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**CANADIAN BROADCAST STANDARDS COUNCIL  
ONTARIO REGIONAL COUNCIL**

CKCO-TV re *Kazan*

(CBSC Decision 96/97-0226)

Decided February 20, 1998

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

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**THE FACTS**

On January 6, 1997, the 1 p.m. matinee movie on CKCO-TV (Kitchener) was entitled *Kazan*. The protagonist of the story it tells is a canine, part dog/part wolf, called Kazan whose personal challenge is to decide whether he belongs in the wilderness or in the company of humans. Kazan's choice is complicated by the fact that many of the humans he encounters are undesirables.

At the beginning of the film, Kazan witnesses the strangulation of one man by a thief in the course of a robbery. When Kazan encounters the strangler again later in the movie, he is beaten by the murderer. The dramatic choice for Kazan, namely, life with a wolf pack, pits him in a fight with the leader of the pack. While Kazan is victorious in this initial fight to the death, he finds that, even in his life as a wolf, he is not free from incursions with humankind. In another dramatic confrontation, Kazan is shot by a man who, upon reflection, considers that Kazan will be more useful to him if he is kept for dog fighting. As a part of this training, Kazan is subjected to beating and near drowning by his new owner.

The movie was preceded by a viewer advisory, in both visual and audio format. The on-screen version stated: "This movie contains scenes of violence. VIEWER DISCRETION IS ADVISED" [Emphasis original]; while the voice-over stated "This movie contains scenes of violence *not meant for young children*. Viewer discretion is advised." [Emphasis added]. The advisory was repeated in both visual and auditory form after the first commercial break but not thereafter.

## The Letter of Complaint

In a letter to the broadcaster dated June 4, 1997, well after the customary four-week delay for the filing of complaints, a viewer wrote the following:

I am writing to express my disgust on [sic] a movie you aired Sunday afternoon called "Kazan". This movie showed incredible cruelty to animals and it was sickening, ex. A person attempting to drown the dog, beating it, subjecting the animal to horrendous mistreatment. Disclaimers stating that the animals were not injured in making the movie and that they are trained by professionals mean NOTHING, the perpetuating of cruelty to animals is beyond comprehension.

## The Broadcaster's Response

The broadcaster's Vice President and General Manager responded in a letter dated June 13. It read in part as follows:

The movie "Kazan" was selected as we felt it was a family-type movie along the veins of Jack London's "Call of the Wild", or the more contemporary television show "White Fang". Kazan, as in both the aforementioned examples, is the type of show where the animals appear to be mistreated, but ultimately good prevails and we have a happy ending for all concerned. As you noted, the producers pointed out that no animals were injured in the making of the movie and that they were handled by trained professionals.

After receiving your letter I took the opportunity to review the movie and I can see where some of the scenes that you mentioned, if taken out of context of the overall movie, could indeed be upsetting. Please accept my apologies if we have offended you in any way, as that certainly was not our intent. As you may have noticed we put notifications at the beginning of the movie and throughout the movie that there were some scenes that people may find objectionable.

Once again I would like to thank you for taking the time to share your opinion with me and apologize for any upset we may have inadvertently caused you.

The complainant was unsatisfied with this response and requested, on July 10, that the matter be referred 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). The relevant provisions read as follows:

### *Violence Code, Clause 1 (Content)*

1.1 Canadian broadcasters shall not air programming which:

- X contains gratuitous violence in any form\*
- X 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).

### *Violence Code, Clause 3 (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.

### *Violence Code, Clause 5 (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.

### *Violence Code, Clause 9 (Violence Against Animals)*

- 9.1 Broadcasters shall not telecast programming which sanctions, promotes or glamorizes violence against animals.
- 9.2 Broadcasters shall not be restricted in the telecast of legally sanctioned activities associated with animals. In such telecasts, judgment shall be used in the selection of video and associated audio, particularly if the telecast is broadcast outside of late evening hours.

The Regional Council members viewed a tape of the program in question and reviewed all of the correspondence. The members agreed that the broadcast did not contravene the *Violence Code*.

### **Gratuitous or Glamorized Violence**

There is no question, in the view of the Ontario Regional Council, that any of the scenes containing elements of violence involving either humans or animals were gratuitous. As the Ontario Regional Council decided in *CITY-TV re Silence of the Lambs* (CBSC Decision 94/95-0120, August 18, 1995),

Gratuitous violence is defined by the Code as being “material which does not play an integral role in developing the plot, character or theme of the material as a whole.” Where, in other

words, a program includes scenes of violence which are unnecessary to the progress of the story, which do not drive the plot forward, which play no role in the development or definition of the characters and are clearly serving a sensationalistic purpose, that program will be seen to contain gratuitous violence.

Given the storyline of the motion picture, the violent elements, which are in any event relatively few in number, are a necessary component both to the development of the character of the dog and to the progression of the dramatic elements of the plot. While violence is not a pleasant aspect of any story, it is often a *defining* element. It certainly is in this case.

