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**CANADIAN BROADCAST STANDARDS COUNCIL  
PRAIRIE REGIONAL COUNCIL**

CFCN-TV re "Consumer Watch" (Travel Agency)

(CBSC Decision 95/96-0240)

Decided December 16, 1997

S. Hall (Chair), D. Braun (Vice-Chair), K. Christensen, D. Dobbie,  
V. Dubois and D. Ish

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**THE FACTS**

In each of a series of newscasts broadcast in late July 1996, CFCN-TV included a segment entitled "Consumer Watch". Five segments of this series dealt with the subject matter of this complaint.

On July 23, during the 5 p.m. newscast, the "Consumer Watch" segment was introduced as follows by the news anchor:

From our "Consumer Watch" files, the Better Business Bureau is warning Calgarians about dealing with the discount travel business.

The report then proceeded to show video footage of the Calgary offices of Platinum Passport, a discount travel agency, while a voice-over stated that "Platinum Passport opened up shop here a few months ago. It claims to offer 50% or higher discounts on hotel rates and golf packages." This was followed by an interview with a retired man who claimed to have been "taken" for almost three thousand dollars and who was angry and disappointed with Platinum Passport. An official of the Better Business Bureau of Southern Alberta was also interviewed. He indicated that this company was not a member of the Bureau and that "they have an unsatisfactory record with the Bureau based on consumer complaints, written and verbal, that the Bureau has received." The report concluded with the following remarks by the news anchor:

Officials with Platinum Passport reached by phone in B.C. say they are not aware of any problems with Calgary clients. They say they are proud of their product and they save members money. Meanwhile, the B.C. government has filed for an injunction against

Lifestyle Leisure Services Ltd. which does business under the name Platinum Passports [sic].  
A government news release says the injunction was filed to stop deceptive or misleading business practices.

The 6 p.m. news contained a very similar report about the company Platinum Passport, but, in this version of the report, video footage was shown of the reporter approaching the offices of Platinum Passport while the doors were being locked. The reporter (in a voice-over, recorded, of course, at the time of editing of the news report) stated: "We visited Platinum Passport's offices, they told us to leave, then turned the key." In the newscast, the reporter is clearly heard (during the live recording of the visit) asking why the doors are being locked. The refusal to permit him entry was mirrored by the refusal of those locking the door to answer his question. This footage led into the interview with the official from the Better Business Bureau, who said: "The doors of the Better Business Bureau were open, though."

The 6 p.m. report also included the following statement:

So confident, that consumers will appreciate their services, Platinum Passport plans to expand their operation, Edmonton is their next target. As for Don Larson, he just wants his money back. Money he can't afford to lose on what he calls a worthless discount program.

On July 29, during the 5 and 6 p.m. newscasts, "Consumer Watch" returned to the story on Platinum Passport. The reports were essentially identical and contained only minor variations. They essentially contained the following statement by the reporter:

From our "Consumer Watch" files, last week we aired a story about Platinum Passports [sic]. Since that time, more Calgarians have come forward with concerns about the travel discount business and city police have started an initial investigation.

The phones have been ringing off the hook at the Better Business Bureau and at city police, District 1 headquarters. They are calls from concerned Calgarians who are worried about the thousands of dollars they have paid for hotel, airplane and condo deals. City police have also started an initial investigation of the company located at [...] and [...].

A sergeant with the Calgary police was interviewed. He indicated that it is not yet a criminal matter but that they are investigating to determine whether the police should become involved because they have received complaints about the company. The representative of the Better Business Bureau was also interviewed again and is heard saying "They bought it considering the value was there but now, after hearing the story of the gentleman who was interviewed last week, they wonder if they have gotten their money's worth." In concluding the report, the B.C. injunction was mentioned again in the following terms:

The B.C. government moved to shut down Platinum Passport after receiving more than one hundred complaints about the company's business practices.

On July 30, during the 12 noon newscast, a final segment of "Consumer Watch" dealing with Platinum Passport was aired. That segment alleged that Platinum Passport was being

watched very closely by the Bureau and Calgary Police. It then repeated the report from the July 29 5 and 6 p.m. newscasts.

### **The Letter of Complaint**

The President of Lifestyle Leisure Services Ltd. complained to the CRTC. His undated letter was forwarded to the CBSC. The complainant alleged that these news segments broadcast "in-accurate information." His letter stated that

They made specific allegations that are unfounded and untrue. They did not give Platinum Passport Club Canada nor Lifestyle Leisure Services Ltd. nor Platinum Travel any opportunity to reply to the said allegations. And, when greeted with the facts on July 23<sup>rd</sup>, 1996, from the members of Platinum Passport Club Canada and the management of all 3 companies, they continued on their agenda of slander and misinforming the public.

