirmed that, "no means no", and that no woman ever "asked" to be raped. An underlying theme of the film was this woman's personal experience of date rape and the impact of its revelation years later on her relationship with her husband. While the rapes constituted violence against women, rape's negative consequences were felt by *all* of the film's characters -- female and male. Thus, in the Regional Council's view, the film did not glamorize violence against women.

The Scheduling of the Film

The fact that the film had been aired at 9 p.m. was undisputed and the Regional Council members therefore agreed that there was no breach of article 3.1.1, regarding the Watershed hour.

The Use of Viewer Advisories

While the scheduling of the film was appropriate, the Regional Council was troubled by the lack of viewer advisories, an omission which CTV had acknowledged in its response to the complainant. "Complex of Fear" clearly contained scenes intended for adult audiences and, as the "Background" section of the Code states, "creative freedom carries with it the responsibility of ensuring ... that viewers have adequate information about program content to make informed viewing choices based on their personal tastes and standards." The total absence of viewer advisories was a breach of both the principle of the *Code*, expressed in this "Background" section, and of article 5.1 of the *Code*. As a result, the Regional Council decided against CTV on this issue.

Content of Broadcaster Announcement of the Decision

The broadcaster is required to announce the decision, in the following terms, during prime time within thirty days of the publication of the decision.

The Canadian Broadcast Standards Council has found that the CTV Television Network breached the requirement concerning the use of viewer advisories in the industry's *Violence Code*. The Council found that the film, "Complex of Fear", aired on July 13, 1994, should have been preceded by a viewer advisory indicating that the film contained scenes of violence intended for mature audiences. A similar advisory should have been provided during the first hour of the film.

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