
**CANADIAN BROADCAST STANDARDS COUNCIL
QUEBEC REGIONAL COUNCIL**

TQS re an episode of *Coroner*

(CBSC Decision 98/99-0162)

Decided June 23, 1999

P. Audet (Chair), Y. Chouinard (Vice-Chair), R. Cohen (*ad hoc*),
S. Gouin, P.-L. Smith and P. Tancred

THE FACTS

On November 20, 1998, at 7:30 p.m., Télévision Quatre Saisons (TQS) broadcast an episode of *Coroner*, a program which dramatises allegedly real case files of a city coroner. *Coroner* is a docudrama style of programming. In addition to a re-enactment of the events leading up to the death, it generally includes clips of interviews with “experts” who explain the various aspects of the case.

The episode in question dealt with the death of a man who, it was later explained, was involved in sado-masochistic practices. In the episode in question, a pathologist explained the principles of mummification (in order to provide insight into the reason for the body’s not having decomposed prior to being found), while a criminologist-sexologist and a psychologist provided their respective insights into the motive and intent related to the actions which led up to the death. The scenes of the re-enactment showed a woman wearing a leather corset and fish-net stockings tying the man up, putting a noose around his throat and pulling on the other end of the cord.

The Letter of Complaint

On November 27, a viewer wrote to the Secretary General of the CRTC stating that:

[Translation] On Friday, November 20th at 7:45 p.m. TQS took the liberty of showing scenes of sado-masochism during its broadcast of an episode of *Coroner*. A young woman wearing a leather bra strangles a man while an off-camera voice explains that strangulation heightens the pleasure. Of course, ultimately it will come to be seen that this dangerous game ends in a

man's death. My 10 year-old son saw a good portion of this televised garbage; hence my outrage.

TQS's customer service personnel, whom I contacted after this ordeal, had the nerve to attempt to lay the blame at my feet, accusing me of not properly controlling what my son watches on television. Let's not forget that it was 7:45 p.m. Faced with my tightly woven arguments, they changed their tune: the broadcast of these obscene scenes was justified by the context of the program which links these sexual practices to the man's death.

I am really not a strict moralist; however, I know that the only thing my 10 year-old son will remember from this "report" are the scenes of S&M and the voice-over linking these with sexual pleasure. The "context" provided by the show's conclusion is only valid to those with at least some basic formal knowledge. This excludes children at the outset.

In accordance with the normal practics, that letter was forwarded to the CBSC to deal with.

The Broadcaster's Response

The Vice-President of Communications replied to the complainant on December 18 with the following:

[Translation] We acknowledge receipt of the letter which you sent to the CRTC regarding your concerns with the November 20th episode of "Coroner".

We have duly noted your comments about this episode. The purpose of this show is to report the coroner's investigations so that similar deaths can be prevented. Unfortunately, if I may say so, one of these investigations was in reference to a man who died while being strangled for sexual purposes, even if such a thing seems shocking. And as you mentioned, the conclusion of the story touched on the sexual practices in question.

The complainant was unsatisfied with the broadcaster's response and requested, on January 2nd, 1999, that the CBSC refer the matter to the appropriate Regional Council for adjudication.

THE DECISION

The CBSC's Quebec Regional Council considered the complaint under the *Voluntary Code Regarding Violence in Television Programming*, the *CAB Code of Ethics* and the *Sex-Role Portrayal Code for Radio and Television Programming*. The relevant clauses of those Codes read as follows:

Sex-Role Portrayal Code, Clause 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.

Violence Code, Clause 3 (Scheduling)

3.1 Programming

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.

...

3.1.5 Broadcasters shall take special precautions to advise viewers of the content of programming intended for adult audiences which is telecast before 9 pm in accordance with article 3.1.3.

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 4 (Classification System) in pertinent part

4.1 Canadian broadcasters are in the process of co-operatively developing with other segments of the industry, a viewer-friendly classification system, which will provide guidelines on content and the intended audience for programming.

Once complete, the classification system shall complement this Voluntary Code.

The Regional Council members viewed a tape of the program in question and reviewed all of the correspondence. While the Council does not consider that there was any problem created by the content of the program or the hour at which it was broadcast, the broadcaster's failure to classify the program and to include the appropriate rating icon on the screen constituted a breach of Clause 4.1 of the CAB *Violence Code*.

