
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL COUNCIL**

CFMT-TV re "Etho Pou Ta Leme"

(CBSC Decision 95/96-0222)

Decided October 21, 1996

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

(Both Taanta Gupta and Madeleine Ziniak, who are employed by the corporate group which owns the station, abstained from consideration of this matter)

THE FACTS

As a part of its multi-cultural multi-lingual broadcast service, CFMT-TV aired its Greek-language show entitled *Etho Pou Ta Leme* on Sunday, June 23, 1996, at about 12:30 p.m. About 52 minutes into the hour-long program, there was a short regular segment "Curious George", which in the week in question was entitled "Mr. Choo-Choo's Neighbourhood", and was partly in Greek and partly in English.

During the segment, the clowning host, George Tsioutsias, acting as a child with nothing to do on a rainy day, says "I'll call my friend Amy. She's a practical joker." When Amy arrives, she tells George: "So, what I'm going to do is I'm going to teach you and your fans at home how to play great gags on your friends, your family. You don't even have to leave the comfort of your own home. It's great. What do you think of that?" George retorts: "Let's see what she means by that." There follow two sight or slapstick gags, following which Amy is seen crawling under the table trying to set George's shoe on fire with a lighter, ostensibly to pay him back for his jokes.

A viewer wrote the CRTC on June 26 to complain about the show. She said, in part:

While channel surfing last Sunday, I caught the end of a television show where a man and a women were playing jokes on each other. The closing of the segment showed the man (dressed I believe as a

clown) sitting at a table talking into the camera at the audience, while the woman (dressed as a fool/court jester) was under the table, giving the man a "hot foot" with a cigarette lighter. The woman was laughing as though this was a really great prank.

First of all, this show was in Greek and I don't profess to speak a word of it: there is always the vaguest of possibilities that what I saw wasn't as dangerous as I thought. However, I doubt it. Second, this show was finishing at 1:30 p.m. in the afternoon on a Sunday ..., which is prime watching time for kids. This little skit was not in the best of taste as far as condoning playing with open flames, and if it was on at 1:30 a.m. when it was not likely children would be exposed, I would think it only stupid instead of negligent and irresponsible.

The complainant's letter also dealt with the oral communications between her and the Marketing Co-ordinator at CFMT-TV, which were not satisfactory to the viewer. The broadcaster disagreed with the viewer's version of what had transpired during those discussions. The oral communications points were ultimately responded to by the broadcaster and are not, in any event, germane to this decision.

The complaint was forwarded by the Commission to the CBSC, which in turn forwarded it to the broadcaster. The Vice President and Executive Producer of the show responded to the complainant on July 23. She said, among other things:

The host, George Tsioutsas, and the segment itself, "Mr. Choo-Choo's Neighbourhood" (which has been on the air over three years) have a following within the Greek language community. The segment itself is clearly identified as satire and is a parody of existing television programming.

We appreciate that humour is a highly subjective matter and we regret that the presentation of the content in question was unpalatable to you.

The target market for "Etho Pou Ta Leme" has developed into age 18 and up, and producers of the programme have made concentrated efforts to involve young adult demographics from both an audience and talent base. "Mr. Choo-Choo's Neighbourhood" like all produced content at CFMT-TV, is consistently monitored and under review. Due to format changes that "Etho Pou Ta Leme" will undergo, "Mr. Choo-Choo's Neighbourhood" will not be returning in the fall season.

The Vice President also attempted to respond point by point to the issues raised by the complainant regarding the station's oral response. As noted above, these issues are not material to the Council's conclusions regarding the program itself.

The viewer was unsatisfied with this response and requested, on July 24, that the CBSC refer the matter to the appropriate Regional Council for adjudication. She accompanied her Ruling Request with a further letter to the CBSC in which she elaborated on the reasons for her dissatisfaction with the station's response.

Let me say first, it is true that "humor is a highly subjective matter", and I don't doubt that if taken in context the vignette could have been humorous. My objection to what I saw was not that it was or wasn't funny, but that because it was displayed as being funny and cute and, yes, especially humorous, it could be seen as something good or an allowable pastime or permissible to do or proper. Putting an open flame to any portion of clothing worn by another human being or any part of another human being's anatomy, is in my opinion, none of the above adjectives.

Ms. Ziniak was kind enough to explain about "the target market" for the show and I'm truly not sure that this is appropriate for 18 year olds... however the target market and the audience demographics based on time and day don't seem to conform. Let's consider the air time and what audience could be watching at 1:00 pm on a Sunday afternoon. One would have to presume that on a Sunday afternoon, weather notwithstanding, this is a family time and certainly there must have been children under the age of 18 watching (in fact I'd be very surprised if teenagers would be in front of the television on a Sunday afternoon). Of those children who saw it (note that this doesn't necessarily mean watching but possibly surfing as I was), some may have understood Greek and understood the dialogue (presuming the sound was on or they were paying attention), but many, like myself probably don't understand Greek and saw only the action and not the context. In fact, if you don't speak the language, it is of even greater significance because then the input comes from actions alone and the fact that those on the screen seem to find it amusing. To a child, if grownups find it funny, it usually means it is okay to do it: in fact children delight in making grownups laugh and will usually repeat whatever it is that elicits this response. I don't think I have to remind you that playing with lighters is not something parents want their young children to mimic.

