
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL COUNCIL**

CITY-TV re Fashion Television

(CBSC Decision 94/95-0089)

Decided March 26, 1996

A. MacKay (Vice-Chair), R. Cohen (*ad hoc*), P. Fockler, T. Gupta,
R. Stanbury, M. Ziniak

THE FACTS

During its *Fashion Television* broadcast of December 18, 1994, the CITY-TV program included several segments. The first of these, the longest (about 11 minutes), related to the New York designer Isaac Mizrahi. The second, considerably shorter (about 3 minutes), dealt with the launching of a book entitled *Snaps* by a former model, Ellen von Unworth. The third and fourth segments treated designer Anna Molinari and make-up artist Kevyn Aucoin.

A viewer, who had previously complained about *Fashion Television* was particularly troubled by the second segment. In her letter, she referred to her previous complaint and the fact that it had not been upheld by the CBSC (see *CITY-TV re Fashion Television*, CBSC Decision 93/94-0021, February 15, 1994). Her letter continued:

Since then I have watched Fashion T.V. on occasion and upon careful reflection I have come to the conclusion that I cannot let the issue rest. During the year of 1994 I viewed a story on Fashion T.V. which featured a model who also engaged in pornographic activities. Naked pornographic female images were shown. The nakedness was not restricted to showing the breasts and buttocks, but it included the exposure of the model's vagina. I realize that I cannot write a formal complaint regarding that particular show since the time limit has

expired, however, I do wish to write a formal letter of complaint against a recent episode.

On Sunday December 18, 1994 at 6:30 p.m. CITY T.V. aired a story on "Fashion" which featured a discussion with a photographer whose work was shown on television. Several of the photographer's pictures were presented including:

1. Two women standing side by side whose top garments were pulled up to expose their breasts.
2. A woman who wore an outfit whose straps were positioned between her bare breasts. The camera moved slowly from her face down to her chest and focused on her breasts for a few seconds.
3. A woman sprawled in a chair exposing her bare breasts.
4. Two women engaged in a passionate kiss, their bare breasts pressed against one another as they held in an embrace.
5. A topless female.
6. A naked woman whose vagina was shown as well.

These photographic images are out of context since they are related to the photographer's work rather than what women today are wearing. As well, Fashion T.V." is shown each Saturday and Sunday on CITY T.V. at 6:30 p.m. These are prime time family viewing hours and it is highly inappropriate for such sexually explicit material to be shown on television.

CITY-TV's Program Director responded on February 3, 1995 in the following terms:

We cannot agree with your assessment of FASHION TELEVISION. FT is one of Canada's most successful syndicated shows appearing all over the world and nominated for numerous awards. It may be your perception that it exploits women but it is certainly not its intent. We report on fashion shows as they happen and we do not equate nudity with pornography. Fashion and photography to our mind are art and we would no more condemn designers and photographers and their stylists than we would any other artist who chooses to represent the human form. FT has never suggested nor do we believe that we should be obsessed by or controlled by fashion. We often even make fun of how the fashion world can sometimes take itself too seriously.

FT has run many stories on the power of being a woman and the power that comes from believing in yourself not just in your physical being. It never has purported that the outside image of clothes and makeup is the most important part of anyone's self worth. We have

had on feminists such as Gloria Steinem and Naomi Wolfe discussing this and other topics. Their views on feminism did not seem to clash with their concept of fashion - as confident women who are cognizant of their self worth despite fashion and because of it. We have run stories, for example, on super model Gabrielle Reese who discussed her feelings on being a model, the part it plays in her psyche and the importance of self esteem based on intelligence, education etc. We recently aired a story about photographer and former model Matouchka and how she dealt with her breast cancer and the fashion industry's reaction to her after a mastectomy.

FT is not just about fashion, as you suggest. It is also about style and art and so we report on photography and architecture as part of the show. We believe our audience to be an intelligent one who wants to see more than just fashion as defined by clothing. It would be a disservice to the models and photographers to assume that they are not aware of their roles both in society and on the runway. In the case of the show you cited, the photographer is a woman who used to be a model herself- and by the model's own admission during the story, is someone who makes them feel comfortable and spontaneous. They felt there was a sense of fun as opposed to vulgarity in her work which makes them feel free and feminine. These are artistic expressions of the human form, sexy with a sense of humour, not sexist and may we suggest that most of our urban skewing adult audience believes the same. FT has been on at the same time for 9 years and we have had only a handful of complaints.

The viewer was unsatisfied with this response and requested, on February 23, 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 the *Sex Role Portrayal Code* of the Canadian Association of Broadcasters (CAB). Clause 4 of that Code 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.

The Regional Council members viewed a tape of the program in question and reviewed all of the correspondence. The Council considers that the segment of *Fashion Television* in question does not breach the Code.

The Content of the Program

The Ontario Regional Council agrees with the complainant that the six photographs by Ellen von Unworth exposed women's breasts in several cases, an embrace between two women in one instance and a full frontal nude exposure in another. The Council does not, however, agree with the complainant's *characterization* of these as "sexually explicit material" or as "naked pornographic female images". Furthermore, the Council does not consider that the showing of partially clothed or even naked models is equivalent to pornography or sexual explicitness.

Without getting into fine legal definitions, the Regional Council considers it relevant to observe, first, perhaps in a somewhat old-fashioned sense, that the *Oxford English Dictionary* defines pornography as "Description of the life, manners, etc., of prostitutes and their patrons; hence, the expression or suggestion of obscene or unchaste subjects in literature or art." There is, in other words, an element of obscenity or prurience required to elevate mere corporal images to the level of pornography. In a more modern sense, pornography implies *exploitation* of the weak by the strong in an obscene or prurient context. Those elements are utterly absent in the material complained of.

The show in question is clearly not simply a show which is obliged to remain within the bounds of "what women today are wearing." Fashion is clearly the root of the show but its offshoots are manifold. The episode which is the subject of the complaint included fashion, the work of a leading make-up artist and the photographic career of a former model. This appears to be consistent with the content of other shows which, according to CITY-TV's spokesperson, have included interviews with "feminists such as Gloria Steinem and Naomi Wolfe" and dealt with subjects as diverse as "photographer and former model Matouchka and how she dealt with her breast cancer and the fashion industry's reaction to her after a mastectomy." On the basis of the shows they have seen in their review of the three complaints, the series is diverse in its approach to the world of fashion.

It is also clear to the members of the Ontario Regional Council who have been called upon to evaluate the *Fashion Television* episodes on the three occasions that there is nothing pornographic or exploitative about the series segments which they have viewed. The members also draw the attention of the complainant to what they previously stated in *CITY-TV re Fashion Television* (CBSC Decision 93/94-0176, June 22, 1994):

All members present agreed that CITY-TV's Fashion Television was entertainment which highlighted the fashion industry in a manner similar to other programming on the same subject. They felt it did not exploit women or present a negative or degrading portrayal of them.

The Broadcaster's Response

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. The Program Director's letter responded at length to the issues raised by the complaint and the overall nature and purpose of the program. Nothing more is required of the broadcaster.

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.