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**CANADIAN BROADCAST STANDARDS COUNCIL  
PRAIRIE REGIONAL COUNCIL**

CHMI-TV re the movie *Double Team*

(CBSC Decision 99/00-0372)

Decided May 5, 2000

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

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**THE FACTS**

On February 17, 2000, at 8:00 p.m., A-Channel (CHMI-TV, Portage La Prairie) broadcast *Double Team*, which co-stars Jean-Claude Van Damme as a top-flight counter-terrorist named Quinn, well-known basketball player (but first-time actor) Dennis Rodman as an arms dealer who befriends Quinn, and Mickey Rourke, as Stavros, their terrorist antagonist.

In a scene following the first commercial break, on the eve of Quinn's final mission, he comes up against his longtime target, Stavros, but the latter's 6-year old son is killed accidentally in an amusement park shoot-out. The fighting proceeds from the amusement park to a hospital, more specifically an infants' ward, and continues over the top of the babies in incubators. The conflict gets even more personal when Stavros goes after Quinn's wife and unborn child. As might be expected, given the film's premise and its two main characters, *Double Team* is replete with fighting, explosions and gunfire.

The film was preceded by the following advisory (broadcast in both audio and on-screen formats): "The following program contains scenes of violence and coarse language which is intended for adult audiences. Viewer discretion is advised." A "PG" rating was shown during the previews for the upcoming movie as well as at the beginning of the movie itself. The first, third and fifth commercial breaks were followed by a re-broadcast of the above-mentioned viewer advisory, again in both on-screen and audio formats. The second commercial break was not followed by any advisory. A voice-over merely stated that "We now return to *Double Team* on your prime ticket - A-Channel." The fourth commercial break was not followed by an advisory but the "PG" rating appeared on-screen again immediately after the break.

On February 22, the complainant filed a complaint with the CBSC in which he said, among other things,

February 17, 2000 at 8:20 pm channel 8 showed a movie where children were in a theme park, when snipers and grenades commenced being thrown in amongst them: grenades exploding on children! A young father embracing his young son tenderly - both were gunned down - cold blooded premeditated murder! Death and destruction by the dozen!

This was wanton mass murder of children! Their parents! Friends! This program was billed "for adults".

(The full text of the letter can be found in the Appendix hereto.) The General Manager of the television station responded on March 15. His letter, which is also included in full in the Appendix, included the following statements:

Let us say first of all that we understand your concerns. This film is a typical "good guy versus bad guy" action film. Violent scenes are typical of this type of genre of film and we do sympathize with those viewers who are disturbed by the level of violence which finds its way into popular culture through not just television programming and films, but comic strips, computer games and other forms of media. However, creators of such media have the right to freely express their ideas and that includes the right to incorporate violent themes in their works.

After explaining the station's views on the *Canadian Association of Broadcasters (CAB) Violence Code*, and providing a different perspective on the amusement park scene, the General Manager added:

While we see the result of the violence, we never actually see the child get shot. Moreover, the death of this child, the son of the antagonist, is integral to the plot because it motivates the antagonist's actions throughout the rest of the film. Indeed, one of the themes running through the film is the protection of children at all costs.

The viewer was unsatisfied with this response and requested, on March 30, that the CBSC refer the matter to the appropriate Regional Council for adjudication. He also sent a covering letter in which he vehemently disagreed with the position of the General Manager. The full text of that letter is also included in the Appendix below.

## THE DECISION

The CBSC's Prairie Regional Council considered the complaint under the *Violence Code* of the Canadian Association of Broadcasters (CAB). Clauses 1.1, 3.1.1 and 5.2 of that Code read as follows:

### Clause 1.1 (Gratuitous Violence)

1.1 Canadian broadcasters shall not air programming which:

! contains gratuitous violence in any form\*

...

(\*"Gratuitous" means material which does not play an integral role in developing the plot, character or theme of the material as a whole).

### Clause 3.1.1 (Watershed Hour)

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.

### Clause 5.2 (Viewer Advisories)

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.

The classification system anticipated in Article 4 of the *Violence Code* was established by AGVOT (the Action Group on Violence on Television) and approved by the Canadian Radio-television and Telecommunications Commission (CRTC) in *Classification System for Violence in Television Programming* (P.N. CRTC 1997-80, June 18, 1997). In that Public Notice, the Commission stated, among other things:

The Commission considers on-screen icons to be a valuable service since they raise public awareness of the classification system and provide all viewers, not just those who choose to acquire V-chip technology, with program content information. Furthermore, the Commission is satisfied that the use of on-screen icons in a manner that will complement the viewer advisories provided for in Sections 5.1 and 5.2 of the Code will assist parents in making informed program choices for themselves and their families.