Ms. Ziniak also felt that because the "pertinent" code was diligently searched (probably by nervous lawyers), and not found wanting, that this makes the segment acceptable for airing. I wish it was that simple: all bad things prohibited by laws and codes that everyone adheres to, and all good exempted and encouraged. Codes change constantly: strengthened in some areas and relaxed in others as

times change. It has been made obvious by recent studies that audiences, especially children, do indeed copycat what they see on the screen, sometimes with blood chilling results. And so staying within the letter of the law doesn't mean that what you have done is right, it simply means that you can't be sued under that particular code.

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). Clause 2.5 of that Code reads as follows:

- 2.5 Programming for children shall deal carefully with themes which could invite children to imitate acts which they see on screen, such as the use of plastic bags as toys, use of matches, the use of dangerous household products as playthings, or dangerous physical acts such as climbing apartment balconies or rooftops.

The 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 breach the *Violence Code*.

The Content of the Program

The Ontario Regional Council has previously considered this article of the Code. In *CIII-TV (Global Television) re "Mighty Morphin Power Rangers"* (CBSC Decisions 93/94-0270 and 93/94-0277, October 24, 1994), the Council observed that, in that case,

The absence of consequences led to the additional Council concern regarding the encouragement of imitation by children of what they see the Power Rangers doing. Suggesting that the martial arts kicking and punching techniques do not have serious, or even minor, physical consequences invites, if not encourages, the seemingly risk-free imitation of the physical acts of aggression by children who have not reached the age of discernment, namely, the very audience for this program.

The Council remains conscious of the fact that the goals of the framers of the *Violence Code* were to protect the interests of children while respecting the principle

of freedom of expression. As this Council described the circumstances in *CIII-TV (Global Television) re Mighty Morphin Power Rangers*, it

considered it appropriate to remind Canadians that the protection of children was one of the pillars of the Code's existence. Furthermore, those who drafted the Code were conscious of the need to create this protection in an environment in which preservation of the freedom of expression remains a paramount but not immutable principle. Public Notice CRTC 1993-149 provides (at p. 2):

The Commission is generally satisfied that the CAB's revised Code achieves the appropriate balance between preserving freedom of expression and protecting the viewing public, especially children, from the harmful effects of television violence.

Consequently, in framing the *Violence Code*, the drafters did not wish to turn every possible inappropriate broadcast circumstance into a violation of the Code. They assumed that very special and particular provisions would be required in the case of programming directed at children under 12. Other programming, even if it might be seen by younger children, fell into a looser set of stringencies and the judgment of broadcasters and parents. As this Council observed in *CFMT-TV re an Episode of "The Simpsons"* (CBSC Decision 94/95-0082, August 18, 1995):

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.

In this case, the tenor of the segment and the suggested gags included behavioural suggestions which would normally have fallen into the category of dangerous acts falling within the ambit of Article 2.5 of the *CAB Violence Code*; however, the article in question only has application to "programming for children". In this case, though, the Council considers that the program was clearly *not* designed primarily for a children's audience. The overall 60-minute show *Etho Pou Ta Leme* within which the short segment, "Mr. Choo Choo's Neighbourhood" ran, was a public affairs

program targeted at adults. While some children *might* be watching *Etho Pou Ta Leme*, the program was not directed at children and the segment in question was clearly a parody or satire of children's programming intended for the amusement of adults. At worst, it may have been a poor attempt at slapstick humour, but it clearly falls *outside* the ambit of Article 2.5 of the *CAB Violence Code*.

The Council is not in disagreement with the complainant's concerns, as detailed in both of her letters; it does note that the segment in question ran on a Sunday afternoon at about 1:30 p.m., a time period in which children could be expected to be doing some channel surfing themselves. It was perhaps injudicious of CFMT-TV to have such a dangerous act visible by children at that time on a week-end, although it is clear that there is no breach of the *Violence Code* for the reasons explained above.

The Broadcaster's Response

The CBSC always recognizes the broadcaster's obligation, as a CBSC member, to be responsive to complainants. In this case, the Regional Council considers that the response from the broadcaster dealt point-by-point with the issues raised by the complainant. The station's Vice President was unsuccessful in her attempt to explain the station's point of view but that is always the case with matters which require adjudication. Nothing more could have been expected of her. Consequently, the station did not breach the Council's standard of 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.