

---

**CANADIAN BROADCAST STANDARDS COUNCIL  
ONTARIO REGIONAL COUNCIL**

CTV re *W5* (Sexual Assault Drugs)

(CBSC Decision 97/98-0542)

Decided July 28, 1998

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

---

**THE FACTS**

On December 30, 1997, CTV's well-known public affairs program *W5* aired a report on tasteless, colourless drugs suspected to have been used in many sexual assault cases in Canada in the past few years. The 10-minute report included, among other things, testimonials of two victims of these "rape drugs". These interviews, which are the only parts of the report which are relevant to the complaint, are transcribed below.

"Susan"'s story went as follows:

**Reporter:** A divorced teacher in her mid-forties, she was drugged and raped by a man she dated. A man she trusted.

**Susan:** He was well-spoken. He was educated. He was attentive. He was everything that a lady would want in a man.

**Reporter:** There were no signals at all.

**Susan:** There were no signals whatsoever.

...

**Reporter:** As for Susan the school teacher, she was horrified when she found out that her drink had been spiked with a potentially lethal dose of Halcion.

**Susan:** I made a couple of drinks, a couple of rum and Cokes.

- Reporter:** She was at home watching videos with a man she'd dated twice before.
- Susan:** It was when I turned my back, to put the Coke back that he had a window of opportunity of about 8 seconds. And that's when he put crushed Halcion in my drink. I woke up later on to find out that I was being sexually assaulted.
- Reporter:** She lapsed in and out of consciousness, too weak to put up a fight.
- Susan:** I could hear him in the kitchen, he was rinsing out the glasses. I could hear him at the front door. I could hear him leaving.
- Reporter:** Last spring, Susan's attacker, 55-year-old Edward Robinson, pleaded guilty to drugging and assaulting her. He got 14 years. It turns out he already had a record for using weapons to force sex on women. In the early 1970s he raped three of them at knife-point.
- ...
- Reporter:** How do you tread the fine line between being wary and not hating all men?
- Susan:** I find it very hard to trust men now. I have not made any new male acquaintances since this happened to me two and half years ago.
- Reporter:** Since this experience, you haven't dated.
- Susan:** Since this experience, I was traumatized to a point that I no longer wanted to live in my home. I sold my home; I bought another one.

“Jennifer” was a raped by a notorious serial rapist. Her interview went as follows:

- Jennifer:** I woke up with him on top of me with his face in my face.
- Reporter:** Jennifer was 24 years old. A small town girl who had just moved to Toronto. So she was thrilled when [the rapist's ex-wife] invited her over for Thanksgiving weekend. But [she] got sick so Jennifer ended up having a drink alone with [the rapist].
- Jennifer:** I kind of thought something had happened but I wasn't quite sure.
- Reporter:** So, you weren't positive you had been sexually assaulted.
- Jennifer:** I hadn't a clue. But, I had a clue later; I got pregnant.
- Reporter:** An abortion ended the pregnancy but the emotional hell was just beginning.
- Jennifer:** I started becoming very bitter, very angry. Full of attitude, hostility, like defensive. Don't go near me if you are a guy. Do not. ... When I found out there were hundreds of girls, I became totally outraged. I felt filthy, dirty, you couldn't scrub me enough. To know that I was connected to something so public. I mean here I am from a little, small town, that had picket fence, Mom and Dad, went to Sunday school, and then, bam, I'm part of something vulgar and disgusting.
- ...

**Reporter:** It's taken Jennifer seven years to come to terms with what happened to her. She has a piece of advice that may give others a fighting chance.

**Jennifer:** Trust your instincts, they are telling you be careful. I have learned, really to trust my gut. Those little voices inside your head, they are not crazy voices, they are saying "be careful".

## **The Letter of Complaint**

On December 30, 1997, a viewer wrote to the Secretary General of the CRTC. In his letter, the complainant from Ottawa stated (in part):

I am writing to complain about a TV programme ... broadcast at about 10:15 p.m. December 30<sup>th</sup> 1997 on channel 7 (W5 on CTV, Rogers Cable).

The programme segment dealt with a woman who had apparently been drugged by a man and the interviewer asked how she could not "hate all men".

This segment has several conflicts with your guidelines for television broadcasts. This violates the equitable portrayal of gender by portraying all men as fair subjects for hatred based on the act of one man. The interviewer presents an unfair stereotype and negative portrayal of men by implying all men (potentially) would use drugs to rape. W5 is supposed to be a news report but this interviewer redirected the topic from a serious topic, slanting it instead to her disturbed hatred of men. If we accept this woman suggesting hatred against all men as a valid response to a single injury, can we expect CTV to have a Jew promoting hatred of all Arabs, or vice versa, or a Francophone suggesting hatred of all English, or a visible minority suggesting hatred of all whites as part of news? This CTV interviewer and thus her report is unbalanced, unfair, and carries the ideological baggage of hatred of men.

## **The Broadcaster's Response**

The Vice President and General Manager of CJOH-TV forwarded a copy of the complainant's letter and a copy of the CBSC's letter to the Senior Vice-President of CTV where W5 is produced. On February 5, 1998, the Vice President and General Counsel of Baton Broadcasting replied to the complainant with the following:

This letter is in response to your complaint to the Canadian Radio-television and Telecommunications Commission dated December 30, 1997. In your letter, you expressed concern over gender representation during an episode of CTV's W-Five broadcast on December 30, 1997 as well as Kellogg's Special K commercial that ran during W-Five. We note that this is the second complaint you have made recently to the CRTC about gender portrayal in CTV coverage.

