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**CANADIAN BROADCAST STANDARDS COUNCIL  
PRAIRIE REGIONAL COUNCIL**

CICT-TV re *South Park*

(CBSC Decision 97/98-1214)

Decided June 16, 1999

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

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**THE FACTS**

On June 27, 1998 at midnight, CICT-TV (Calgary) aired an episode (titled "Volcano") of its weekly animated show *South Park* which features the antics of five young cartoon characters depicting children named Cartman, Kenny, Kyle, Ned and Stan. The overall theme of the episode reviewed by the Council relates to the dangers of hunting. Uncle Jimbo takes them on a hunting trip on a mountain which Stan's father, a geologist, discovers is going to erupt. The hunting party is unaware of the incumbent danger and their greatest concern is the "monster" Scuzzlebutt who, it turns out, is friendly and gentle and saves the day. Notwithstanding that, Stan shoots and kills Scuzzlebutt, triggering the "lesson" of the show.

**Jimbo:** Dammit, Stanley, you shouldn't have done that.

**Stan:** Why not?

**Kyle:** Yeah, dude, make up your mind.

**Jimbo:** Stan, some things you kill and some things you don't. You see?

**Stan:** No.

**Ned:** Only now in this late hour do I see the folly of guns. I'll never use a gun again. [He drops the gun and it goes off, killing Kenny.]

As a component of this, and every, episode, one of the 8 year-old characters named Kenny, whose face is always partially obscured by the hood of his orange parka, is killed. In this episode, for example, Kenny is crushed by a giant boulder twice, burned and shot (as noted in the excerpt above). In each case, Kenny comes back to life. In fact, the "killing" of Kenny has come to be an anticipated dramatic, albeit ironic, element of the series.

## The Letter of Complaint

On July 15, 1998, a viewer complaint was registered with the CBSC by a woman with an 8 year-old son named Kenneth. Her concerns were expressed as follows:

Please accept this letter as a formal complaint against the airing of the television show "South Park" in Canada in its current form. Take a moment to review my very personal reasons for wanting to effect this change.

Let's start at the beginning... A few months ago, in reading our local newspaper, I came across an article with details of a new television show. The article explained the controversy over the airing of the show in the United States and also stated it would soon be in Canada. Upon reading further, I actually felt a tight knot in my stomach as the words sunk into my brain. This show had a common thread running through every single episode - a boy named Kenny is killed and the children who've killed him say 'Oh my god, we've killed Kenny!' As we have an 8 year-old son named Kenneth, the seeds of apprehension were planted. What effect might this have on our son, how deep into our popular culture would this show seep and how could I take action now to stop any harm - physical or mental - coming to our son.

I started by doing what parents have done for ages and I turned to our support network of families, friends and neighbours to ask advice and solicit ideas. The majority had never heard of this show and advised me to sit tight and see where the wind blew. The general consensus was this was a show for adults only and, as it was only being shown at midnight, chances were slim our son would ever hear about it.

Within a month of first hearing about the show, it began being aired on CICT Calgary on Fridays at midnight. Sure enough, a few weeks pass and my son mentions to me an 11 year-old boy has been telling him about a TV show where a boy named Kenny is killed in each episode.

I was not yet convinced this was out of control and talked to my son about the fact he has never been called Kenny - only Ken or Kenneth - and it was a show for adults only. This weekend an event happened to our family which, when I read it here in black and white, seems to be fairly insignificant, yet it has drastically changed my view on the appropriateness of this television show being shown in Canada in its current form.

Saturday, two 10 year-old boys were playing out front on our street and they took it into their heads to use the children's sidewalk chalk and write - 8 times! - the words 'South Park' in foot-high letters on our sidewalk. I came outside shortly after they had done this - oblivious to the words on the walk - and I watched the children play ball out on the street. As I was standing there, I happened to look down and read the words on our walk. I literally felt like I had been punched in the gut and it took all my resolve not to blow a fuse at these children. I asked them who had written these words on our walk. The two boys admitted it was them and I had them write over each of the offending words. While the boys were doing this I enquired of them if they had seen the show. One admitted he had. I then asked the other child if he was aware of what went on in each episode. He responded that he knew a boy named Kenny was killed. At this point my son came over to see what they had written. When he looked at these words scrawled on his front walk, written by his next-door neighbour and playmate, he looked at me and asked "Is that the show where they kill Kenny?" My heart froze in my throat as I realized he hadn't, until this moment, known the name of the show. Here I was looking into the eyes of an innocent 8 year-old child who trusts I can make everything in the world right and okay. I told him that was the name of the show and he and I

would talk about it later. This gave me some time to get my head around the issue of "What now" - how will I deal with this problem.