They have an agenda known only to themselves, and do not feel compelled to state the other side of the issues.

Their ability to run roughshod over anyone they want without any safeguards is scary to say the least. We understand the only regulatory body they answer to is the C.R.T.C. It is incumbent upon you to investigate these allegations in order to stop this flagrant abuse of power and force them to report responsibly.

### **The Broadcaster's Response**

The News Director of CFCN-TV wrote to the complainant on September 4. His letter reads as follows:

We are in receipt of your correspondence to the Canadian Broadcast Standards Council. As you are aware, we have tried repeatedly to get an interview with you or anyone representing Platinum Passports and we have been unsuccessful.

To date, the Calgary Better Business Bureau has received 32 complaints about your company. We consider every aspect of our stories to be factually correct.

My staff begged for any interview before airing the July 23, 1996 story. The door was locked in their faces. My staff begged for an interview before airing the July 29, 1996 story. No one would give us one. In a telephone conversation, I asked you personally to make yourself available. All of these requests were denied.

Given these attempts, your claim that CFCN "Did not Give Platinum Passport ... any opportunity to reply to the said allegation", is curious.

I will certainly ask you one more time by way of this letter, to grant us an interview. Please call me directly at [...]. [O]ur letter states that this is the root of the problem and I am sure that we can clear this up.

The complainant was unsatisfied with this response and requested, on September 9, that the CBSC refer the matter to the appropriate Regional Council for adjudication.

## THE DECISION

The CBSC's Prairie Regional Council considered the complaint under the *Code of Ethics* of the Canadian Association of Broadcasters (CAB) and the *Code of (Journalistic) Ethics* of the Radio and Television News Directors Association (RTNDA). The relevant clauses of those Codes read as follows:

### *CAB Code of Ethics, Clause 6 (News)*

It shall be the responsibility of member stations to ensure that news shall be represented with accuracy and without bias. The member station shall satisfy itself that the arrangements made for obtaining news ensure this result. It shall also ensure that news broadcasts are not editorial. News shall not be selected for the purpose of furthering or hindering either side of any controversial public issue, nor shall it be designed by the beliefs or opinions or desires of the station management, the editor or others engaged in its preparation or delivery. The fundamental purpose of news dissemination in a democracy is to enable people to know what is happening, and to understand events so that they may form their own conclusions.

Therefore, nothing in the foregoing shall be understood as preventing news broadcasters from analysing and elucidating news so long as such analysis or comment is clearly labelled as such and kept distinct from regular news presentations. Member stations will, insofar as practical, endeavour to provide editorial opinion which shall be clearly labelled as such and kept entirely distinct from regular broadcasts of news or analysis and opinion.

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of the broadcast publisher.

### *RTNDA Code of (Journalistic) Ethics, Article One:*

The main purpose of broadcast journalism is to inform the public in an accurate, comprehensive and balanced manner about events of importance.

### *RTNDA Code of (Journalistic) Ethics, Article Three:*

Broadcast journalists will not sensationalize news items and will resist pressures, whether from inside or outside the broadcasting industry, to do so. They will in no way distort the news. Broadcast journalists will not edit taped interviews to distort the meaning, intent, or actual words of the interviewee.

The Regional Council members viewed a tape of the newscasts in question and reviewed the correspondence. The Council considers that the reports in question do not violate the provisions of either of the Codes.

## The Letter of Complaint

The Council notes that the complainant in this case is not a “disinterested” party *vis-à-vis* the news reports aired by CFCN. While in most cases the CBSC is called upon to deal with complaints filed by viewers or listeners who have no direct interest in the news or public affairs report in question, various Regional Councils have had to deal with cases where the complainant is “involved” in the matter on more than a complaint basis. At the meeting of the Prairie Regional Council at which this complaint was adjudicated, the Council also had to deal with another complaint lodged by an interested party to a news report, which dealt with a similar issue. In that decision, *CFRN-TV re Eyewitness News* (CBSC Decision 96/97-0149, December 16, 1997), this Council stated that

the complaint of an aggrieved party does require *particular* attention to the words used in the letter of complaint on the assumption that the party may be expected to know more about the facts surrounding his or her complaint. The Council is, however, equally aware, that an aggrieved party may come to an issue with a “thinner skin” regarding any allegations made. There is, in that sense, a very particular balance to be brought to the viewing of such issues.

