
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL COUNCIL**

CTV re Maple Leaf Meats Commercial

(CBSC Decision 95/96-0200)

Decided October 21, 1996

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

THE FACTS

During its broadcast day on April 20, 1996, CTV ran a commercial for Maple Leaf Meats which is set in a butcher shop. The opening scene, shot through the shop window, shows Frank, the butcher, waving a meat cleaver over a butcher's block. He says:

Let me give you Frank's number one rule: Never argue with a guy holding a meat cleaver. You don't have to believe me but I say no other brand of sandwich meat tastes as good as Maple Leaf flakes of ham. I say Maple Leaf trim their meat as carefully as I do. One hundred per cent cured ham. I say you can trust the taste of Maple Leaf. I say Maple Leaf is a cut above. You can argue with me [he swings the cleaver into the block] but I don't think you should. [Frank smiles and winks at the camera.] [Announcer:] According to Frank, Maple Leaf is a cut above.

A viewer sent a letter to CFTO-TV (Toronto), one of CTV's affiliated stations, expressing her concerns with the advertisement in the following terms:

I saw a burly man with a meat cleaver in hand, smiling, selling something but I can't remember the product. He ended the ad by saying something like the following:

"You can disagree with me if you want but I wouldn't advise it!"

Big GRIN. Big THREAT.

I felt sick just watching it. And my mind raced to all the 10 year old boys who might watch this, and be negatively affected, or girls.

I'm not really sure where I stand on most issues of censorship, but I can tell you that I was outraged by this ad.

On April 30, John Cassaday, the President and CEO of CTV, sent a response to the complainant's letter in which he said:

I am familiar with the television ad you took exception to. The ad was for a canned meat product from Maple Leaf Foods. I have seen the ad many times. The butcher is talking to the camera in a very good-natured convivial manner. I sensed no hint of threat in his tone.

As Mr. Bassett mentioned all ads are pre-approved before going to air and must meet a carefully construed set of criteria. I am sorry you were offended by the ad and hope next time you see it, you become more comfortable with the tone.

A copy of the viewer's original letter had been forwarded to the CRTC, which referred the matter to the CBSC. The Council, in turn, forwarded the correspondence to CTV for reply in the ordinary course of its procedures, without having been aware of the fact that the CTV President had already responded to the letter. On May 29, Gail Morrell, CTV's Director of Programming, wrote another letter to the complainant, in which she said:

We have screened the commercial and examined it in light of the Canadian Association of Broadcasters Voluntary Code on Violence to which CTV adheres. We do not believe it displays any gratuitous violence or contravenes the Code.

The commercial, as you noted, focuses on a butcher. A meat cleaver is a "tool of the trade" for a butcher and he uses it, we believe, as a teacher would use a piece of chalk. We believe the butcher is talking to the camera and the viewer in a good-natured, convivial manner. We sense no hint of threat in his tone.

All advertisements played on CTV are cleared through an independent body, the Telecaster Committee. The ads must meet the criteria of all broadcast codes before being approved for telecast.

This Maple Leaf as was cleared by the Committee for broadcast on CTV and other Canadian television outlets.

We regret that you felt threatened by the ad and hope that next time you see it you may feel more comfortable with the tone.

At the same time as Gail Morrell was writing her response, the complainant, having received the CBSC's customary letter *and* the letter from CTV's President, sent a short response to the Council in which she said that she was not sure that the Code "applies to my complaint, which involved an advertisement, not programming." Of Mr. Cassaday's letter, she said: "I'm not at all satisfied with any correspondence which I've received to date, which simply said that 'We like it - you might as well like it.'"

The viewer, having declared herself unsatisfied by the President's letter, was also unsatisfied by the Vice-President and Director of Programming's response and requested, on June 27, 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* of the Canadian Association of Broadcasters (CAB). Clauses 1 and 3.3 of that Code read as follows:

1.0 CONTENT

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).

3.0 Scheduling

...

3.3 Advertisements which contain scenes of violence intended for adult audiences, such as those for theatrically presented feature films, shall not be telecast before 9 pm.