This morning I sat down with my son and asked him just how often he had heard about the show. I learned the 11 year-old had not just told him that Kenny was killed but for a few weeks has been relating the violent and graphic details of Kenny's death. For instance, he heard how Kenny was shoved into an incinerator on one show and how Kenny was exploded on another and hit by a train on yet another. Keep in mind, my son is an 8 year-old boy named Ken.

I sat with Ken and we discussed his options for dealing with future incidents and then I turned to him and asked how he felt about all this. My son, my firstborn, the joy of my life, turned to me and said "When they talk about Kenny being killed, I feel like I'm going to die early. How old is Kenny in the show, Mom?" Shock, anger and fear flooded over me as I held Ken in a tight embrace. Then something in me clicked and I knew I would have to fight for this to end NOW. As a parent, I must make the effort to change what is a great injustice. No one should have the right to make another persons name synonymous with being killed. If we stand by and do nothing our son will have to put up with seeing his name, associated with death, on t-shirts and school binders. "Oh my God, we've killed Kenny" will become part of our popular culture and this vile statement will always be associated with our chosen name of Kenneth.

I'd like to ask each person who reads this letter to try this little exercise. Take the name of a child you love. Someone who lights up a room with their smile and can make your day simply by being in it. Now, take their name and fit it into this sentence "Oh my god, we've killed (your beloved child's name goes here)." Try turning that phrase over and over in your mind and feel what it does to your stomach. If you are like me you would have knots the size of Hamilton. Now imagine a party where there has been drinking going on and this disgusting phrase come to the mind of some intoxicated lout. Would you want your child to be named Ken?

In talking to our local TV station and to the national distributor of this show I heard the line "The damage has already been done." We must not accept this. If we nip this phrase in its infancy in Canada, we have a chance that this will be merely a blip on our national consciousness. Together we have the opportunity to make a real and effective difference on an incalculable number of Canadian lives. I understand you require me to offer the date and time of any program brought before your board for review. The show 'South Park' airs in Calgary on CICT every Friday at midnight. They receive their copy of the show from Global Television Network in Toronto. I am reluctant to give you only one airing date as the offending phrase occurs in each and every episode shown. I am also unwilling to confine any changes to the show to Calgary only. If you like, I will research each time 'South Park' is played in every city in Canada and supply you with the dates and times so any effort we make here is felt across the nation.

Now, realistically, what I do expect to happen. At the very least, on the strength of the argument I have presented here, the show should immediately be required to change the character who is killed to a non-existent name. May I suggest Dweebie or Doofus or any name that has no potential of deeply hurting the psyche of any Canadian. Of course, I would prefer the show to be cancelled in Canada.

Members of the Council, in responding to the concerns I have expressed here please look at the photo I have enclosed and think of my son. He is 8 years-old and in grade three. He is a cub scout. He plays hockey and soccer and loves to read. This summer he will go to his first summer sleep-over camp. Ken has root-beer-brown eyes and thick blond hair. His greatest concerns prior to this have been about spelling tests and hockey scores. You have the power

to affect his life. Kenneth and I ask you to take this letter to heart and set a standard that any Canadian would be proud of.

## **The Broadcaster's Response**

The Executive Vice President of Programming from WIC Television in Alberta replied to the complainant on July 20 in the following way:

We have read your letter carefully and have taken some time to analyse your concerns. We sympathize with your concern for your son. Through our own experiences as parents, we understand how unkind children can be to one another. Individuals are 'teased' for a multitude of reasons. They end up with nicknames they dislike. This is all part of growing up in our society.

