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**CANADIAN BROADCAST STANDARDS COUNCIL  
ONTARIO REGIONAL COUNCIL**

CFMT-TV re an Episode of "The Simpsons"

(CBSC Decision 94/95-0082)

Decided August 18, 1995

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

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**THE FACTS**

During CFMT-TV's broadcast of *The Simpsons* series, it aired an episode on December 6, 1994 at 7:30 p.m. which offended a viewer who had watched the program with her four children aged 9 to 14.

In her letter of December 8 to the CRTC, she explained that she had phoned the station on the 7th and was put through to an answering machine, where she left a message. When the station returned her call the following day, she was told that she "had to complain to Fox Broadcasting and was given their address." She was bothered that she had had "to write to Fox in California, United States".

Insofar as the show itself was concerned, she had a great deal to say, some of which is cited here.

The entire theme of the show that night was inappropriate for family viewing, especially children.

The contents consisted of Bart swearing, bringing alcohol to school, sex, sexism towards a female and rock music. It went from bad to worse.

I have been teaching my children the dangers of alcohol. Bart brings in several bottles of alcohol for show and tell... The teacher acts shocked; then Bart responds by saying, "Don't worry. I brought enough booze for the whole class."...

[T]he owner of a bar interviews a woman for a waitress job. He asked her measurements then volunteers to measure them himself. ... He hires her and sleeps with her (implying sex) before the half hour show is over.

She added that words like “Hell” and “Damn” were used, which were bad examples for children. She also argued that the use of the musical group Aerosmith on the episode was unnecessary.

The letter was forwarded by the CRTC to the CBSC on December 22 and by the CBSC in turn to the station. The General Manager of the station responded on January 3, 1995. He pointed out that the show was then being aired on three Canadian stations in the Toronto area and “has been on Canadian television for 5 years and runs throughout the U.S. on numerous channels at a variety of viewing times.” He then went on to describe the show as “an extremely successful alternative style program” and, he explained,

Although the show is in animation, it is not designed as children's programming. The entertainment value derived from its satirical nature is what had compelled audiences to consistently view this series and make it as popular as it is.

The viewer was not satisfied with this response and requested on January 6 that the CBSC refer the matter to the appropriate Regional Council for adjudication. In her second letter, the viewer made some additional points. First, she felt that the show “overstepped the boundaries on sex role portrayal and ethics of the CBSC.” Second, she re-stated her concern about having had to write a letter to the Fox Network in the United States in the following terms:

On Dec. 7, 1994, when I phoned CFMT to complain, they told me I had to write to Fox in California. I did write to them but have not received a response yet. I was not given CFMT's address to write to them directly and wrote to the CBSC after numerous phone calls trying to find out who to write to.

The complainant also pointed out that she had written to the CBC, which aired the series in the Toronto area at 5 p.m., namely, at an hour when children might be expected to be watching television after their return from school.

## **THE DECISION**

The CBSC's Ontario Regional Council considered the complaint under the *Code of Ethics* and the *Sex Role Portrayal Code* of the Canadian Association of Broadcasters (CAB). Although violence was not at issue here, the Council also referred to the relevant provisions of the *Violence Code* in dealing with the issue of scheduling. The pertinent clauses read as follows:

### *Clause 3, Code of Ethics*

Recognizing that programs designed specifically for children reach impressionable minds and influence social attitudes and aptitudes, it shall be the responsibility of member stations to provide the closest possible supervision in the selection and control of material, characterizations and plot. Nothing in the foregoing shall mean that the vigour and vitality common to children's imaginations and love of adventure should be removed. It does mean that programs should be based upon sound social

concepts and presented with a superior degree of craftsmanship; that these programs should reflect the moral and ethical standards of contemporary Canadian society and encourage pro-social behaviour and attitudes. The member stations should encourage parents to select from the richness of broadcasting fare, the best programs to be brought to the attention of their children.

