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**CANADIAN BROADCAST STANDARDS COUNCIL  
PRAIRIE REGIONAL COUNCIL**

*CTV re Kevin Spencer*

(CBSC Decision 98/99-1173)

Decided November 18, 1999

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

\*Raya Gallagher, who normally sits as a member of the Prairie Regional Council did not do so in this instance since she is employed by a CTV station.

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## **THE FACTS**

*Kevin Spencer* is an animated series about a young boy from a dysfunctional family, who, according to the title song, is a “chain-smoking, alcoholic sociopath.” The program airs at midnight on CTV. It is rated “14+” and an on-screen icon appears to that effect at the beginning of the show. Moreover, the following viewer advisory (in both audio and on-screen formats) precedes the broadcast: “The following program contains scenes of violence and coarse language and is intended for mature, adult viewers and is not suitable for young viewers.”

It is extremely difficult to convey a sense of the show without describing at least some of the serial events which occur. To provide some of this “flavour”, the half-hour episode of *Kevin Spencer* of July 31, 1999, began with scenes of the young Kevin receiving electroshock therapy from the very mean brother of his first psychiatrist who had had a nervous breakdown. At parent-teacher night, one of Kevin’s parents must show up or the Child Welfare Services will put Kevin back in a foster family (whose caring got on Kevin’s nerves). Mom is, however, too busy with her telephone sex job to go to attend. Dad (Percy Spencer) is watching “Cops” and “America’s Most Hunted” on television and is featured in both. Dad is, however, conned by Kevin into going to the parent-teacher night, thinking that he is going to a blood donor clinic where he will get \$5 for his blood if he lies about his herpes.

Percy first meets with Mrs. Kilborn who has a long list of concerns regarding Kevin. Percy remembers her throwing a brick at a bus of “scab” workers during the last teachers’ strike. “Thinking about the man getting hit in the head with the brick made Percy laugh.” Percy

finally figures out that this isn't a blood donor clinic and considers popping [Kevin] a sweet one in the head". The next meeting is with Kevin's gym teacher, who claims that "Kevin is a loser" and recounts how Kevin had put a sexual lubricant on the uneven bars (viewers see a little girl go flying with a scream). Percy tries the trampoline, gets motion sickness and vomits. During the meeting with Mr. Donaldson, the woodworking teacher, Percy recalls that he hates this man because they both hang out at the same strip club but the girls like Mr. Donaldson better (he's employed and keeps his pants on). Percy surreptitiously turns on a piece of equipment which Mr. Donaldson is working on, causing him to lose his pants and his artificial leg. Percy laughs and gets hit in the head with the leg. Kevin turns his dad in to the police for \$300 and "celebrates" by buying cigarettes, cough syrup and "enough sugar to fill every gas tank in the parking lot." All of the foregoing occurs by the first commercial break.

The content of the show is satirical and it plays to a considerable extent on irreverent and anti-social themes, some of which, as described above, include violent matter. Any attempt at describing the entire plot of each of the two episodes would take unnecessary space and time to very little purpose, since the thrust of this decision has to do with the violent components of the episodes in question. Among the other scenes including such elements are those which follow: Percy beating a man with a stocking stuffed with an ashtray; Kevin's psychiatrist being blown away in a rocket; Kevin's gym teacher getting his arm blown off for his attempt to stop Kevin from firing a rocket in school; Kevin kicking his father in the groin; Kevin being beaten by four prison guards; Kevin sticking a fork in his temple; Kevin beating a man in the head with a phone receiver until he falls; Kevin being sliced into pieces by prison inmates and an especially graphic display of Kevin's head in a pool of blood is shown.

The episode of August 7 begins with a big fire in a mental institution, with people falling out of the windows of the burning building (the fire having been started by cigarettes being put (perhaps intentionally) into a couch. While the precise events necessarily change from the previous episode, they are equally dysfunctional, frequently tasteless and intermittently violent. The scenes of violence in the August 7 episode included Kevin attacking a guard at a mental institution; Kevin picking up a severed head from a car accident and attempting first to keep it as a pet, then return it to the victim's family and finally using it as a bird feeder; Kevin kicking a priest in the groin; Kevin taking the guidance counsellor hostage with the switchblade he brought to school; the mayor of the town going on a shooting spree; a dog ending up drowned in a well; Kevin and his father fighting with empty bottles; Kevin's father "sucker punching" a waiter in a restaurant; many body bags being taken away from a religious centre where Kevin was being held; a bombing showing bloody body parts strewn all over; a baby alligator biting off Percy's finger; Percy and the alligator brawling resulting in Percy being badly hurt; an animal control officer being killed by the alligator.

In a lengthy letter dated August 8, the complainant indicated that she was "shocked" by what she described as "a sick attempt to pass off as humour a family portrayal including sex, abuse, sodomy and drunkenness, a shameless glopping together of these and many

other stereotypes of dysfunctional families and presenting it to me as funny.” This letter was originally addressed to the Canadian Television Fund (CTF) as the program in question receives funding from CTF. The complainant further added:

While I'm assuming the majority of projects you support are worthwhile, it seems someone at the CTF has 'dropped the ball' in funding Kevin Spencer. Please correct me if I'm wrong. Your website mentions a production must "conform to the Canadian Association of Broadcasters' Code of Ethics and to all programming standards endorsed by the CRTC including those related to sex-role portrayal and violence.” I would be totally amazed and at the same time saddened to find “Kevin Spencer” met these codes.

...

I don't worry so much about adults watching; most can discern stupidity when viewed. My concern is with children and teens from dysfunctional homes. This show presents *abnormal as normal* - to a dysfunctional child, this line is already blurred. Kevin fits exactly the profile of the gun-wielding teens recently of Taber and Colorado fame. Loners, feeling everyone despises them, they hate everyone and want revenge. Kevin is always looking for and exacting ways of hurting others or, just as horrifying, hurting himself. This show is a 'how-to' on revenge.