Responsibility for ensuring correct classification is a part of the CBSC's mandate.

The Regional Council members viewed a tape of *Double Team* and reviewed all of the correspondence. The Council is of the view that the program is not in breach of Article 1.1 but does breach the provisions of the *CAB Violence Code* relating to the watershed, viewer advisories and the classification of the film.

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

Despite the complainant's choice of language, namely, "cold blooded premeditated murder", it is clear that the challenged incident is not that. The killing of the 6-year old son of the international terrorist Stavros is not portrayed as intentional. As the broadcaster's General Manager quite accurately points out, Quinn refused to shoot at Stavros while the child was in the way. Notwithstanding that, the child is killed in subsequent cross-fire but this occurs off-screen so that the poignancy of the death is felt by viewers without the unnecessary brutality of actually seeing the shooting occur on-screen. That death and the

correlative kidnapping of the protagonist's pregnant wife and lethal threat to her are indeed plot-driving events and motivational in terms of character development, thus not gratuitous under the *Violence Code*. That violent episode was used to set up the story and the involvement of children, while central to the plot, undoubtedly heightened the tension of the entire story.

The significance of the inclusion of the term "gratuitous violence" among the Canadian private broadcasters' own standards is that creative freedom of film and television makers will be preserved until such time, *in a television context*, as the violence employed is superfluous or unnecessary to the story being told. At that point, the broadcasters have agreed that *such* violence has no place on the airwaves at any time of day or night. When, however, the violence is not gratuitous, artistic freedom is the rule and programming containing such violent elements is acceptable under the Code approved by the broadcast regulator, *provided* that its presence meets certain other criteria. It must, first, be shown after the watershed hour if it is intended primarily for adults and, second, must, whether so directed or not, be the subject of viewer advisories and a classification system to ensure that those who do not wish to have such programs as a part of their television diet, may avoid them. The remainder of this decision is about these issues.

### **The Watershed Hour**

Simply stated, the watershed is the hour before which no programming containing material intended for adults may be shown. For previous discussions of this principle, see *CITY-TV re Ed the Sock* (CBSC Decision 9495-0100, August 23, 1995) and *CFMT-TV re an Episode of "The Simpsons"* (CBSC Decision 94/95-0082, August 18, 1995), among others. Established in Article 3.1.1 to deal with violent matter, the principle has gradually been extended in CBSC decisions to other types of content but it is violence which is the issue before this Council at this time. For previous discussions of this extension, see *TQS re "Quand l'amour est gai"* (CBSC Decision 94/95-0204, December 6, 1995), *Comedy Network re an episode of "Dream On"* (CBSC Decision 97/98-0571, July 28, 1998), *CITY-TV re the movie Eclipse* (CBSC Decision 97/98-0551, July 28, 1998) and *TQS re the movie L'inconnu (Never Talk to Strangers)* (CBSC Decision 98/99-0176, June 23, 1999), among others.

In the case of *Double Team*, the Prairie Regional Council considers that the nature and extent of the violence included in the film are intended for adult audiences and thus does not belong in a pre-watershed period on television. It is also ironic that the broadcaster's own viewer advisory "The following program contains scenes of violence and coarse language which is *intended for adult audiences* [Emphasis added]" equally acknowledges that fundamental elements of the film, namely, the violence and coarse language, are intended for adults.

## Viewer Advisories

The purpose of viewer advisories is to provide viewers with the necessary information to make intelligent viewing choices. For a further discussion of the underlying principles, see the CBSC decisions in *CITY-TV re Silence of the Lambs* (CBSC Decision 94/95-0120, August 18, 1995), *CIHF-TV re an episode of Millennium* (CBSC Decision 96/97-0044, February 14, 1997) and *CTV re Poltergeist - The Legacy* (CBSC Decisions 96/97-0017 and 96/97-0030, May 8, 1997), among others. While the A-Channel made the correct choice in terms of the wording of its alert, the article requires that advisories be present “at the beginning of, *and during* programming telecast outside of late evening hours, which contains scenes of violence not suitable for children [Emphasis added]”. As noted above, the advisory was used only at the start of the film and coming out of the first, third and fifth commercial breaks. It was not present coming out of the second and fourth commercial breaks. Consequently, the broadcaster has breached the provisions of Article 5.2 of the *Violence Code*.

