
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL COUNCIL**

CHCH-TV re an episode of *Baywatch*

(CBSC Decision 94/95-0045)

Decided August 23, 1995

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

THE FACTS

Baywatch is a television series featuring lifeguards who, during each show, spend most of their time on the beach. On November 14, 1994 at 8:00 p.m., CHCH-TV aired an episode of *Baywatch* entitled "K-GAS, The Groove Yard of Solid Gold" which told the story of a treasure hunt sponsored by a local radio station being held on the beach. The search for clues leads many "hunters" to put themselves in danger, thereby requiring the assistance of the lifeguards.

The episode in question focused on two of the lifeguards, a male and a female, who, in lending their assistance, fall upon many of the clues in the treasure hunt and become excited at the prospect of winning the prize money. This excitement sends the female lifeguard into a "dream sequence", a dramatic device familiar to watchers of the *Baywatch* series. In this sequence, which is set to a mournful jazz song, she imagines herself first as Marilyn Monroe (in the renowned photo of her flying skirt over a sidewalk grate), and then posing in various other sensual and alluring postures and attires. These include her sitting down in a satin and fur nightgown, lying and rolling naked under red satin sheets, standing amidst bales of hay with two guns in hand and a thin veil of a dress falling off her shoulder, standing on the beach in a bikini thong and furry sweater, standing on rocks and looking rugged in a tassled leather bikini top and skirt.

A parallel story line evolves around the disc jockey responsible for the treasure hunt. He appears to fall in love at first sight with the female lifeguard central to the story. When he sees her working on the beach he exclaims "Holy Mother of Pearls" and throughout the

episode he calls her his "Angel of the Sea". He is also featured in a dream sequence in which he imagines her running on the beach in a white lace dress and himself, in lifeguard attire, running towards her. They meet and dance in the sunset.

The Complaint

On November 16, 1994, the complainant wrote to the CBSC to express her concerns with the *Baywatch* series and the November 14 episode in particular. In her letter she wrote:

I was flipping through stations trying to find a family show for my son and I to watch. Thankfully my son was out of the room when I came across the show Baywatch in which one of the show's main characters, a blonde Brigitte Bardot look alike [*sic*] private parts were paraded before the camera and "zoomed" in on for a considerably lengthy time.

There are occasions when my 12 year old son is home alone. This type of soft-porn was more hard-core than many of the 1-800 sex phone lines advertisements which I also disagree with, but if it's any consolation they are aired after 11:30 or 12:00 am.

I raise my children to have high moral standards and have respect for women and I am outraged when a broadcaster brazenly enters the intimacy of my home and that of society's and in the flash of an eye demoralizes women and helps to perpetrate the myth that they are these hot, horny, brainless, busty creatures whose main goal is to get "f_____d". It may sell your "Babewatch" but it costs women their dignity, honour and quite often their lives!!"

The Broadcaster's Response and Subsequent Correspondence

The CBSC forwarded a copy of the complaint to its member station CHCH-TV, whose Executive Vice-President and General Manager responded in a letter dated December 8, 1994. In that letter, he stated that

Your comments concerned an episode of "Baywatch" that aired on our station on November 14, and contained both general and specific complaints regarding the program. Both our Programming Supervisor and I have reviewed the program, and have the following comments.

The specific complaints stated that "a blonde Brigitte Bardot look alike [*sic*] private parts were paraded before the camera and 'zoomed' in on for a considerably lengthy time". I can find no example of this action in this program. Perhaps we are using different interpretations of the phrase "private parts" because there certainly are many scenes in which both female and male actors are photographed in bathing suits, and in the case of the females, those suits are bikinis. This scene is repeated on virtually every beach in the western world on every day that the weather allows. Surely the parts of the anatomy that are exposed when wearing a bathing suite cannot reasonably be described as "private parts".

Your more general comment describes this program as "This type of soft-porn was more hard-core than many of the 1-800 sex phone lines advertisements which I also disagree with...". In the entire episode in question there was not even one scene in which kissing was shown, let alone any greater degree of sexual contact. There was no sexual innuendo,

certainly no coarse language, and absolutely no violence. I have difficulty understanding how the photographing of healthy, attractive young adults in beach wear can possibly be described in the terms you chose.

