
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL COUNCIL**

CHCH-TV re the Ricki Lake Show

(CBSC Decision 95/96-0105)

Decided April 30, 1996

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

THE FACTS

On December 1, 1995, CHCH-TV aired an episode of the "Ricki Lake Show" with the theme "Help me, my friend won't stop hurting animals." The producers of this episode of the weekly television talk show constituted a panel made up of a psychologist with the Humane Society of the United States, several admitted animal abusers and their friends or family. The broadcaster aired the following advisory once at the start and then again at a commercial break part way into the program: "The following program deals with mature subject matter and is intended for adult audiences. Viewer discretion is advised." Ms. Lake, the host, opened her show with the following words:

One of the most upsetting things you can read in the newspaper is the story about an innocent animal which is tortured or killed for the fun of it by a heartless human being. You would think that this could only happen on rare occasions. Unfortunately - and the reason we are doing this show is because it doesn't.

While she was providing this introduction, visuals of newspaper headlines such as "Public outraged in recent cases of animal abuse" and "A dog's worst friend" were shown. There were, however, no film clips of animal abuse.

In describing their experiences with animal abuse, the program guests detailed a litany of unpleasant examples, some of which follow: injecting mice with acid;

burning kittens; killing a frog in a drill press; burning a cat's nose with a cigarette lighter; and hitting a dog with a beer bottle.

Ms. Lake consistently condemned the abusers during the course of the show, calling their actions "sick", "criminal" and "cowardly." The psychologist pointed out that the "intentional harming of animals is a felony in fifteen states." He also attempted to document a link between animal abusers and serial murderers of humans, such as Jeffrey Dahmer, Ted Bundy and Albert DiSalvo.

The program used the well-known television panel/audience participation format. In this respect, it should be noted that no members of the audience supported the abusers either. In giving their perspective on the panellists, the audience used language such as: "You are a despicable human being. You should rot in jail"; "I think you all need help"; and "We should be locking you up now so you don't hurt humans someday".

The host and the psychologist, the show's guest expert, underscored the abusers' sickness and need for help several times, including, for example, the psychologist's advice to the friends and families of abusers that "the only way they [abusers] get in the system [of help] is to get reported." At the end of the program, Ms. Lake urged viewers to report animal abuse to the Humane Society or the police and provided two telephone numbers of organizations which deal with animal abuse.

The Viewer's Complaint

A viewer sent a complaint to the CRTC, which was, in turn, forwarded to the CBSC. In her complaint, she stated that

 this show was not an attempt to educate or inform the public about the abuse of animals. Instead it aimed at disgusting the viewing audience. It succeeded. ... What this show was doing was teaching influential young people how to commit a crime and how to torture defenceless animals. It is telling our population and especially our youth that if you have nothing better to do you should abuse an animal.

The Broadcaster's Response

The CBSC forwarded a copy of the complaint to CHCH-TV, whose Executive Vice-President and General Manager sent a lengthy response to the complainant on December 28, 1995. In it, he explained that:

there are some very important mitigating circumstances surrounding this episode. The first is that Ricki Lake is very well known as an activist for animal rights, and she has made the news recently regarding her actions in support of her beliefs that caused her to come into conflict with the law. Her very strongly held beliefs make her program a suitable venue from which the issue of animal cruelty can be handled appropriately. Secondly, a screening of the program before airing led us to believe that a viewer who saw this program would understand the total context of the program and recognize the efforts that were made to present the issue of cruelty to animals, and those who commit such acts as despicable. ... The entire tone and context of the program was that the people who admitted to committing these acts were seriously troubled personalities, and should seek professional help. The audience was, without exception, hostile to the views of the program guests and their questioning of the guests clearly indicated their scorn and contempt for the acts being described.

... While this program did not contain scenes of violence, CHCH aired a viewer advisory before this program and following a commercial break approximately fifteen minutes into the program to inform viewers of the content of the material contained in this program. The advisory stated, in both video and audio "The following program deals with mature subject matter. Viewer discretion is advised."

A careful screening of the program led us to believe that this subject matter, while very difficult for all of us who care for animals, was one which deserved airing when handled sensitively by a host whose views on the subject were known to us, and to many of the viewers. Having come to that conclusion, we proceeded to air the episode in question.

The complainant was unsatisfied with this response and requested, on January 16, 1996, 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 *Voluntary Code Regarding Violence in Television Programming* and the *Code of Ethics* of the Canadian Association of Broadcasters (CAB). The Council also referred by analogy to Clause 6 of the *Violence Code*. The relevant clauses of those Codes read as follows:

CAB Code of Ethics, Clause 7 (Controversial Public Issues):

Recognizing in a democracy the necessity of presenting all sides of a public issue, it shall be the responsibility of member stations to treat fairly, all subjects of a controversial nature. Time shall be allotted with due regard to all the other elements of balanced program schedules, and to the degree of public interest in the questions presented. Recognizing that healthy controversy is essential to the maintenance of democratic institutions, the broadcast publisher will endeavour to encourage presentation of news and opinion on any controversy which contains an element of the public interest.