Regarding the program South Park, I would first like to point out that it is an "adult" program designed for an adult audience and scheduled at a time when children are not likely to be available to watch post midnight.

The program itself is very 'tongue in cheek.' It is designed for comedy. Kenny does "die", but he reappears each week as a running gag on the show, not greatly differing from how Wily Coyote keeps reappearing after falling off cliffs and being crushed by an anvil on the *Bugs Bunny/Road Runner/Wily Coyote* program. The difference is South Park is not programmed to children. We make this point to our viewers not only by the time period it is scheduled, but by carrying a disclaimer which states "the following program is intended for a mature audience and is not recommended for viewers under the age of 18. This program contains language some viewers may find offensive. Viewer discretion and parental guidance is advised."

You suggested that the Kenny character in the program should have a name change so that there would be no connection between this character and your son. Should every victim in every story in every book, movie, play or TV show be given a number? This, of course, is not practical. We feel it is our obligation to provide a wide variety of programs to satisfy the various tastes of our viewers. South Park is highly popular and is scheduled at a time that is appropriate to the content and it carries viewer advisories. While we understand your concern about the name of the character, no broadcast standards coded have been breached, nor is there reason to discontinue the airing of the program or suggest to the producer that the names of the characters should be modified.

The complainant was unsatisfied with the broadcaster's response and requested, on July 29, that the CBSC refer the matter to the appropriate Regional Council for adjudication. With her request, the complainant added a second letter which further elucidated her position.

Thank you for forwarding the letter from the Executive Vice President of Programming for WIC Television Alberta. I must say I am disappointed and surprised at his attitude. I had expected, perhaps naively, a responsible, adult response to my concerns. Instead, his letter is condescending and trite. I am not satisfied (he) addresses the issues I had outlined in my original letter dated June 8<sup>th</sup>, 1998. His arguments are based on poor excuses and outlandish statements - such as suggesting this is "not greatly differing from how Wily Coyote keeps reappearing after falling off cliffs and being crushed by an anvil on the *Bugs Bunny/Road*

*Runner/Wily Coyote program.*” I have never encountered an actual person named Wile E. Coyote. The character ‘Kenny’ on South Park is using a real name and this opens up a whole new avenue of discussion. (He) also states “should every victim in every story in every book, movie, play or TV show be given a number?” Of course not, but this is not a one-time thing. We are talking here about a weekly act of extreme violence which, under current contract obligations, will occur at least 70 times. As for his thought “Individuals are teased for a multitude of reasons. They end up with nicknames they dislike.” I’d like to respond if my son was simply being called a ‘nickname’ I would offer him suggestions and let him deal with it. With a name like Ken there are sure to be some ‘Barbie’ jokes out there. But this is no mere ‘nickname’. An actual person’s name is being associated with gruesome death each week on a national TV show. Surely, this takes a huge step over the line from teasing.

I realise the CBSC is set up to handle complaints based on certain criteria. Surely, the weekly killing of a grade three child, often in very graphic detail, is gratuitous violence in near-definition form. Soon we’ll be able to check in the Canadian Dictionary under gratuitous violence and find the words ‘i.e. South park television show.’

It is a shame (he) and WIC Television have let the dollar signs of a successful show overshadow its deeply disturbing aspects. Killing a child is no ‘running gag.’ It is sick and should be stopped.

## THE MAJORITY DECISION

The CBSC’s Prairie Regional Council considered the complaint primarily under the *Voluntary Code Regarding Violence in Television Programming* and by referring obliquely to the *Code of Ethics* of the Canadian Association of Broadcasters (CAB). The relevant clauses of those Codes read as follows:

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

1.1 Canadian broadcasters shall not air programming which:

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

### *Code of Ethics, Clause 3 (Children’s Programs)*

Recognizing that programs designed specifically for children reach impressionable minds and influence social attitudes and aptitudes, it shall be the responsibility of member stations to provide the closest possible supervision in the selection and control of material, characterizations and plot. Nothing in the foregoing shall mean that the vigour and vitality common to children’s imaginations and love of adventure should be removed. It does mean that programs should be based upon sound social concepts and presented with a superior degree of craftsmanship; that these programs should reflect the moral and ethical standards of contemporary Canadian society and encourage pro-social behaviour and attitudes. The member stations should encourage parents to select from the richness of broadcasting fare, the best programs to be brought to the attention of their children.