Nor does the Council find that any of the scenes sanctions, promotes or glamorizes violence. Once again, the Council refers to its earlier decision in *Silence of the Lambs*, where it held:

The applicable meaning [of “sanctions, promotes or glamorizes”] in the *Oxford English Dictionary* would be: “2. To permit authoritatively; to authorize; in looser use, to countenance, encourage by express or implied approval.” The *O.E.D.* provides a similar definition for “promote”: “2. To further the growth, development, progress, or establishment (of anything); to help forward (a process or result); to further, advance, encourage.” “Glamorize” is presumably a slang corruption of “glamour” and does not make it to the *O.E.D.* but we all would likely understand from the use of all three verbs *encourage*, if not *glorify*, the use of violence. The CBSC does not expect that *any* use of violence in programming will offend the Code but only that which *encourages* violence in the sense of the quoted phrase.

In the circumstances of *Kazan*, since all of the perpetrators of violence in the movie are portrayed as despicable men, it would take a considerable stretch to conclude that the film in any way *encourages* violence.

The Council therefore concludes that, by airing this movie, the broadcaster has not breached Clause 1 of the *Violence Code*.

### **Violence and the Scheduling Issue**

It is, however, undeniable that the movie did contain *some* scenes of violence, which does bring into play the question of Clause 3 of the *Violence Code*, the so-called “watershed provision”. It should be noted that this provision is not *automatically* triggered whenever there are scenes of violence; there is a threshold content requirement to be met. The question that must first be answered in order to apply the provisions of Clause 3 of the *Violence Code* is whether these scenes were “intended for adult audiences”. The CBSC has, however, dealt with the issue on previous occasions.

The Council first dealt with a complaint of pre-watershed violence in *CFCF-TV re Matrix* (CBSC Decision 93/94-0166, December 6, 1995). In that decision, the Council concluded that there was no such violent element and that the broadcaster was entitled to air the program before 9:00 p.m.

...In the view of the members, the episode in question was undoubtedly an action-oriented segment but it did not contain elements which could have been described as “scenes of violence intended for adult audiences”, much less gratuitous violence. There were elements of both action and suspense but the one scene which included *any* violence involved an individual being struck by a car. In the circumstances, the Council is of the view that the program does not meet the content requirement which would have resulted in the application of Article 3.1.1, thereby necessitating the airing of the program after 9:00 p.m.

In a subsequent decision regarding a program sponsored and produced by the World Wildlife Fund, the Council again concluded that Clause 3 of the *Violence Code* had not been triggered by the program. In *CIII-TV (Global Television) re Before It's Too Late* (CBSC Decision 95/96-0172, October 21, 1996), the Council stated

With respect to the stories told in *Before It's Too Late*, the Council finds that any distress felt by viewers stems in greater part from the inherent nature of the subject matter than from the violation of the *Violence Code*. While it is undeniable that the program contained *some* scenes of violence and many brief scenes depicting the *results* of violence, the Council does not find that these scenes resulted in any breach of the Code. In reaching this conclusion, the Council wishes to underscore the recognition by the *Violence Code* that television is not meant to be so sanitized that *all* depictions of violence disappear from the medium.

...

Section 3.1.1 states that “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.” As the language indicates, the application of this provision is restricted to programming containing such scenes of violence as will be considered to be “intended for adult audiences”. In *CFMT-TV re an Episode of “The Simpsons”* (CBSC Decision 94/95-0082, August 18, 1995) the Council made the following comments regarding the significance of the watershed hour:

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 “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 Council does not find that any of the scenes in *Before It's Too Late* could be described as being “intended for adult audiences”, which is the sole circumstance which would trigger this provision of the *Violence Code* thereby requiring that the program be aired only after the watershed hour.

The Council does not consider that the scenes of violence contained in *Kazan* are of such a nature as to be intended for adult audiences only, although they contain more violent elements than do the scenes contained in *Before It's Too Late* and in the episode of *Matrix* considered by the Council. While it is difficult to propose any cut-and-dried formula to apply in coming to any such conclusion, the Council does consider that the presence of the combined elements of fear, suspense, gore and explicitness may help characterize

programming containing scenes of violence as *adult*. The Council notes that the scenes of violence in the movie *Kazan* were short and often obscured to limit their scariness. The Council finds that, overall, the movie was very tame; in the Council's view, the few scenes of violence do not negate this characterization. Given the viewer advisories which preceded the broadcast of the movie and were repeated during the first commercial break, the Council is comfortable with CKCO-TV's scheduling of the movie *Kazan* at 1 p.m.

### **Violence Against Animals**

In addition to assessing the violence contained in the movie *vis-à-vis* the scheduling issue, the Council has considered whether the movie complies with Clause 9 of the *Violence Code* which prohibits "programming which sanctions, promotes or glamorizes violence against animals." For reasons noted above in discussing the glamorization of violence issue, the Council considers that there was no more encouragement of the issue of violence toward animals than there was of any other forms of violence. While the movie did portray animal abuse, abusers were depicted as "the bad guys" over whom "the good guys" prevail in the end.

In this regard, the Council considers it relevant to cite its conclusion in *CHCH-TV re the Ricki Lake Show* (CBSC Decision 95/96-0105, April 30, 1996). That decision concerned an episode of a talk show with the theme "Help me, my friend won't stop hurting animals". The complainant challenged the show on the grounds that it was not an attempt to educate or inform the public about the abuse of animals but was rather aimed at disgusting the viewing audience and teaching young people how to hurt animals. The Council found that it did not violate the provisions of the Code relating to animal cruelty.

[T]he 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.

### **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. In this case, the Council considers that the broadcaster's response addressed fully and fairly all the issues raised by the complainant. Nothing more is required. Consequently, the broadcaster has not breached 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.*