A copy of the letter was forwarded to the CRTC, which, in due course, forwarded it to the CBSC. The full text of this letter can be found in the Appendix to this decision.

The Vice President of Comedy & Variety Programming of CTV responded to the complainant's letter on August 30<sup>th</sup>, 1999 with the following:

As you may be aware, 9:00 P.M. is generally accepted as the watershed in prime time where adult material may appear. After 9:00 p.m., broadcasters may present programming, which portrays adult situations or explicit language. Such programming usually includes an advisory at the beginning of the show, which alerts audiences to material which may be offensive to some viewers. Such is the case with this program. A program disclaimer and voice-over advisory are used at the top of the show. Further, our scheduling of the show at midnight is a clear indication of our regard for the adult nature of the material.

In addition, all Canadian broadcasters have adopted a comprehensive classification system to provide guidance to audiences regarding program content on such matters as violence, language, nudity, sexuality and/or mature themes. All of our entertainment programs utilize this ratings system. In the specific case of “**Kevin Spencer**”, the 14+ icon is used to advise viewers that the program may contain graphic language and elements intended for adult audiences.

The broadcaster further added:

You have challenged us to identify one redeeming quality of the show or its characters. The series is totally politically incorrect. That is the point. If there needs to be a redeeming value (and in comedy, I would suggest there doesn't have to be), then this series emphasizes/exaggerates every stereotypical negative influence that can potentially affect society. This is the mirror to that which exists. With respect, maybe a show of this nature says more about what is wrong in society than many other earnest programming attempts.

The full text of this letter, as well as additional correspondence between the complainant and the broadcaster, can be found in the Appendix.

## THE DECISION

The CBSC's Prairie Regional Council considered the complaint under the Clauses 1 and 4 of the Canadian Association of Broadcasters' (CAB) *Voluntary Code Regarding Violence in Television Programming* as well as Clause 4 of the *Sex-Role Portrayal Code*. The Prairie Regional Council members viewed tapes of the programs and reviewed all of the correspondence. The Council considers that the program is, in certain respects, in breach of the *Violence Code*.

### General Concerns regarding the Content of the Program

In addition to concerns regarding the level of violent content (which are dealt with below), the complainant's concerns include the normalization of aberrant behaviour. She states that "this show presents *abnormal as normal*". The Council understands and is not unsympathetic to these concerns but, in this regard, the Council shares the view of its Quebec and Atlantic counterparts as expressed in *CIHF-TV and CKMI-TV re The Jerry Springer Show* (CBSC Decision 97/98-1277 and 98/99-0294 and -446, May 28 and June 23, 1999). In that decision, while the Councils were unable to find a breach of the codes regarding the subject matter alone of the episodes it viewed, the Councils stated the following with respect to the bizarre relationship issues presented on *The Jerry Springer Show*.

This is not to say that the Councils approve of the content of the shows or consider them appropriate for young people but only that, in general, the subject matter dealt with does not fall afoul of any of the private broadcaster Codes. Indeed, to the extent that the Councils are troubled by the subject matter, it results primarily from their concern that the broadcasting of such aberrant behaviour as generally characterizes the show has the effect of desensitizing the viewers (of any age) to the disregard of normative social behaviour. While this may be a regrettable result, it does not constitute a breach of any Code.

Over and above *general* desensitization, the complainant indicated that she was very concerned about the effect of this program on children and teens. She was not persuaded by the broadcaster's argument that there were several clear indications that the show was not aimed at children: first, its late broadcast hour; second, the substance of the viewer advisories which precede the show; and, third, the "14+" rating assigned to the program. The complainant replied that "I guess they figure we're in the 1950s when kids were neatly tucked into bed at 8:00 / or that today's youth can't program a VCR to tape a show / or that every child has a responsible parent watching out for them."

This Council dealt with such concerns over an animated series in its decision in *CICT-TV re South Park* (CBSC Decision 97/98-1214, June 16, 1999). In that case, the Council found 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.

A Council member dissented on this point, however, noting that “the show’s marketing has the effect of negating the broadcaster’s efforts to make *South Park* adult fare”, and accordingly would have found the program in violation of the provision in the *Violence Code* which deals with children’s programming.

In this case, the Council finds that *Kevin Spencer*, although animated, is equally not children’s fare. Accordingly, there are no special requirements, as there would be if the program had been *aimed* at children, that the program “be based on sound social concepts” or that it “reflect the moral and ethical standards of contemporary Canadian society and encourage pro-social behaviour and attitudes.”

Finally, the Council considers it appropriate to restate the principle that its mandate does not extend to questions of good taste. In *The Comedy Network re The Tom Green Show* (CBSC Decision 98/99-0291, June 17, 1999), which dealt with a complaint regarding the use of a dead pigeon as a prop in an unconventional comedy show, the Ontario Regional Council reiterated that such questions “should be left to the market place.” The Council stated:

While *The Tom Green Show* may be unpalatable for some, it may also be meeting the special likes and desires of others. That is a question to be determined, on the one hand, by the broadcaster in its decision to put the show on the air and by the viewer, on the other hand, in deciding to watch or not watch the program.

While the Council does consider that *Kevin Spencer* is replete with examples of bad taste and anti-social behaviour, it does not, *in this respect*, violate any broadcaster Code. It is presented late at night, is armed with all appropriate viewer warnings to alert those who may choose to avoid the show, and so on. It is the viewer’s choice whether to watch such shows or avoid them but the marketplace alone governs whether they will endure or disappear. In individual homes, the disappearance of the show is governed by him or her who holds the remote control.

### **Sex-Role Portrayal Issues**

The Prairie Regional Council also considered the question of the prohibition of negative and degrading comments as they are laid down in Article 4 of the *Sex-Role Portrayal Code*.