The Council also applied some of the language from the Preamble of the *CAB Code of Ethics*, which reads as follows:

The purpose of this Code of Ethics is to document the realization by proprietors and managers of broadcasting stations, that, as an integral part in the media of communications of this nation, their first responsibility is to the radio listeners and television viewers of Canada for the dissemination of information and news, the supply of a variety of entertainment programming to meet the various tastes of listeners, and the necessity for ethical business standards in dealing with advertisers and their agencies.

It is recognized that the most valuable asset of a broadcaster is public respect which must be earned and can be maintained only by adherence to the highest possible standards of public service and integrity.

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 any of the private broadcast standards.

### **The Use of the Name “Kenny”**

It goes without saying that the characters in all dramatic programming are given names and that those fictitious personages are not always admirable or amiable. They may even be nasty, brutal or downright evil. Such is true, of course, of real personalities and major historical figures as well. To place a burden on the creators of dramatic programming *not* to use a familiar name would, in the view of the Council, be unreasonable. It is, moreover, the opinion of the Council that such a coincidence of names is susceptible of being dealt with by parents in a sympathetic and understanding way, so as to minimize any impact which that coincidence might incidentally have on young people. While there may be elements of the WIC Television Vice President's letter which are not as sympathetic to the distressed parent as they could be, or even as supportive of the “other side” of the issue as he would like, the Council does agree with the fundamental thrust of his defence of the program and would like to add some points of its own.

The “Oh my god, we've killed Kenny” part of the show is, of course, intended to be not only comedic, as the WIC Executive Vice President says, but also *unrealistic*. The part of the “Wile E. Coyote” analogy which is most pertinent is, as he says, the anthropomorphized coyote's *reappearance* following each victimized occasion. This could only occur in *that* case, as in *this*, in circumstances which are *not intended to represent reality*. They are not even remotely suggestive of any form of aggressive brutality on a realistic level; the so-called “killing” is a weekly anticipation, a plot issue, as in, how will they do it now, but *nothing* ever interferes with the dramatic continuing survival of the character. Consequently, the Prairie Regional Council believes that there are numerous levels at which a concerned parent could explain away this recurring plot line to a child.

Finally, while Clause 3 of the *Code of Ethics* dealing with children's programming is cited above for reference purposes, the Council believes that it must emphasize the fact that *South Park* is decidedly *not children's fare*. It is not represented to be. It carries an explicit disclaimer. It is not aired at an hour when children could be expected to access it. The Council acknowledges the regrettable reality that some, even many, children may be exposed to the program via the technology of the VCR, the Internet or other means but it is well aware that the original broadcaster cannot be seen as responsible for an event so far out of its control.

It should also be borne in mind that broadcasters are not merely free, but virtually *required* by the *Broadcasting Act* and by the preamble of their own *Code of Ethics*, mirroring the legislative principle, to "supply ... a variety of entertainment programming to meet the various tastes of listeners [and viewers]." Provided that they maintain their "adherence to the highest possible standards of public service and integrity" and do not otherwise breach any of the codified standards to which all private broadcasters adhere, programming such as *South Park* has its place in the broadcast grid. Non-broadcast consequences, such as the 11-year old on the complainant's street or the other children who wrote "South Park" (non-offensive words in and of themselves, contrary to the complainant's assertion) in chalk on the sidewalk, cannot be the responsibility of CICT-TV or any other broadcaster.

### **The Question of Gratuitous Violence**

The matter does not end with the principal concern expressed by the complainant regarding "killing Kenny" for she also raised the issue of gratuitous violence: "Surely, the weekly killing of a grade three child, often in very graphic detail, is gratuitous violence in near-definition form." The Council cannot agree with the complainant's conclusion. It is the view of the majority of the Prairie Regional Council members that gratuitous violence, as defined in the *Violence Code*, is not found in this episode of *South Park*. The Council's views are based in part on the decision of the Ontario Regional Council In *CITY-TV re Silence of the Lambs* (CBSC Decision 94/95-0120, August 18, 1995), where it was stated that:

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.