CHCH-TV provides our viewing audience with a variety of programming, the great majority of which is for the family, and we make extensive use of disclaimers to inform viewers when any topic or action in our programming may offend certain portions of that audience. We simply would not air programming that is soft-core pornography, let alone hard-core. We have a policy of extensive pre-screening of our programs to identify any problem areas, and either edit those areas of the program, inform viewers of the type of material to be seen or decide to not air the program at all, determined by the appropriateness of the particular scene to the overall context of the program in question.

The complainant was unsatisfied with this response and requested, on December 14, 1994, that the CBSC refer the matter to the appropriate Regional Council for adjudication.

THE DECISION

The CBSC's Ontario Regional Council considered the complaint under clause 4 of the Canadian Association of Broadcasters' *Sex-Role Portrayal Code*. This clause reads as follows:

(4) *Exploitation:*

Television and radio programming shall refrain from the exploitation of women, men and children. Negative or degrading comments on the role and nature of women, men or children in society shall be avoided. Modes of dress, camera focus on areas of the body and similar modes of portrayal should not be degrading to either sex. The sexualization of children through dress or behaviour is not acceptable.

Guidance: "Sex-ploitation" through dress is one area in which the sexes have traditionally differed, with more women portrayed in scant clothing and alluring postures.

Having viewed a tape of the program in question and reviewed all of the correspondence, the Ontario Regional Council considers that the program does not violate the provisions of the CAB's *Sex-Role Portrayal Code*.

The Content of the Program

Baywatch is set on a beach and focuses on the lifeguards who work on this beach. Accordingly, it is reasonable to expect that characters depicted in this program will often be seen in swimming attire, *i.e.* bathing suits. The Council does not consider that it is stretching the point to suggest that the producers of the program have chosen this setting in the belief that young persons in bathing suits may be likely to attract audience attention. This, however, is the prerogative of producers, who are entitled to look for formulas to create commercially successful television programming. The only issue for the CBSC is to determine whether or not the choice in any particular case "crosses the line" and breaches

one of the Codes administered by the CBSC.

In this case, the Council agrees with the broadcaster that “the parts of the anatomy that are exposed when wearing a bathing suit cannot reasonably be described as ‘private parts’.” Unless and until genitalia become *publicly* exposed, these anatomical parts remain *private*.

The Council acknowledges that the taste and viewing habits in some, if not many, homes would lead parents to wish to avoid programs such as *Baywatch* but the view of the Council is not that such programming is so inherently unacceptable as not to be entitled to be shown on television. In this connection, the CBSC generally considers that the depiction of men and women in bathing suits does not in and of itself constitute exploitation in violation of the *Sex-Role Portrayal Code*, or “soft-porn” as contended by the complainant. The Council does not consider that the mere showing of partially *clothed* persons can, by any reasonable definition, be said to be equivalent to pornography, whether hard or soft. See also the Ontario Regional Council’s decisions on analogous matters in *CITY-TV re Fashion Television* (CBSC Decision 93/94-0021, February 15, 1994) and *CITY-TV re Fashion Television* (CBSC Decision 93/94-0176, June 22, 1994).

In the context of the *Sex-Role Portrayal Code*, the Council was less comfortable with the dream sequence (which lasted very close to 3 minutes) in which the female lifeguard poses in scanty clothing and alluring postures. Although, in the Council’s view, this sequence was used as an opportunity to make use of the stardom of the actress playing the lifeguard character in the program by drawing a parallel with her modelling career, the Council does not conclude that the sequence in question constitutes exploitation contrary to Clause 4 of the *Sex-Role Portrayal Code*. While the dream sequence may have exploited the actress’ modelling career, it did not exploit her as a woman nor was it degrading to her or to women in general. The Council notes that the female character in question is portrayed in this episode, and throughout the series, as an exceptional lifeguard with many fine moral and intellectual attributes. In this episode, she is the one who hesitates in joining the treasure hunt, unwilling to compromise her duties as a lifeguard. She is also seen saving the life of the disc jockey at the very end of the episode. Accordingly, the Council does not consider that a breach of the Code has occurred.

BROADCASTER RESPONSIVENESS

In addition to assessing the relevance of the Codes to the complaint, the CBSC always assesses the responsiveness of the broadcaster to the substance of the complaint. It is a responsibility of membership in the CBSC to be responsive to audience complaints. In this case, the Council finds that the broadcaster’s response in this case was lengthy and thoughtful, thereby fulfilling the CBSC’s requirements with regard to station responsiveness.

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