The complainant alleges that the program is degrading to men, women and children. In the Council's view, the situation is analogous to that dealt with by the Council in *CKX-TV re National Lampoon's Animal House* (CBSC Decision 96/97-0104, December 16, 1997). In that case, the film not surprisingly depicted almost all of the group of young college people in as unflattering a fashion 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 Council stated:

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.

Given that the negative and degrading commentary in *Kevin Spencer* is so equally administered as to be rendered virtually gender neutral, the Council does not consider it to fall afoul of the *Sex-Role Portrayal Code*.

### **Gratuitous Violence**

The Council's greatest concerns with respect to *Kevin Spencer* lie with its violent content. Clause 1 of the *Violence Code* prohibits any gratuitous violence, which is defined in the Code as "material which does not play an integral role in developing the plot, character or theme of the material as a whole."

The CBSC made its first finding of gratuitous violence in *CHCH-TV re the movie Strange Days* (CBSC Decisions 98/99-0043 and 0075, February 3, 1999). In that case, the Ontario Regional Council grappled with the issue of gratuitous violence where violence was one of the premises of the movie. The Council stated:

To the extent that a program has violence as its fundamental premise, the question for the Council is to determine whether *that* premise alone will justify any and all portrayals of violence which the creators of the program might wish to include in it. To this circular argument, the Council must answer no. If this were the case, Article 1 would be rendered devoid of substance and the Council cannot presume that this was the intention of the codifiers.

...

Accepting that the Code has set limits on the depiction of violence which can be included in the televised version of a feature film, where use of the public airwaves is in question, the Council must decide what these limits are from case to case. In applying the foregoing principles to the televised version of *Strange Days*, the Council acknowledges that much of the considerable violence in the film is ambient, providing the evidence of the decaying and violent city of Los Angeles at the projected turning of the millennium. Some of that violence, particularly the not infrequent fights involving Lenny Nero, the film's Playback peddler hero, is

rather tongue-in-cheek. The one scene, though, which has most troubled the Council is the gruesome strangulation and rape of a woman which, in its length and graphic presentation, exceeded *in the television context* what may have been necessary to advance the plot. Whether the scene should have been as long (or longer) in the theatrical version is not at issue. For the television version, measured against industry codes, it is the view of the Council that it could have been edited without sacrificing any artistic integrity, and ought to have been edited in order to be long enough to make its point but not so long as to amount to violence for violence's sake.

In *CICT-TV re South Park* (CBSC Decision 97/98-1214, June 16, 1999), this Council dealt with a complaint about the running "spoof" in the animated series *South Park* in which one of the young characters is killed in each episode. The Council did not find that the episode of *South Park* in question contained any gratuitous violence. The Council noted that

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*.

In some ways, the Council considers *Kevin Spencer* to be analogous to *South Park*. Both these animated series use intermittent unrealistic violence to make a satirical point. The Council notes, though, that *Kevin Spencer* contains *much more* violence than does *South Park* and that it does not provide a moral or a lesson as did the *South Park* episode viewed by the Council. While the Council is uncomfortable with this excessive use of violence, it finds it difficult to conclude that the violence is not in keeping with *Kevin Spencer's* darker theme of "a chain-smoking, alcoholic sociopath" and, therefore, concludes that it is not gratuitous. While such a theme cannot excuse any and all violence, the Council here considers the excessive violence to be borderline at best and, in the circumstances, it will err on the side of freedom of expression by not finding that CTV has overstepped the boundaries of the *Violence Code* with respect to gratuitous violence in the context of an animated series.

## Sanctioning, Promoting or Glamorizing Violence

In addition to the prohibition against gratuitous violence, the Violence Code prohibits programming which “sanctions, promotes or glamorizes violence”. In *CIHF-TV and CKMI-TV re The Jerry Springer Show* (CBSC Decision 97/98-1277 and 98/99-0294 and -446, May 28 and June 23, 1999), the Atlantic and Quebec Regional Councils made the CBSC’s first finding that a program had glamorized violence and thus breached Clause 1 of the Violence Code. They described the *Jerry Springer Show* as follows:

In each of the episodes viewed for the purpose of this decision, it is perfectly clear that the violent reaction of the invitees is anticipated by the host, sanctioned as an occurrence, and encouraged and even promoted by both the host and his audience. If it were otherwise, the bouncers would *prevent* the happening. They do not, nor are they encouraged to. The dialogue between the host and the guests is meant to wind the practitioners of weird social arts to the breaking point and to set them at each other’s “throats” or other accessible parts of their bodies.

While the *Kevin Spencer* and *Jerry Springer Shows* are clearly different genres, the former being dramatic comedic programming and the latter a talk-style show, the following general principle set out in the *Springer* decision applies across the programming board.

The text of the *Violence Code* is clear. Its first principles, laid down in Clause 1, are that Canadian television has no place for *either* gratuitous violence *or* for glamorized or promoted violence. Although both are of equal weight, the first prohibition is better known but this does not make the second any less important. The broadcasters chose, in 1993, to de-emphasize violence, to ensure that it is not only not a necessary component of Canadian private television programming but also that it is not an emphasized or promoted value. Violence when necessary, but not necessarily violence.

The Council agrees with the broadcaster’s contention that the program is satire and that the “[u]nrealistic animated violence is part of how the show creates its dark or anti-establishment feel.” The Council notes that there are many other examples of criminal and anti-social behaviour salted through the show. While the Council understands that the program is satirical and that it “emphasizes/exaggerates every stereotypical negative influence that can potentially affect society,” it is concerned by the extensive use of violence *as the basis for humour*.