The Content of the Program and its Scheduling

The Council acknowledges that the program in question dealt with mature subject matter. Indeed, it is the maturity of the subject matter which provoked the complaint. In *CFSK-TV (STV) re an episode of Friends* (CBSC Decision 95/96-0159, December 16, 1997), the Prairie Regional Council dealt with a similar complaint regarding alleged “blatantly promiscuous behaviour” depicted in a sitcom which aired at 7 p.m. In the episode of *Friends* in question, one of the female characters was faced with the reluctance of her boyfriend to have sex with her. The Council there concluded that

this episode of *Friends* has taken a very tongue-in-cheek approach to male/female interaction and sexual relationships. Joey’s summary of Phoebe’s behaviour (where he states: “So let me get this straight, he got you to beg to sleep with him, he got you to say he never has to call you again and he got you to thinking that this is a great idea?”) emphasizes the superficiality of Phoebe’s approach to physical relationships. While the morality of this approach will not be accepted by everyone, perhaps not even by the majority of viewers, its purpose is to amuse and, the Council assumes, to make people *think* about the issue. *The ultimate responsibility for determining whether such mature themes should be viewed by everyone must be left to individual families.* [Emphasis added]

While the Quebec Regional Council is here dealing with a program intended to be serious, not amusing, as in the *CFSK-TV* case mentioned above, it considers that the basic principles established by Prairie Regional Council in the aforementioned case also apply here. The Council does not consider that the episode of *Coroner* in question was any more explicit or graphic than the *Friends* episode described above. Accordingly, it does not find that any of the descriptions or scenes in the program fall within the category of programming “intended for adult audiences”. Such a conclusion would have required, among other things, that the broadcaster air the program only after the watershed hour, set in the *Violence Code* (but generally used by broadcasters and the CBSC for all types of adult programming) at 9 p.m.

In *CITY-TV re Ed the Sock* (CBSC Decision 9495-0100, August 23, 1995), the CBSC had its first opportunity to examine issues of principle relating to the watershed hour. The Ontario Regional Council there observed, among other things, that

In its literal sense, [the watershed], of course, denotes the line separating waters flowing into different rivers or river basins. Popularly, the term has been applied to threshold issues but the literal meaning of the word gives the best visual sense of programming falling on one side or the other of a defined line, in this case a time line. Programming seen as suitable for children and families falls on the early side of the line; programming targeted primarily for adults falls on the late side of the line. It should be noted that the definition of that time line varies from country to country, from 8:30 p.m. in New Zealand to 10:30 p.m. in France. (Great Britain, Finland, South Africa and Australia all share the Canadian choice of 9:00 p.m. as the watershed.)

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. ...

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 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.

... 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.

The Requirement for a Viewer Advisory

While the broadcaster did not provide any information as to the violent or sexual content of the *Coroner* episode in question, the Council notes that, in the circumstances, it was not required to do so. In the Council's view, the violent and sexual component of the episode was *suggested* rather than manifest or blatant and that, consequently, the broadcast in question did not trigger the application of Clause 5.2 of the *Violence Code*, which requires that "broadcasters ... 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".

The Requirement for Program Classification

The questions of the requirement for viewer advisories and classification advice are different. Regardless of the resolution of the former, the broadcaster was required to provide an on-screen icon indicating a rating for the program in accordance with the classification system approved by the CRTC in Public Notice CRTC 1997-80: *Classification System for Violence in Television Programming* (June 18, 1997). The only programming exempted from the need for a rating is described as follows. "Exempt programming includes: news, sports, documentaries and other information programming; talk shows, music videos, and variety programming." *All* other programming, regardless of the hour at which it is broadcast, requires classification and, at least until such time as the V-chip support system is in force, an *on-screen* icon representing that rating. This episode of *Coroner* falls within that genre of programming sometimes referred to as "reality" programming. As to its presentation, it is primarily a *dramatic* recreation of a story declared to emanate from the real files of a coroner's office. It is also undeniable that there is

documentary content in the form of interviews with professionals on aspects of the case in question but these do not change the fundamentally dramatic character of the programming and the requirement that it be classified. By not including a rating, the broadcaster has breached the requirements of the *Violence Code* and the classification system adopted pursuant to Clause 4.1 thereof.

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, while brief, 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.

CONTENT OF THE ANNOUNCEMENT OF THE DECISION

The station is required to announce this decision forthwith, in the following terms, during prime time and, within the next thirty days, to provide confirmation of the airing of the statement to the CBSC and to the complainant who filed a Ruling Request.

The Canadian Broadcast Standards Council has found that Télévision Quatre Saisons breached provisions of the Canadian Association of Broadcaster's *Violence Code* in its broadcast of an episode of *Coroner* on November 20, 1998. While the Council does not consider that there was any problem created by the content of the program or the hour at which it was broadcast, the broadcaster's failure to classify the program and to include the appropriate rating icon on the screen constituted a breach of Clause 4.1 of the CAB *Violence Code*.

This decision is a public document upon its release by the Canadian Broadcast Standards Council.