#### Clause 4, *Sex-Role Portrayal Code*

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.

#### Clause 3.1.5, *Violence Code*

Broadcasters shall take special precautions to advise viewers of the content of programming intended for adult audiences which is telecast before 9 pm in accordance with article 3.1.3.

The Regional Council members viewed a tape of the program in question and reviewed all of the correspondence. For the reasons given below, the members unanimously agreed that the program did not violate any of the Codes referred to above. The important issues raised by the viewer's letter are each discussed below.

### **The Content of the Program: Parents and Children**

It was the view of the Council that the complainant had done the right thing in viewing the program with her children. Council assumed that the viewer, having obviously found the program unfit for her home, would likely have discouraged, if not forbidden, the watching of the series in future by some or all of her children. This would represent media literacy in action and would constitute an example to be followed by Canadian parents.

There are, however, circumstances in which programming may be so contrary to the standards established in one or more of the Canadian broadcast Codes that it ought *not* to air at all. This was the Council's view in the matter of the *CIII-TV re the Mighty Morphin Power Rangers* (CBSC Decision 93/94-0270 and 0277, October 24, 1994). Among other things, the Ontario Regional Council considered there

that their observations entitle them to take the generalized position that the approach of the entire series is such that it would likely be in breach of those articles of the *Violence Code* in the same manner as the episodes which the Council members viewed in order to render this decision.

In this case, the Council felt strongly that, despite the fact that the program is *animated*, this does *not* make it a program intended for children's unaccompanied viewing. Since the program contains so much material that exemplifies what

children should *not* do, from rudeness to parents and on, albeit presented in a tongue-in-cheek or satirical way, it is a program whose suitability ought to be judged in each home. Since the Council was not of the view that the program was “designed specifically for children”, in accordance with the provisions of Clause 3 of the *Code of Ethics*, it did not believe that that Code applied to *The Simpsons* episode in question.

### **The Scheduling Issue**

Furthermore, the program was aired by the broadcaster from 7:30-8:00 p.m., namely, in a time slot when parents can more readily fulfill the responsibility of determining the suitability of a program for their own households. Since *The Simpsons*, or at least the episode in question of that series, did not, in the Council’s view, fall into the category of “programming intended for adult audiences which is telecast before 9 pm”, the Council did not, furthermore, believe that “special precautions to advise viewers of the content” were required. The program at issue here seemed an example of programming in the satirical genre, thus arguably aimed at the older end of family viewing, but still a part of the mix of legitimate family fare which could be overseen by responsible parents from home to home as to appropriateness.

Council was of the view that the last sentence of Clause 3 of the *Code of Ethics* applied, namely,

The member stations should encourage parents to select from the richness of broadcasting fare, the best programs to be brought to the attention of their children.

In this case, by offering the program in the 7:30 p.m. time slot, the broadcaster was providing precisely that opportunity to the viewing community. The Council also thought the circumstances opportune for it to make a further general observation regarding the scheduling issue. There has been a tendency, since the introduction of the 9:00 pm watershed hour for everyone to treat that moment as the Great Divide. The community has tended to consider that *all* post-watershed programming falls into the “adults only” category and that *all* pre-watershed programming falls into the “suitable for *everyone*, including *young* children” category. Neither generalization is wholly accurate.

The watershed hour is *only* the hour before which no programming containing scenes of violence intended for adult audiences may be shown. Private broadcasters have *voluntarily* tended to extend this principle to all programming containing any material which they believe is intended for adult audiences, even if not of a violent nature. See, e.g., *CITY-TV re Ed the Sock* (CBSC Decision 94/95-0100, August 23, 1995) in which the Council stated “Despite the establishment of the watershed for *that* purpose, the Council has reason to believe that broadcasters regularly consider this hour as a rough threshold for *other* types of adult programming.”