In the Council’s view, scenes such as those involving the theft and subsequent use as a plaything of a severed human head taken from an accident site, the graphic display of Kevin’s head in a pool of blood and the display of bloody body parts strewn all over the street, when taken in a *comedic* context such as this one, have the effect of sanctioning, promoting or glamorizing violence contrary to Clause 1 of the Violence Code. The Council realizes that the characters and circumstances in *Kevin Spencer* are unappealing, unendearing and unlikely to be viewed as anything more than the opposite of role models; however, that is not the point here. The Council does not find that it is through the use of role models that *Kevin Spencer* sanctions violence; rather it finds that it does so by turning excessive, graphic and gory depictions of violence into a source of humour.

In light of the above, the Council finds that some of the scenes included in the July 31 and August 7 episodes of *Kevin Spencer* contravened the prohibition against sanctioning, promoting and glamorizing violence found in Clause 1 of the Violence Code.

### **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 of the issues raised by the complainant. Nothing more is required. Consequently, the broadcaster has not breached the Council's standard of responsiveness.

### **CONTENT OF THE ANNOUNCEMENT OF THE DECISION**

CTV 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 CTV has breached Clause 1 of the *Violence Code*. The Council found that two episodes of the adult animated series *Kevin Spencer* contained scenes which contravened the prohibition against sanctioning, promoting and glamorizing violence. In the Council's view, excessively graphic scenes such as those involving the theft and use as a plaything of a severed human head from an accident site, the display of Kevin's head in a pool of blood and the strewing of bloody body parts all over the street, when used as the basis for humour, had the effect of sanctioning, promoting or glamorizing violence.

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

**APPENDIX**  
**to CBSC Decision 98/99-1173**  
***CFCN-TV re Kevin Spencer***

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**I. The Complaint**

The following letter of complaint dated August 8, 1999 was sent to the CRTC's Head Office which forwarded the matter to the CBSC in due course:

I am enclosing a copy of a letter I forwarded to the Canadian Television Fund in complaint of the show, "Kevin Spencer" (currently running Saturday nights at midnight on CTV as well as on the Comedy Network). This letter highlights a few episodes as well as my concerns.

I have watched three episodes of the show, and find each one more horrific than the last. On the attached sheets I have summarized the one from last night, August 7/99, to give you a further idea of just how sick the content really is.

I look forward to hearing your thoughts on this awful show and what can be done to force it off the air. I would like someone to justify to me it being on TV - what criteria were used to evaluate its worth as entertainment.

Thank you for your time and effort in this matter.

The following letter to The Canadian Television Fund was attached to the letter addressed to the CRTC:

This letter is to lodge a complaint against the tv show, "Kevin Spencer" and to question C.T.F.'s policies in choosing to fund such a deviant endeavour (currently airing on CTV Sat. nights at midnight/Comedy Network).

Picture yourself in my shoes, or should I say slippers. I'm at home on the couch, just about to head up to bed, channel-surfing on tv. It's Saturday, nearly midnight. A show comes on CTV after a warning re content. Curious, I start to watch. Thirty minutes later I sit shocked at what had unfolded in front of me - a sick attempt to pass off as humour a family portrayal including sex, abuse, sodomy and drunkenness, a shameless glopping together of these and many other stereotypes of dysfunctional families and presenting it to me as funny. I was further horrified during the credits to discover it was funded by the Canadian Television Fund, so my tax dollars helped out.

Here are the highlights of the episode aired July 17, 1999 on CTV:

- Kevin's father is alcoholic / abusive / in and out of jail / advises his son to visit prostitutes / gun-toting, he fires his shotgun at cans in the backyard and then at their abandoned car to wake up his wife, sleeping off her hangover in the back seat.

- Kevin's mother is also alcoholic / abusive / like her husband who promotes prostitutes, she actually is one; she recommends this lifestyle to her son giving three examples of how she sold her body for local goods and services - she proudly laughs about it / she horribly

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ridicules Kevin, purposely buying him geeky clothes so his classmates and her husband can also laugh at him.

- Kevin is the young, teenage son in jail and this episode relives some of his past. He drinks, smells gasoline, reads porn and is constantly portrayed smoking a cigarette.

This episode's main dilemma is that Kevin must attend a party, a make-out party, given by a few of his classmates. He is worried about the make-out part and seeks counsel from his parents; I have mentioned part of the demented advice he is given. He shows up at the party, drunk on rye and cough syrup. Things don't go well when he must go in the closet with a girl. Everyone laughs at him and says they only invited him to make fun of him. He runs out of the room. How does he handle this rejection? Before he leaves the house he set the drapes on fire, steals money from the parents and spikes the punch with cough syrup, delighted when he sees the teens vomit.

Other highlights include the parents having sex on the kitchen table and a fishing trip complete with sodomy. Kevin's father takes him fishing. The father is impatient with not catching anything, so takes TNT into the boat to blow up the fish. Drunk, he ends up blowing up their boat, the father landing in a tree above a "hillbilly" shack. He falls through the roof where the three men inside, "being hillbillies" proceed to sodomize him. This is visually interpreted, the father on the table and the men taking turns.

I watched a second episode July 31st, hoping the one I've just outlined must have been an exception. I was disgusted that the first one was tame in comparison. A few highlights: oral sex performed on Kevin's mom at their house party / Kevin's father's friend slices up Kevin with a razor and they laugh as he falls apart in chunks / Kevin violently frying under electro-shock / After shoplifting, Kevin blows up a suspicious salesclerk's car to get even / Kevin ignites a gym-teacher's hand and is sad as he'd hoped for worse that just it burning off / Kevin gets high on the nitrous oxide from a can of whipped cream.

It seems my reporting of the content differs from your website description:

"Kevin Spencer recalls the life adventures of a charming and lovable little scamp as he blossoms into a full blown sociopath with a penchant for cigarettes, cough syrup and sudden eruptions of calculated mayhem."

While I'm assuming the majority of projects you support are worthwhile, it seems someone at the CTF has 'dropped the ball' in funding Kevin Spencer. Please correct me if I'm wrong. Your website mentions a production must "conform to the Canadian Association of Broadcasters' Code of Ethics and to all programming standards endorsed by the CRTC including those related to sex-role portrayal and violence." I would be totally amazed and at the same time saddened to find "Kevin Spencer" met these codes. Please forward me a copy of these two above-mentioned policies.