Voluntary Code Regarding Violence, Clause 6 (News & Public Affairs Programming):

- 6.1 Broadcasters shall use appropriate editorial judgment in the reporting of, and the pictorial representation of violence, aggression or destruction within their news and public affairs programming.
- 6.2 Caution shall be used in the selection of, and repetition of, video which depicts violence.
- 6.3 Broadcasters shall advise viewers in advance of showing scenes of extra-ordinary violence, or graphic reporting on delicate subject matter such as sexual assault or court action related to sexual crimes, particularly during afternoon or early evening newscasts and updates when children could be viewing.
- 6.4 Broadcasters shall employ discretion in the use of explicit or graphic language related to stories of destruction, accidents or sexual violence, which could disturb children and their families.
- 6.5 Broadcasters shall exercise particular judgment during live coverage of domestic terrorist events or civil disorders, to ensure news coverage does not become a factor in inciting additional violence.
- 6.6 While broadcasters shall not exaggerate or exploit situations of aggression, conflict or confrontation, equal care shall be taken not to sanitize the reality of the human condition.

Voluntary Code Regarding Violence, Clause 9.1 (Violence against Animals):

Broadcasters shall not telecast programming which sanctions, promotes or glamorizes violence against animals.

The Ontario Regional Council members viewed a tape of the program in question and reviewed all of the correspondence. The Council considers that the program in question does not violate the provisions of the *Voluntary Code Regarding Violence* nor the *CAB Code of Ethics*.

The Content of the Program

Members of the Regional Council agree that the animal abuse described on the *Ricki Lake Show* segment in question was particularly unpleasant and discomfiting, if not also disgusting, to use the term applied by the complainant. This is not, however, the question which the Council must answer. It is rather the matter of the nature, perspective and extent of the coverage of the issue by the broadcaster. In this respect, there is no doubt but that our society demands that both pleasant *and* unpleasant matters be dealt with by the media. It follows that broadcasters must be the purveyors of both and must constantly be called upon to exercise judgment in what they choose to air. They often face conflicting principles and must walk a very fine line, particularly in the area of news and public affairs programming, in order to satisfy Code standards.

As the *CAB Violence Code* provides, in dealing with these issues in general, broadcasters "shall use appropriate editorial judgment in the reporting of, and the pictorial representation of violence". Thereafter, the application of this general principle to specific cases encounters two apparently conflicting principles. Broadcasters are, on the one hand, advised to use "caution ... in the selection of, and repetition of, video which depicts violence" and yet, on the other hand, are required by the Code "not to sanitize the reality of the human condition." There is established, in other words, in the area of broadcast standards, a balance between the public's need to know and the way in which that knowledge should be conveyed. The issue is ultimately one of reasonableness of treatment.

Controversial Public Issues

Clause 7 of the *CAB Code of Ethics* also sets out the *obligation* on broadcasters to "encourage presentation of news and opinion on any controversy which contains an element of the public interest." To achieve this end, the broadcaster must present "all sides of a public issue" and "to treat fairly all subjects of a controversial nature."

The Council has no doubt that the question of animal abuse is a subject of a controversial nature which the broadcaster was correct to treat. Council members consider that the pointed and unpleasant discussion of animal abuse was

necessary to raise public awareness of the problem. The fact that the format of the program lends itself to *shocking* controversy does not detract from its ability to send a message which needs to be broadcast. The examples of violence that were given by the guests serve to convey to the other guests, the audience and the viewers an understanding of the subject in a context and language which all those people can readily understand.

Furthermore, while the host and her principal guest had a point of view on the issue, which resulted in a clear bias of the program *against* animal abusers, the Council considers that both points of view were present and that, overall, the subject was dealt with fairly. After all, a public affairs show, unlike a newscast, is not constrained by the same need for objectivity and is entitled to a point of view.

Violence against Animals

As to the specific question of violence against animals, it must first be noted that no violent acts were actually *shown*. While this does not mean that there could not be a breach of Clause 9.1 of the *Violence Code*, it cannot be disputed that the graphic impact of video footage would weigh more heavily in the assessment of a potential breach of this clause than the impact of words or debate alone.

It should perhaps first be noted that, contrary to the contention of the complainant, the Council does not consider that this show constituted a visual "how-to" tool. It is true that unpleasant examples of animal abuse were *mentioned* but these were neither portrayed in video form nor described in any graphic detail. Moreover, in terms of the Clause in question, no viewer of the show could reasonably conclude that the program sanctioned, promoted or glamorized violence against animals. Not only was the host clear in her position *against* animal abusers, but her guest expert from the Humane Society also reflected that perspective. He even drew a link between animal abusers and serial killers of human beings, the implications of which are strongly negative in terms of the show's attitude toward animal abuse. Finally, it was quite clear from all of the audience interventions that there was not a single voice sympathetic to the abusive activities of guests on the show.

The Viewer Advisory

The Council is aware of the fact that viewer advisories have tended to be used far more frequently in connection with dramatic programming than in the case of news and public affairs and, more particularly, in the daytime talk television environment. The Council is, therefore, pleased by the broadcaster's use of the viewer advisory at the start of the program but notes that a more explicit description of the nature of the program would have been of more use to viewers in deciding its suitability both for themselves and for younger members of their families.

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. This response was particularly thorough and considerate. Nothing more is required of the broadcaster.

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