This practice ought not to lead the Canadian public to conclude that *any* programming aired *before* 9 pm is, *by that fact alone*, suitable for *all* members of their families, whatever their age. That would be true of programming intended for young children (below 12 years of age), which airs in a different time slot, but material broadcast in the early evening falls within “the rich broadcasting fare” mentioned above and should be vetted by parents as to its suitability in *their* homes.

To return to the matter at hand, the Council takes no position for or against the suitability of the program for audiences at another hour of the day, such as the 5:00 p.m. time slot in which the CBC was airing the series in Toronto at the time of this complaint.

In general, the Council does, however, regret the fact that the standards applied carefully by it to private over-the-air broadcasters are not applicable across the entire Canadian broadcasting system for the benefit of all Canadians.

### **Sex-Role Portrayal**

In the portion of the episode in question, Moe, the bartender, is portrayed as a chauvinist, a particularly uncouth chauvinist at that. His dialogue regarding the waitress applicant’s measurements is hardly role model material. Then again, much of the behaviour on the program could be characterized as unworthy of emulation. The program does not suggest that this dialogue is suitable. It does not, on that account, amount to exploitation. Nor are there negative or degrading comments on the role of the waitress. The fact that they are depicted in the same bed together within the half-hour show is not exploitation either. If anything, the tongue-in-cheek approach makes something of a mockery of *Moe’s* behaviour. No approval is implied.

Overall, the Council concluded, the continued exaggeration of Moe’s inappropriate behaviour emphasizes the unacceptable nature of such behaviour. The producers of the show have not made Moe a likeable character and thus, creatively, have not positively reinforced his actions. To the contrary, the program could be seen as reinforcing the precepts within the *Sex-Role Portrayal Code* regarding exploitation and degrading statements.

### **Broadcaster Responsiveness**

This was an unusual case in the experience of the Council insofar as the question of broadcaster responsiveness is concerned. In general, Council limits itself to the written response of the broadcaster to the viewer *following* its despatch of the complaint to the station. In this case, Council also considers it appropriate to

comment on the viewer's allegations of what happened *before* the CBSC was involved in the dossier.

First, on the level of the broadcaster's obligation to respond by letter to the viewer, the Council finds that CFMT-TV's letter constituted a sufficient response to the complainant. Consequently, its overall view of this matter is that CFMT-TV had breached neither the Codes nor the standard of responsiveness.

On the other hand, if the viewer's claims about the initial oral response she had from the station are correct, the Council hopes that such actions are not the rule for either this broadcaster or other broadcasters adhering to the various CAB Codes and the principles established in the *CBSC Manual*. Simply stated, every broadcaster is responsible for *all* of the material it broadcasts, whatever its source. In *CKVR-TV re Just for Laughs* (CBSC Decision 94/95-0005, August 23, 1995), the Council was called upon to deal with this issue of programming created, in that case, by the CBC. It stated there:

The Regional Council recognized that the program had been produced by the CBC which, as a public broadcaster, is not currently a member of the CBSC. This does not, of course, alleviate in any respect the responsibility of the station itself for the programming it airs. As the "Background" to the *CAB Code of Ethics* states, "each broadcaster is responsible for the programming of the licensed station." Thus, while CKVR-TV was not responsible for producing the program which it obtained from a broadcaster that is not a CBSC member, CKVR-TV was fully responsible for the content of the program which it had aired.

A broadcaster may, for quite positive reasons, wish to encourage a viewer to *also* contact the producer of the program but should not attempt to sidestep its *own* responsibility in that regard on the grounds that *it* was not the producer of the show at issue.

Canadian broadcasters are also required to direct complainants to *Canadian* resources, specifically the Canadian Broadcast Standards Council, when they have a problem with material they have aired which they have been unable to resolve directly with the complainant. As members of the CBSC, broadcasters are encouraged to enclose the Council's brochure with their initial response as a means of advising viewers that they have an additional recourse available to them. The Council regrets the frustration which the viewer apparently underwent in attempting to find the correct venue for her complaint within her own country.

*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.*