Also at your website under, "SPIRIT, INTENT AND GOALS" you state,

"The spirit and intent of the CTF are to support the production and broadcast of a specific type of culturally significant tv and film production. These productions speak to Canadians about themselves, their culture, their issues, their concerns and their stories. These productions reflect the lives of Canadians across the country and reveal Canadians and their society to the viewer."

Please contact me after you have watched a few episodes of "Kevin Spencer" and tell me if what you see matches the above lofty statements. I think not.

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I don't worry so much about adults watching; most can discern stupidity when viewed. My concern is with children and teens from dysfunctional homes. This show presents *abnormal as normal* - to a dysfunctional child, this line is already blurred. Kevin fits exactly the profile of the gun-wielding teens recently of Taber and Colorado fame. Loners, feeling everyone despises them, they hate everyone and want revenge. Kevin is always looking for and exacting ways of hurting others or, just as horrifying, hurting himself. This show is a 'how-to' on revenge. I challenge the CTF to tell me just one redeeming quality of the show or its characters. After the Taber & Colorado shootings, the public cried out for a single answer to the proverbial "why". I believe many things contribute to the hopelessness, desperation and anger many teens struggle with, but one factor is shows like this, sloppily funded by my taxes and aired by networks that refuse to draw the content line somewhere; it is another 'brick' in the wall - the wall being the society we are creating.

I have already complained to our local station CFCN and also to CTV, citing poor judgment in choosing to air this show on public t.v. The adultish content - risque and obscene, has a more appropriate market within Hustler magazine.

I look forward to receiving those code of ethics I asked for as well as a response to my concerns. I find it hard to believe this show isn't in violation of any standards regarding sex / violence / deviant behavior and just plain poor taste - degrading and making light of dysfunctional families as well as glamorizing revenge and a deviant lifestyle. As a funding agency, don't you feel some responsibility for the end product?

The complainant included the following highlights of the August 7<sup>th</sup> show:

"Kevin Spencer" show Sat. Aug 7/99

- rating on upper left part of screen: 14+
- high security mental hospital in which Kevin is being treated is on fire
- patients are falling out of building, screaming, hitting cement
- Kevin, who started the fire, stands and watches, with a thought bubble: "SWEET"
  
- Kevin is sent to a private mental hospital run by a "tax exempt religious group under investigation." They say he must endure a ritual cleansing ... an exorcism. Kevin vomits, his head spins around and then he jumps a guard and twists his head around.
  
- Kevin and his father go to a Bingo hall because a postal strike delayed welfare cheques therefore no smokes or beer. They sit and breathe in second hand smoke from the seniors and Kevin's dad steals half empty beers. He says, "That'll hold me till we get to the strip club." In the father's haste to make "last call" he crashes the car into a tree, a frequent occurrence. Kevin's favorite cousin, Lomax, is the police tow truck driver who arrives on the scene. Kevin admires him because he "always had stories about gruesome, gory things he'd seen at car crashes." The visual image is of Lomax smiling and dancing, delighting in the horror behind him - mutilated cars and bodies on fire. Kevin, if he wanted a job, admired Lomax's, except that jobs were for suckers."
  
- Lomax reminisces to Kevin about a crash 3 years ago - an 18 wheeler full of redwood logs dropped on top of a school bus of orphans and nuns. Lomax laughs about it as he tells of the "veteran cops on the scene crying out to God. God didn't say nothin' back" he laughs. Kevin thought Lomax the "coolest person in the world" admiring his bloodstained overalls and "baggy eyes devoid of feeling". "Lomax ruled!" - Kevin and Lomax go to a big, fresh accident. "Kevin is disappointed 'cause the police and ambulance had already taken away most of the bodies." As Lomax's tow truck lifts an overturned car, Kevin spots a decapitated head as it drops out. He hides it from his cousin and takes it home. "Having a real human head would make him cool and it would keep him company at home." He kept the head in his bedroom

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and "treated it like his new friend." We see the head like a shrine - between two lit candles. Kevin lights cigarettes in the head's mouth. "This went on for a week and no one noticed the smell till laundry day." Kevin's father told him to "get that thing out of here! Are you trying to bring the heat down on us?" After giving his father the finger, one of Kevin's regular habits, he wonders what his dad wants him to do with it. His response: "Your mother is the expert when it comes to *head* but she's in detox. Just get rid of it before 7:00 or it'll scare the hookers."

- Kevin takes the head to the funeral and holds it up to the horrified relatives. Kevin's response to the priest chastising him: he gives him the finger and kicks him in the crotch, another frequent habit of the members of his family. He grabbed the head and left. "It was a sad day. Kevin had lost his chance to be a hero but at least had a new bird feeder in the backyard." We see it hanging from a tree, a bird perched on it, tearing at the flesh.

- We are now at Kevin's school. (The episodes never have a real plot, just disjointed ideas and we are jerked from scene to scene.) "Kevin had been expelled from school again. He used to carry a knife onto school property, claiming it was part of his religion. The new dress code made it against the rules to carry a ceremonial dagger. So Kevin protested by taking the guidance counselor hostage with a knife." We see this happen as do a handful of scared students. Of the 3 shows I watched, 2 contained scenes like this Kevin getting back at teachers and/or students in a violent way. As I mention in the attached letter to the Canadian Television Fund, Kevin matches the profile of the teens of recent Taber and Colorado fame and this show is a 'how-to' on revenge.

- Kevin decides if he could get a job he could move away from "this dump - and start his own isolationist militia camp in the mountains"; the image is of three young men in army dress, admiring a nearby flag with Kevin's picture on it.