The Regional Council members viewed a tape of the commercial in question and reviewed all of the correspondence. The Council does not consider that the commercial in question breaches the *CAB Violence Code*.

The Content of the Commercial

The Council has, on many occasions, enunciated its policy on dealing with matters of advertising. As a practical matter, the CBSC has generally referred all advertising complaints related to *national* campaigns to the Canadian Advertising Foundation (which is charged with the administration of numerous codes relating to various aspects of the advertising business) and reserved to itself those complaints which seemed to be of a local nature. In *CFTO-TV and CFMT-TV re Walk to Work Commercials* (CBSC Decision 93/94-0015, June 22, 1994), the Council explained its position regarding advertising in the following terms:

While it is generally true that the CBSC does not deal with advertising-related complaints, this is a question of *practice* rather than mandate. In the first place, broadcasters are as responsible for the advertising content which they transmit as they are for the dramatic, journalistic and other content on their airwaves. Second, as stated immediately above, the *CAB Code of Ethics* contains a provision dealing in express terms with advertising content. Although not relevant to this case, it might be noted that the *Voluntary Code Regarding Violence in Television Programming* also provides an advertising-related mandate to the CBSC in Clause 3.3.

Although the commercial in question is part of a national campaign, the CBSC considers that its responsibilities under the *CAB Violence Code* necessitate an exception to its standard practice regarding the referral of all national advertising to the Canadian Advertising Foundation. Consequently, the CBSC will, as a matter of practice deal with all advertising complaints, local or national, which are referred to it and are seen to fall within the scope of the *Violence Code*. This is such a case.

Notwithstanding the foregoing, this is an unusual case for the CBSC. While there is a specific provision relating to advertising in Clause 3.3 of the Code, it is oriented toward the question of scheduling rather than content. It is, of course, true that this or any other commercial might be seen to contain "scenes of violence intended for adult audiences" but this is clearly not the case in the Maple Leaf Meats commercial. In the first place, the Council does not consider that the commercial contains *any* scene of violence, much less a scene of violence intended at adult audiences. It is true that there is an implied "threat" in the commercial but it is clearly one of a non-serious nature. Even if the actor playing Frank, the butcher, had not smiled and winked during the commercial, the Regional Council members

do not believe that anyone would take the words he utters as menacing. If, by any chance, a 10-year old had seen the commercial and been concerned (the hypothesis of the complainant), the Council would expect that a parental explanation would rapidly clear the air. The commercial is clearly not in breach of Clause 3.3.

This means that the commercial must be evaluated under the provisions relating to gratuitous or glamorized violence in Clause 1 of the Code. The Council does not consider it necessary to review here its definitions of gratuitous violence laid down in *CITY-TV re Silence of the Lambs* (CBSC Decision 94/95-0120, August 18, 1995) and *CTV re Complex of Fear* (CBSC Decision 94/95-0022, August 18, 1995) since it has concluded, in the previous paragraph, that there is no "scene of violence" in the commercial. In the circumstances, there cannot be a breach of Clause 1 of the *Violence Code*.

The Role of Telecaster Committee Pre-Clearance

The Council is pleased that an independent mechanism for pre-clearing commercials exists for broadcasters and it assumes that the Committee applies the principles enunciated in the various Codes which the CBSC has the responsibility to administer on behalf of Canada's private broadcasters. Ultimately, though, the broadcasters themselves are responsible for what they air and the CBSC for the interpretation of the Codes. Broadcasters cannot avoid responsibility for the commercials they air on the grounds that they have been cleared by the Telecaster Committee. As the Ontario Regional Council said in *CITY-TV re Video Store Commercial* (CBSC Decision 94/95-0143, March 26, 1996),

The Council recognizes that the Telecaster Committee, founded by broadcasters, has a valuable pragmatic or functional role to play in the pre-clearance of television commercials. The Council is, however, equally aware that the Committee is not recognized by the CRTC as a regulatory body and that an approval from the Telecaster Committee does not absolve the broadcaster of responsibility for any content it airs.

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. In this case, both the President and the Vice-President and Director of Programming responded to the complainant. The letters constitute a sufficient response to the complainant and fulfill the broadcaster's responsibilities.

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.