
**CANADIAN BROADCAST STANDARDS COUNCIL
PRAIRIE REGIONAL COUNCIL**

CKX-TV re *National Lampoon's Animal House*

(CBSC Decision 96/97-0104)

Decided December 16, 1997

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

THE FACTS

On January 10, 1997, CKX-TV (Brandon) aired the 1978 feature film *National Lampoon's Animal House* at 11:00 p.m. The plot pits members of Faber College's unconventional, disreputable Delta House ("Animal House") fraternity against its dramatic foils, Dean Wormer and members of Omega House, the "good" fraternity. The dean enlists the help of the obnoxious, rich and spoiled young men of Omega House to get the boys of Delta House off campus.

While the focus of the movie is mostly on the harmless pranks played by the Animal House members, various sexual situations are inevitably included in the attempt to depict the extent of Delta House's depravity.

There is no need to detail the foregoing situations; suffice it to say that there are four occasions in the course of the film in which bare breasts or buttocks are shown. The longest of these involves a Delta frat brother peeping into the window of a girls' dormitory. His reward is the sight of many young women engaged in a pillow fight, some of whom are wearing nothing but their underwear, and others of whom are topless. When he moves to another window, he sees a woman facing the window (hence the camera) and undressing slowly, exposing her breasts and beginning to masturbate.

There was a viewer advisory, which appeared both on screen and in voice-over format at the beginning of the film, after the first commercial break and then only once more following the first commercial break in the second hour of the movie.

The Letter of Complaint

Shortly after the broadcast of the film, namely, on January 17, a viewer wrote the following letter of complaint to the CBSC:

I have a complaint about a program aired on CBC TV (locally CKX TV, Brandon), channel 6 on Westman Cable TV, Brandon, Manitoba. The program aired on Friday, Jan. 10, 1997 at 11pm. It was a movie called "National Lampoon's Animal House". I am concerned with the nudity shown on our local television station and believe it was absolutely unnecessary to show several bare breasted women in close-up scenes (as one of the men in the movie ogled their breasts!!) The movie was an older version from 1978 starring John Belushi and Tim Matheson so I'm sure they could have found a version with all the nudity edited out! Not every child (those under 18) is necessarily sleeping at 11pm on a Friday night. I am also concerned at CKX-TV's vague / too general warning during the film, it did not use the word nudity (which would tip off parents who don't want any kids to see that) but only said "may be unsuitable for children". That is not specific enough! This warning should be broadcast after every set of commercials, not only one or twice in 2 hours!

The Broadcaster's Response

The President of Craig Broadcast Systems, owners of CKX-TV, replied to the complainant on March 17.

I would like to thank you for watching our station and for taking the time to write with your comments. You had expressed concern over the content of this movie, in particular a scene that contained partial nudity. Firstly, I would like to assure you that as members in good standing with the Canadian Association of Broadcasters, we follow guidelines for content set forth by the Canadian Broadcast Standards Council. In addition, we have further in-house guidelines for violence, mature subject matter etc that we adhere to for all programming. Our movies are no exception. We review our movies before they are broadcast and edit and/or assign a viewer advisory if needed. In reviewing this movie we felt it aired in an appropriate time slot and that the scene which aired post 11:00 pm with a viewer advisory was acceptable for the time period.

The complainant was unsatisfied with this response and requested, on March 20, that the matter be referred to the appropriate Regional Council for adjudication.

THE DECISION

The CBSC's Prairie Regional Council considered the complaint under the Canadian Association of Broadcasters (CAB) *Sex-Role Portrayal Code* and *Voluntary Code Regarding Violence in Television Programming*. The texts of the relevant provisions of these Codes read as follows:

Sex-Role Portrayal Code, Clause 4

(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.

CAB Violence Code, Clause 3 (Scheduling)

3.0 *SCHEDULING*

3.1.1 Programming which contains scenes of violence intended for adult audiences shall not be telecast before the late evening viewing period, defined as 9 pm to 6 am.

3.1.2 Accepting that there are older children watching television after 9 pm, broadcasters shall adhere to the provisions of article 5.1 below (viewer advisories), enabling parents to make an informed decision as to the suitability of the programming for their family members.

CAB Violence Code, Clause 5 (Viewer Advisories)

5.0 *VIEWER ADVISORIES*

5.1 To assist consumers in making their viewing choices, broadcasters shall provide a viewer advisory, at the beginning of, and during the first hour of programming telecast in late evening hours which contains scenes of violence intended for adult audiences.

5.2 Broadcasters shall provide a viewer advisory at the beginning of, and during programming telecast outside of late evening hours, which contains scenes of violence not suitable for children.

5.3 Suggested language for suitable viewer advisories is outlined in Appendix A

The Regional Council members viewed a tape of the film in question and reviewed the correspondence. The Prairie Regional Council considers that the broadcast is not in breach of any of the provisions of the above-mentioned codes.

Sex-Role Portrayal

It is essential to remember that the principal goal of the *Sex-Role Portrayal Code* relates to the *equality* of the sexes and not to issues of sexual behaviour which do not go to equality or exploitation, which is itself a form of *inequality*.

While the portrayal of the women in the film is not overly flattering, it cannot either be said that the portrayal of the men is any better or advantages them in any way. All in all, the presentation of almost every one of this group of young college people is as unflattering as one might expect from a film emphasizing the frivolous, narcissistic, often gross, occasionally disgusting portrait of college fraternity life which can best be characterised as high farce. The question of portrayal inequality does not come into play.