Your specific concern regarding the W-Five report about rape cases involving drugs, was the use of the reporter's question - how she could not "hate all men". The actual question asked of one of the rape victims interviewed during the broadcast was "How do you tread the fine line between being wary and not hating all men?" The subject replies: "I find it very hard to

trust men now. I have not made any new male acquaintances since this happened to me two and half years ago.” The purpose of the question was to determine the victim’s state of mind.

I think everybody would agree that she suffered a severe trauma, as would any individual, be they men or women, in like circumstances. Part of her trauma is that she generalized her negative experience into a mistrust of all men. Her words, her demeanor, and the entire tone of the program suggests that such a generalization is tragic.

We wish to assure you that CTV has no intention of promoting or encouraging the “hatred of men” under any circumstances. In fact, we believe that the program represented men in a very positive light. A large part of the story in fact dealt with a report on a woman who was drugged in a bar, but thankfully was not raped. Her boyfriend was responsible for ensuring her safety and was also instrumental in initiating a campaign at McGill University to heighten awareness about this unfortunate phenomenon. The report also included an interview with a male doctor, who cautioned women to be examine early in cases of drug rape to ensure that detection is possible as the drugs leave the body within 12 - 24 hours.

...

CTV, as a member of the Canadian Broadcast Standards Council is fully aware of its responsibilities, and we believe we are fully compliant with all industry codes including the *CAB Voluntary Code on Sex-Role Stereotyping* and the *RTNDA Code of Ethics*, as well as the Broadcasting Act. We thank you for taking the time to write with your concerns.

The complainant was unsatisfied with this response and requested, on February 13, 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 Clauses 1 and 2(c) of the *CAB Sex-Role Portrayal Code*. The texts of these clauses read as follows:

### *Sex-Role Portrayal Code*, Clause 1 (Changing Interaction)

Broadcasters recognize the changing interaction of women and men in today's society. Women and men shall be portrayed, in programming, in a wide range of roles, both traditional and non-traditional, in paid work, social, family and leisure activities.

Guidance: The roles and opportunities for both sexes are becoming more diverse due to such factors as the elimination of female-only and male-only occupations, changing patterns of parenting and lifestyles. Women and girls should be portrayed in a range of roles as diverse as that shown for men and boys. Men should not always be portrayed as the aggressor in personal relationships. Women and men should be portrayed as working together in circumstances where the "power" balance does not always favour the man by virtue of his position or personal attributes.

### *CAB Sex-Role Portrayal Code*, Clause 2(c) (Diversity)

[c] Television and radio programming shall respect the principles of intellectual and emotional equality of both sexes and the dignity of all individuals. Television and radio programming should portray women and men as equal beneficiaries of the

positive attributes of family or single-person life. Women and men should perform in a range of occupations and function as intellectual and emotional equals in all types of thematic circumstances. This should be the case for both work and leisure activities requiring varying degrees of intellectual competence.

Guidance: Women and men should be portrayed as working toward a comfortable existence through mutual support, both economically and emotionally, and in both public and private spheres. Despite the problems of societal systemic discrimination, television and radio programming should reflect an awareness of the need to avoid and overcome discrimination on the basis of gender.

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 violate either of the foregoing provisions.

### **The Content of the Program**

The complainant's case seems to rest on two foundation stones; first, that the statements he saw and heard are as he represents them; and, second, that any negative statement made relating to men is, for that reason alone, gender-imbalanced and in violation of the *Sex-Role Portrayal Code*. In order to support his position that the report was "unbalanced, unfair, and carries the ideological baggage of hatred of men," the complainant alleges that the reporter asked "how she could not 'hate all men'." The complaint strikes its first rocky shoal here for that was not the text of the question. Without determining whether *that* question might have been improper, the Council notes that the question actually put to "Susan" was both balanced and reasonable, namely: "How do you tread the fine line between being wary and not hating all men?". How, in other words, does the victim place herself on one side of the rather thin demarcation between the detached and objective basis of care and wariness, on the one hand, rather than the understandable subjective and personally bitter side, on the other? The Council finds that the question as put was thoughtful and relevant in the context of this report and hardly in contravention of any of the provisions of the *Sex-Role Portrayal Code*.

Moreover, the fact that some of the incidents depicted in the *W5* report involved inappropriate, even criminal, actions on the part of some men did not in any way promote or otherwise convey hatred of all men, contrary to what the complainant appears to be alleging. Rather, the Council considers that the report aimed at attempting to understand the feelings of women traumatized by this insidious pharmaceutical device misused for the purposes of sexual assault. It is also clear, in the view of the Council, that CTV went out of its way to ensure that the report did not reflect negatively on *all* men by focussing on the campaign launched by a *male* McGill University student to alert his fellow students to this dangerous drug.

Accordingly, as it did in *CFRA-AM re Brian Henderson Commentary* (CBSC Decision 95/96-0234, May 8, 1997), the Council finds that "The complainant has tried, without

foundation, to build a case against this broadcast on the basis of gender discrimination” and that “the complaint is utterly without substance.”

### **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. Consequently, the broadcaster has not breached the Council’s standard of responsiveness. Nothing more is required.

*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.*