- Kevin's career choice, with a relative as a tutor, is growing marijuana- a "plant manager". What follows is an overview of the reasons and methods of such an undertaking. Kevin gets sick on hash brownies, and at one point refers to his "emotionally, dead soul."

- Kevin and his father survey their backyard, totally filled with beer bottles. The father starts a bottle fight and says, "Say your prayers, punk!" as he hits Kevin in the face with a beer bottle. The mother advises them to get \$ for the bottles, so they steal a car and take them to the liquor store. The parents argue over the \$ until the mother rams the father's crotch with a shopping cart.

- We are jerked back to the religious exorcism where the head guy, an Elvis look alike, bursts in and says that because he's under investigation the whole bunch of them will be "committing ritualistic suicide tonight."

I have described about three quarters of the show - the rest is the same kind of deviant drivel.

## II. The Broadcaster's Response

The Vice President of Comedy & Variety Programming of CTV responded to the complainant's letter on August 30<sup>th</sup>, 1999 with the following:

I am in receipt of your letter of August 8, 1999 (and have been forwarded your letters to Rick Lewchuk, also dated August 8, 1999, and to Janice Reith dated July 19, 1999) regarding our series "*Kevin Spencer*".

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First, we regret that the program offends you. It is never our intent to offend our viewers; however, when we present programming that is more risqué and controversial, we run the risk of some viewers taking exception to such programming.

As you may be aware, 9:00 P.M. is generally accepted as the watershed in primetime where adult material may appear. After 9:00 p.m., broadcasters may present programming, which portrays adult situations or explicit language. Such programming usually includes an advisory at the beginning of the show, which alerts audiences to material, which may be offensive to some viewers. Such is the case with this program. A program disclaimer and voice-over advisory are used at the top of the show. Further, our scheduling of the show at midnight is a clear indication of our regard for the adult nature of the material.

In addition, all Canadian broadcasters have adopted a comprehensive classification system to provide guidance to audiences regarding program content on such matters as violence, language, nudity, sexuality and/or mature themes. All of our entertainment programs utilize this ratings system. In the specific case of *"Kevin Spencer"*, the 14+ icon is used to advise viewers that the program may contain graphic language and elements intended for adult audiences.

From early on, comedy has consistently drawn material from all aspects of the human experience - the good, the bad, the difficult. Frequently, comedy holds up a mirror to society and addresses issues head on that can be controversial and challenging to generally accepted conventions and traditions.

You have challenged us to identify one redeeming quality of the show or its characters. The series is totally politically incorrect. That is the point. If there needs to be a redeeming value (and in comedy, I would suggest there doesn't have to be), then this series emphasizes/exaggerates every stereotypical negative influence that can potentially affect society. This is the mirror to that which exists. With respect, maybe a show of this nature says more about what is wrong in society than many other earnest programming attempts.

For your information, you should know that I am the person responsible for bringing *"Kevin Spencer"* to television. As Vice-President, Comedy & Variety Programming for The CTV Television Network, my primary responsibility is to develop programming with the extremely rich comedic talent pool within this country. It is a responsibility I accept with enthusiasm and serious commitment. As an organization, we take seriously our obligations under the Canadian Association of Broadcasters' Code of Ethics and other industry codes and guidelines, our responsibilities to the CRTC and CBSC and, ultimately, to our viewers. Accordingly, we believe that this programming complies with all industry codes and regulations. In addition, as with all original programming, staff under my supervision review scripts (and approve) each episode before going to air.

I am privileged to work with a number of talented comedic writers, producers, directors and performers. In the case of *"Kevin Spencer"*, I believe in the formidable talents of its young Canadian writer and producer. I appreciate that this is not a show for you, but as I respect your right to express your objection, I also defend the program creator's right to express his comedic vision. I acknowledge that the series is irreverent, even black, in its approach and that it is certainly controversial. In my opinion, however, that does not mean that the program should be banned. By its very definition, satire insults.

I do regret that the series offends you. Reactions to comedic material are subjective and what one person finds offensive, others do not. I can tell you that the opinions of our viewers are of concern to us. We compile viewer feedback and consider trends and suggestions. We are interested in understanding what our audience likes and dislikes. We make our programming choices or adjustments with this knowledge in mind.

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Please be advised that The Comedy Network is a member of the Canadian Broadcast Standards Council ("CBSC"). The CBSC is an independent voluntary review body which assesses and adjudicates complaints against Canada's private broadcasters with respect to industry codes. If you are not satisfied with our response, you have the right to take your concerns to the CBSC at P.O. Box 3265, Station D, Ottawa, Ontario K1P 6H8, telephone 613-233-4607. A self-explanatory pamphlet outlining the role of the CBSC is enclosed for your information.

Finally, I appreciate the considerable time that you have taken to express your concerns. We have heard you and thank you for your comments.

### III. Additional Correspondence

The complainant was unsatisfied with the CTV's response and requested, on September 17, 1999, that the CBSC refer the matter to the Prairie Regional Council for adjudication. Along with her signed Ruling Request form, she included the following note:

Thank you for responding to my recent concern. I requested but never did receive a letter from CFCN-TV in Calgary; I did get one from CTV dated August 30, 1999 in response to my letters of complaint - a copy of the letter from CTV's Ed Robinson is attached. As you will assume from my enclosed Ruling Request form, I am not satisfied with the broadcaster's response and request that the appropriate CBSC Regional Council consider my complaint.

In reading over the information you forwarded, I believe *Kevin Spencer* violates many codes; I have itemized them below and the rest of my letter concerns these points. When you watch the tapes of the above mentioned episodes, I'm sure you will agree.

- exploitation of women, men and children
- negative or degrading comments on the role and nature of women, men and children
- gratuitous violence
- sanctions, promotes or glamorizes violence
- does not respect human rights
- is demeaning
- I didn't see anything in the material you sent relating to sexual explicitness - I imagine there is something pertaining to it and I'm listing it here with the other points.