In *CIHF-TV re Millennium* (CBSC Decision 96/97-0044, February 14, 1997), the Atlantic Regional Council dealt with the question of gratuitous violence in the following terms:

As in the case of *Silence of the Lambs*, the theme of this episode of *Millennium* involves a psychopathic serial killer and the attempts to put an end to his homicidal activities. While violence is central to the tale being recounted, the underlying saga is that of a former law

enforcement official with psychic powers who is attempting to restructure his family life away from threats he and his family had suffered in the “backstory”, *i.e.* the time prior to the beginning of the first episode of the series. Such violence as occurs in the episode is central to the plot and character of the principal protagonist.

Then, in another decision of the Atlantic Regional Council of the same date, namely, *CIHF-TV re an episode of the X-Files* (CBSC Decision 96/97-0043, February 14, 1997), that Council said:

In both *Silence of the Lambs* and *Millennium*, the programs involved “a psychopathic serial killer and the attempts to put an end to his homicidal activities” and, in both cases, the Regional Councils decided that the violence was integral to the themes involved. In this matter, the episode dealt with the theme of genetics, and the program “genre” was science fiction/suspense. In this context, the subject matter and scenes were relevant and appropriate to the program. While the violence in the program clearly constitutes “scenes of violence intended for adult audiences”, the Regional Council concludes that it was not gratuitous.

In the case of this episode of *South Park* (the Council has not viewed other episodes of the series and makes no assessment of the series in general in this respect), there are moments which manifest violent elements, as would be expected in an episode which dealt with hunting, large guns and animals being shot, but the show, in the end, has a moral or lesson; namely, that hunting is a cruel and immoral practice. Those relatively brief violent elements which are present are integral to the development of the plot of the episode in question and, therefore, do not come within the purview of the definition of gratuitous violence set out in the *Violence Code*.

To the extent that the complainant's violence concern is limited to the “killing of Kenny”, the *unrealistic* violence which recurs from episode to episode is in keeping *with a theme* of the *South Park* series which seeks to ridicule societal attitudes, conventions and taboos. While the Council does not consider that a plot line or theme which has violence *as its premise* would escape any and all supervision under Clause 1 of the *Violence Code* (see *CHCH-TV re the movie Strange Days* (CBSC Decisions 98/99-0043 0075, February 3, 1999)), it considers that the unrealistic violence of “killing Kenny” manifests the violent premise of this part of *South Park's* theme in such a way as to not fall afoul of Clause 1 of the *Violence Code*. The Council understands very well that the complainant has a problem with the *continuity* of the manifestation of this part of *South Park's* theme; however, for the reasons explained above, the Council does not share her view. Nor does the Council consider that the element of *continuity* of this spoof (a quantitative matter) amounts to a *qualitative* difference in its assessment.

## **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.

#### **DISSENT BY COUNCIL MEMBER S. HALL**

I have had the opportunity to review the decision of the majority and I feel I must depart from their reasoning that *South Park* is "decidedly *not children's fare*". While *South Park* may be broadcast on Canadian television at a time where children ought not to be able to access it and while it is preceded by a viewer advisory, I feel that we cannot be blind to the fact that much of the show's marketing is geared towards children, as well as adults. One does not have to go far to see children's lunch boxes or T-shirts with one of the *South Park* characters on its front.

It is my belief that broadcasters take the marketing of a program into consideration when they choose to buy the rights to air the program in Canada and, therefore, they must be held accountable for the effects of that marketing. In this case, the show's marketing has the effect of negating the broadcaster's efforts to make *South Park* adult fare. Accordingly, I would find that *South Park* violates the provisions of Clause 2 of the *Violence Code* which state that programming for children "shall deal carefully with themes which could threaten their sense of security", "shall deal carefully with themes which could invite children to imitate acts which they see on screen" and "shall not contain realistic scenes of violence which minimize or gloss over the effects of violent acts."

*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.*