The complainant alleges in his letter that the companies featured in the report were not given an opportunity to reply to the allegations made in the report. This statement is directly contradicted in at least three separate ways. First, the reporter communicated the reaction of representatives of the company in B.C. whom he had reached, which was, he said, that they were not aware of the complaints but stood behind their product. Second, and more significant, representatives of the complainant’s company were seen closing the door in the face of the reporter, rather than take the opportunity he was giving them of answering his questions. Third, the Council notes that, in addition to reiterating in its letter the number of occasions on which the complainant had been given the opportunity to go on air, in a further conciliatory move, the broadcaster again requested (in its letter of September 4) an interview from the complainant, giving a number for the complainant to call. Rather than accept this offer, the complainant chose to return to the CBSC his request for a ruling by a Regional Council.

The Council makes no comment as to the statement in the complainant’s letter about the broadcaster being “greeted with the facts on July 23<sup>rd</sup>, 1996”. As indicated in *CFRN-TV re Eyewitness News* (CBSC Decision 96/97-0149, December 16, 1997), the Council is not an evidence-gathering body and has no means by which to assess facts other than those seen on tape or which are clear from the correspondence. Regarding its inability to assess how the complainant was treated by the reporter off-camera, the Council there stated

In the first place, it had no way to determine what transpired during telephone conversations attempting to set up interviews. Not only does the CBSC never have a tape or transcript of such conversations, but it is also not an evidence-gathering body. It does not hold “hearings” in a quasi-judicial sense. It limits its review, in almost all cases, to the evaluation of the on-air program against the Codes which it administers. While the correspondence between the complainant and the broadcaster is always taken into consideration, these letters are treated only as argument and not as evidence. The CBSC members understand that issues of what the broadcaster *intended* to be the effect of the program or the way in which the listener of

viewer *understood* the program are not ultimately determinative. What reaches the airwaves is the issue. How then it is evaluated by the fair-minded Regional Council members, representing both the public and industry, who had neither involvement in its creation nor legal interest with the broadcaster is the bottom line.

Based on the material actually aired by the broadcaster, the Council considers that the complainant was indeed offered ample opportunity to respond to the allegations made in the report, contrary to what he alleges in his letter.

### **Fairness and Balance**

In addition to determining whether the aggrieved party was allowed to respond, the Prairie Regional Council is called upon to assess the overall fairness and balance of the report. The Council considers that the broadcaster has met the requirements of both Codes of Ethics in this regard.

It appears to the Council that the complainant, in alleging that the story should have included “the other side of the issues”, considers that the fairness and balance requirement for news reports means that negative comments about a company must be balanced by positive comments. The Council disagrees. Were the complainant’s view correct, there could never be a negative or critical news report. At the end of the day, it is the *reporting of the newsworthy event* which must be evaluated for its objectivity and fairness and not the overall effect of the news report on the person or company who is its subject. The B.C. Regional Council arrived at a similar conclusion in *CHEK-TV re Evening News* (CBSC Decision 94/95-0137, December 18, 1996). In that matter, the B.C. Regional Council considered a complaint about a news report on the non-renewal of the B.C. government’s contract with NOW Communications. The report covered the statement by a Liberal MLA that NOW had been paid \$3,500 to write and print a letter to the Premier. A viewer complained that the news item had been biased, since the station made no mention of the previous government’s contracting practices or those of Liberal governments in other provinces. The Council found that the *reporting* of the allegation was objective and fair.

The complainant’s issue seems to be that the station did not go far enough in providing the balance to the political allegation at hand by providing an historical context for any issue of pork barrel politics. That, though, is a part of the political cut-and-thrust and is thus the job of the political opponents, *not* the news reporting bodies, electronic or print. A news-gathering body may legitimately *choose* to research and tell such a tale but it is not *obliged* to do so every time. The absence of such context to a report does not imply an absence of balance in it.

In this case, the story was about the complaints received about Platinum Passports. While the requirement to be fair and objective *may* have required that a response from the company targeted by the report be sought, there certainly exists no obligation on behalf of the newscaster to find positive comments to say about the company to counter-balance the reporting of the complaints.

**Broadcaster Responsiveness**

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 fairly with the letter of complaint. Nothing more could have been expected of him. 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.*