It seems Mr. Robinson and I agree on one thing - his description of the show: "this series emphasizes/exaggerates every stereotypical negative influence that can potentially affect society." He piously states that the show's value is in it holding up a *mirror* to society. He views it as funny. I see it as destructive. He assumes adult audiences are laughing at the show's portrayal of society's 'shortcomings.' I believe this to be typical of corporate philosophy - shallow and short-sighted. I am concerned about children and teens who watch *Kevin Spencer*, those not 'adult enough' to interpret the irony, demented though it is, that Mr. Robinson claims the show is trying to convey. I feel they will see it for what it is, a glamorization of a deviant lifestyle, one of violent revenge, sex/oral sex/sodomy, and abuse - physical, mental and substance. I believe confused and dysfunctional youth and adults don't see the mirror metaphor Mr. Robinson envisions. This show presents *abnormal* as *normal*; to someone from a dysfunctional family, this line is already blurred. Kevin fits the profile of the gun-wielding teens of recent Taber and Colorado fame. Loners, feeling despised by all, they hate everyone and want revenge. Kevin is always looking for and exacting ways of hurting others or just as horrifying, hurting himself. Like so many of the shows, the July 31st episode contains what I have just referred to. After shoplifting, Kevin blows up a suspicious salesclerk's car to get even / Kevin ignites a gym teacher's hand and is sad as he'd hoped for worse than it just burning off in screams of agony. Violent revenge against students and

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teachers is a recurring theme of the series. Kevin's total contempt for others is matched only by his lack of respect and destructive behavior towards himself. He often escapes into alcohol, cough syrup, drugs, porn magazines or conversations with his imaginary delinquent friend, Alan the magic goose. This July 31st episode shows how to get high on the nitrous oxide from a can of whipped cream. A few more highlights of this episode relating to the codes I mentioned - oral sex is performed on Kevin's mom at their house party / Kevin's father's friend slices up Kevin with a razor and they laugh as he falls apart in chunks / Kevin violently frying under electro-shock.

I have attached a summary of the other episode in question - Aug. 7, 1999; please consider this summary a part of my complaint. This episode is really sick, glamorizing death and the horror of mutilated car-wreck victims. Kevin befriends a decapitated head, hiding it in his room and later hanging it by the tongue onto a tree as a bird feeder, a bird tearing at the flesh. We also see more violence at school - Kevin, angry with the guidance counselor, takes him hostage with a knife. Anyone who feels that shows like this do not negatively influence, is quite naive. Consider the recent case of the 15 year old from Taber, Alberta who shot two students. *The Calgary Herald* (Aug. 28/99) reported on how the teen had been obsessed with the Littleton, Colorado massacre only eight days before. The article reports the shooter's "insecurities were inflamed by schoolmates who bullied the boy with insults, teased him about being pudgy and goaded him into fist fights. He would arrive home in tears," his mother said. *Time Magazine* (May 10/99) reported about the Taber shooter, "During a Boy Scout trip outside town last year, the boy was left stranded on a ledge by his peers, screaming for help. No one came to his aid. Nothing he did, from helping other kids with their homework to defiantly shaving his head, lessened the ostracism."

Harry Park, a social worker at Calgary's Wood's Homes, stated in the Herald article, "kids perceive media images differently and some kids are more strongly affected than others." The Taber teen was inspired by the Colorado massacre. Perhaps for another, the spark may be fanned by the 'how-to' and encouragement of revenge at the core of *Kevin Spencer*. Consider the Taber mother's statement about her son, "From the Colorado thing, he told me he got into a fantasy that he just could not get out of." This is chilling because it shows how images of violence can move tormented teens into a fantasy that they cannot get out of and may eventually act on.

I believe CTV morally wrong in airing *Kevin Spencer*.

- they hide behind the fact that it's aired at midnight. I guess they figure we're in the 1950's when kids were neatly tucked into bed at 8:00 / or that today's youth can't program a VCR to tape a show / or that every child has a responsible parent watching out for them.
- they hide behind saying it comes with a rating, the ludicrous "14+", yet the voice-over says it is intended for adult audiences. I don't consider 14 year olds adults.
- they hide behind the father figure of Lloyd Robertson, inundating us with commercials promoting the image of trust and integrity
- they hide behind the fact that *Kevin Spencer* is animated, and therefore less 'real'.

I am disgusted that not only does CTV air a show that clearly violates industry codes and promotes violence and revenge, but they make *me* feel deviant for daring to question the content.

Ed Robinson's letter states, "In the case of *Kevin Spencer*, I believe in the formidable talents of its young Canadian writer and producer" and he "defends the program creator's right to express his comedic vision." I wonder who protects the rights of the youth tuning in - what are they thinking when they watch this stuff? After the Taber and Colorado shootings, the public cried out for a single answer to the proverbial "why?" I believe many things contribute to the hopelessness, desperation and anger many teens struggle with, but one factor is shows like this, sloppily funded by my taxes courtesy the Canadian Television Fund and aired by

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networks that refuse to draw the content line somewhere; it is another 'brick' in the wall - the wall being the society we are creating.

I urge the CBSC to weigh my argument, watch the July 31 and Aug. 7 episodes and draw on your conscience. It seems networks don't have one of those. With regard to content, they are like toddlers, forever testing boundaries. It's time for us, their parent to say, "O.K. That's far enough!" We owe it to our children, our neighbour's children and to ourselves. What kind of society do we want to live in? We can do something about the bricks ever so subtly creating that wall.

How can a show continue to air, promoting such values - such exploitation, consistently feeding us lines like when Kevin is in a hospital bed and his father says, "When you get better, Daddy'll take you downtown for a whore." (episode aired Sept. 4/99)

While Mr. Robinson likes to talk of the mirror he holds up to us, he should be more concerned about the one he has to look into each morning. To air this show is morally wrong and I must object. I have done my part. Please do yours.