Scheduling

The CBSC has previously rendered decisions in which it has dealt with the watershed provisions of the *Violence Code* when dealing with other types of adult content than violence. In *CITY-TV re Ed the Sock* (CBSC Decision 9495-0100, August 23, 1995), the Ontario Regional Council observed, among other things, that

In Canada, the watershed was developed as a principal component of the 1993 *Violence Code*, establishing the hour *before which* no violent programming intended for adult audiences would be shown. Despite the establishment of the watershed for *that* purpose, the Council has reason to believe that broadcasters regularly consider this hour as a rough threshold for *other* types of adult programming. There is, in fact, no formal restriction on the timing of broadcasting of slightly “racy” material but the earliest of the promos under consideration here could not be said to have been run in a time slot which was *primarily* a young children’s slot or even at a time when one would have expected significant numbers of young children to be watching television at all. The broadcaster’s research showed “that the audience for this show was overwhelmingly adult.” The Council did not agree with the complainant’s contention that the program audience could be expected to have “‘general’ viewer appeal (age ten and up).” Had the broadcaster desired or expected that result, the show would have been aired at an earlier hour.

In *CFMT-TV re an Episode of “The Simpsons”* (CBSC Decision 94/95-0082, August 18, 1995), the Ontario Regional Council elaborated on the significance of the watershed hour and the tendency for broadcasters to apply it not only to programming containing violent material intended for adult audiences but also to programming containing other kinds of material deemed by the broadcaster to be more suitable for mature viewers.

There has been a tendency, since the introduction of the 9:00 pm watershed hour for everyone to treat that moment as the Great Divide. The community has tended to consider that *all* post-watershed programming falls into the “adults only” category and that *all* pre-watershed programming falls into the “suitable for *everyone*, including *young children*” category. Neither generalization is wholly accurate.

The watershed hour is *only* the hour before which no programming containing scenes of violence intended for adult audiences may be shown. Private broadcasters have *voluntarily* tended to extend this principle to all programming containing any material which they believe is intended for adult audiences, even if not of a violent nature. See, e.g., *CITY-TV re Ed the Sock* (CBSC Decision 94/95-0100, August 23, 1995) in which the Council stated “Despite the establishment of the watershed for *that* purpose, the Council has reason to believe that broadcasters regularly consider this hour as a rough threshold for *other* types of adult programming.”

This practice ought not to lead the Canadian public to conclude that *any* programming aired *before* 9 pm is, *by that fact alone*, suitable for *all* members of their families, whatever their age. That would be true of programming intended for young children (below 12 years of age), which airs in a different time slot, but material broadcast in the early evening falls within “the rich broadcasting fare” mentioned above and should be vetted by parents as to its suitability in *their* homes.

Similarly, in *CFJP-TV (TQS) re “Quand l’amour est gai”* (CBSC Decision 94/95-0204, December 6, 1995), the Quebec Regional Council stated that it was “comfortable with TQS’ choice to schedule the program [on male homosexuality] after the watershed [at 9 p.m.]”

In this case, the Prairie Regional Council is equally comfortable with the broadcaster’s decision to schedule *Animal House* at 11 p.m., well beyond the watershed hour. This state of comfort stems not only from the late hour of the broadcast, but also, as in the *CFJP-TV [TQS]* case, from the presence of viewer advisories (which are discussed below in the context of this decision).

The Advisory

The complainant’s concern regarding the broadcaster’s viewer advisory is two-fold; in his view, the advisory was both too infrequent and too vague to provide adequate guidance to parents.

With respect to the frequency of the advisory, as noted above, the advisory was aired at the beginning of the movie, then after the first commercial break and then only once again after the first commercial break in the second hour of the movie. If the issue in this case had related to violent content, in accordance with the requirements of the *Violence Code*, the placement of the advisories would have been inadequate. While, in the absence of an explicit requirement to air advisories for *other* types of adult content, such as that involved in this matter, there has been no breach of the Code, the Prairie Regional Council considers that it would be helpful to viewers for broadcasters to include advisories in the other circumstances envisaged in Appendix A (coarse language, nudity and mature subject matter) with the frequency otherwise required in Clause 5.1 of the *Violence Code*.

Regarding the content of the viewer advisory which was aired, the Council agrees with the complainant that the simple addition of the word “nudity” would have afforded viewers with

much better guidance enabling them to make more informed viewing choices. The text of the advisory, which was provided in both an auditory form and on screen, was as follows:

Tonight's Prime Ticket Feature may have scenes containing coarse language, violence and/or adult situations. Viewer discretion is advised.

It would have been helpful to viewers if the broadcaster had chosen the one of the sample viewer advisories in Appendix A which combines both "mature subject matter" and "scenes of nudity" (along with a warning for coarse language which was not at issue in this complaint). That sample advisory, if adapted to the show in question (which contained plenty of slapstick-like action although no realistic violent elements), might have read as follows:

Tonight's Prime Ticket Feature deals with mature subject matter and contains scenes of nudity and coarse language. Viewer discretion is advised.

The sample advisories provided in Appendix A of the *Violence Code* are not intended as hard and fast rules regarding the content of viewer advisories, but rather as illustrative examples to assist broadcasters in their choices. The point is that the addition of the word "nudity" in the advisory would have been more in keeping with the principles set out in the Code.

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 time of broadcast although it could have dealt better with the questions of nudity and the content of the viewer advisory. While it was not lengthy, it was a good faith effort to be responsive to the viewer's concerns. 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.