### **IV. Additional Correspondence**

The Vice President and General Counsel for CTV responded to the complainant's subsequent letter on November 16, 1999 with the following:

Please be advised that I am Vice President and General Counsel for CTV Television Inc. I have received your letter to Ms. Lucie Vincent of the Canadian Broadcast Standards Council, dated October 6, 1999, regarding the television series "Kevin Spencer". This letter has been forwarded for my review and reply as you appear to be dissatisfied with Mr. Ed Robinson's response of August 30, 1999. While I understand that this matter has now been referred to adjudication to the CBSC, I still believe that it is important to respond to your subsequent correspondence. In addition, to reply to your concerns that you never received a response from CFCN-TV, it was felt that as this program is shown across the CTV network, it would be more appropriated for you to receive a response from CTV directly.

In your letter of October 6, 1999 you raise the concerns that "Kevin Spencer" exploits and degrades women, men and children, contains gratuitous violence and glamorizes violence. Additionally, you are concerned that the show is in a more general sense, demeaning and shows a lack of respect for human rights. You also mention that you find the show sexually explicit.

Please be advised that the CTV Television Network stations and all subsidiaries including the comedy Network (which also airs this program) adhere to all industry guidelines and codes including the Voluntary Code Regarding violence in Television Programming (the "Violence Code"), The Canadian Association of Broadcasters Code of Ethics (the Code of Ethics"), as well as the Voluntary Code on Sex Role Portrayal (the "sex Role Portrayal Code"). Accordingly, "Kevin Spencer" is scheduled at midnight on the CTV Network and at 10:30 and 11:30 p.m. on the comedy Network, well after 9:00 p.m., which is recognized and accepted as the watershed hour when it is appropriate for broadcasters to present a show containing adult situation and explicit language.

Additionally, as we have previously indicated, a program disclaimer and an advisory is also utilized at the beginning of the show as well as a rating classification to advise potential viewers of the nature of the programming.

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However, in response to your particular concerns, I would begin by pointing out that "...the guiding principle for the CBSC in dealing with questions of content is freedom of expression."

With this guiding principle in mind, the CBSC will "naturally restrict" its limitations on this freedom "to egregious circumstances"(Re: *CKCK-TV re two episodes of Comedy Now*, CBSC decision 97-98/1257). In our opinion, "Kevin Spencer", however, dark controversial or offensive to some viewers, does not violate CBSC standards to the extent of "egregious circumstances."

To respond to your claim that "Kevin Spencer" is degrading to women, men and children, CTV adheres to the CBSC code regarding Sex Role-Portrayal. The Sex Role-Portrayal code deals with issues of the "*equality of the sexes*", and "not to the issues of sexual behaviour which do not go to equality of exploitation, which itself is a form of inequality." (CKX-TV re-*National Lampoon's Animal House*, CBSC Decision 96-97-0104). In other words, the Sex-Role Portrayal Code is intended to deal with sex-role portrayal in cases where the portrayal of one sex is better than another (*Animal House, supra*). If a given portrayal is equally unflattering to both sexes, then no matter how "childish and somewhat sexually off-colour" the humour may have been, the CBSC does not limit it. (*CKVY-TV re An Episode of Nightstand*, CBSC Decision 96-97-104). As the CBSC has pointed out, "such questions are to be left for the resolution of the audience by means of an on/off switch. "Kevin Spencer" has a large and loyal audience. The CBSC will not measure questions of taste (*Nightstand supra*). We believe both sexes in the series are shown from an equally unflattering perspective.

In regards to your concerns about the levels of violence in the show, let me reiterate that "Kevin Spencer" is not a children's show. This is a program that is intended for adult viewers and accordingly in accordance with Article 3.1.1 of the Violence Code, the show has been scheduled well after 9:00 p.m. when children are not expected to be viewing this programming. The CBSC has recognized that animated series similar to "Kevin Spencer" such as "South Park" are "decidedly not children's fare. It is not represented to be. It is not aired at an hour when children could be expected to access it." In CICT-TV re South Park (CBSC Decision 97/98-1214), the Council further acknowledged:

*"that 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."*

In addition, the CBSC in the same decision, reviewed the realism of violence as one factor that should be considered when determining whether violence is gratuitous or not. The CBSC found that, in "South Park" which is also an animated series and one that is similar in content and style to "Kevin Spencer", that the violence occurred in "circumstance which are not intended to represent reality. They are not even remotely suggestive of any form of aggressive brutality on a realistic level." The CBSC has also found that so long as the violence "plays and integral role in the plot, character or theme of the material as a whole" it will not be considered gratuitous violence." (*CITY-TV: re Silence of the Lambs*, CBSC Decision 94/95-0120). We believe that to be very much the case with the Kevin Spencer series. "Kevin Spencer" is thematically politically incorrect. This means it pushes the bounds of good taste, including violence, but it does not suggest brutality on a realistic level. Furthermore, violence when used in the series plays an integral role in the plot and characters of the show. Unrealistic animated violence is part of how the show creates its dark or anti-establishment feel. It is our belief that the intended viewers of the show can distinguish between real and fictional violence. In addition, the fact that the program is an animated one rather than live action further reinforces the lack of realism in the violence.

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Once again, we would like to stress the adult nature of the show, the warning that precedes the show, the television rating of the show, the time at which the show is aired and the fact the show is an animated cartoon. All of these factors provide a context in which "Kevin Spencer" can be aired to the appropriate audience  $\subset$  adults, who have the capacity to understand the satirical nature of this program. By its very nature, satire offends.

We thank you for your taking the time to express your concerns. We value the input of our viewing audience. While we regret that you have strong concerns regarding "Kevin Spencer", this viewpoint is not one shared by all viewers. As previously noted by the CBSC, broadcasters have an obligation under the Broadcasting Act to provide a wide variety of entertainment programming to meet the varied tastes of their audiences.