It is, of course, ironic that, by broadcasting the show on a pre-watershed basis, CHMI-TV created a heavier burden on itself with respect to advisories than would have been the case if the program had been aired in the proper time slot. It means, in effect, that, instead of being subject to the provisions of Article 5.1, which require that the advisory air after each commercial break *during the first hour* of the program, by airing it, inappropriately, prior to the watershed, viewer advisories are required *coming out of every commercial break during the entire program*.

## The PG Program Rating

Of the possible ratings for this film, namely, PG, 14+ and 18+, the broadcaster has selected the one clearly incorrect choice. First, in the category description for the PG rating, it is stated: “This programming, *while intended for a general audience*, may not be suitable for younger children (under the age of 8). [Emphasis added.]” Second, under the Violence Guidelines, it is provided that “any depiction of conflict and/or aggression will be moderate and limited” and that “any such depictions should not be pervasive.” In the view of the Council, and apparently the broadcaster based on its own advisory, the film is decidedly *not intended* for a general audience. It is intended for an adult audience. Moreover, the violence in the film cannot possibly be described as “moderate and limited”. Despite the fact that the film appears to contain violent elements suitable for an adult audience in terms of the watershed, the Council is of the view that the nature of the violence is not such that it would have needed be rated 18+, the highest category. The Violence Guidelines for the 14+ category allow that “violence could be one of the dominant elements of the storyline” and that the programming may even “contain intense scenes of violence.” While, for watershed purposes, the program is intended for adult audiences, the purpose of the 14+ rating, in the view of the Council, is to provide sufficient information for families that, despite its compatibility with a more mature audience, they may determine *for their own homes* that it may constitute suitable viewing for their older children.

Consequently, while the Council considers that the broadcaster's choice of rating was incorrect and in breach of classification system requirements, it is a 14+ icon which should be present on future broadcasts of the film.

### **The Broadcaster's Response**

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, despite the complainant's vehement reaction to the contrary, the broadcaster's response addressed fully and fairly the issues raised by the complainant. That they were not in agreement is not the issue. After all, such matters only reach this stage of adjudication when there is such disagreement. Nor is the fact that the broadcaster has been found in breach of a Code the issue with respect to the response. This assessment by the Council relates only to the care taken by the broadcaster to address the complainant's concerns. The broadcaster has not breached the Council's standard of responsiveness in this case. Nothing more is required in this regard.

### **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 the A-Channel has breached provisions of the Canadian Association of Broadcasters' *Violence Code* in its broadcast of the film *Double Team* on February 17, 2000. By broadcasting the movie, which contained scenes with violent content intended for adult audiences, prior to the watershed hour of 9:00 p.m., it violated Article 3.1.1 of the *CAB Violence Code*. By not including viewer advisories after each commercial break, it violated Article 5.2 of the *Violence Code*. It also rated the film PG when the proper rating would have been 14+.

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

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**APPENDIX**  
**TO CBSC DECISION 99/00-372**  
***CHMI-TV re the movie "Double Team"***

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**I. The Complaint**

The complainant faxed the following letter to the CBSC on February 22, 2000 [the emphasis is from the original]:

**This is a note to file a complaint and protest in the strongest possible terms against this station, the station management, and its so-called 'programming philosophy', as illustrated by one particular show, note below, as well as the specific show itself.**

February 17, 2000 at 8:20 pm channel 8 showed a movie where children were in a theme park, when snipers and grenades commenced being thrown in amongst them: grenades exploding on children! A young father embracing his young son tenderly - both were gunned down - cold blooded premeditated murder! Death and destruction by the dozen!

This was wanton mass murder of children! Their parents! Friends! This program was billed "for adults". For which sick minded adult was this meant! He/or she should be arrested, forthwith, along with the producer, who soon will think up in even more sadistic lines (as if that were possible)! **(Perhaps Auschwitz will be shown next!!!)** Just what, precisely, is their limit, in both nudity and murder?

Would you be so kind, Mr. Cohen as to ask your assistant to request the station clerical staff to send me, post-haste, the **names of all channel 8 advertisers**, by mail, in hard copy form! I happened to be in Winnipeg on business for two days, and did not have time to confront the station manager, as is my usual style, for I had meetings with the President of Manitoba Hydro, as well as with two key museums on another matter entirely, (which I am utterly confident will fascinate you immensely when it comes to public view). It has to do with Aboriginal art forms, a rather more advanced subject than the above nonsense! Wouldn't you agree!?

It will be a week before I am back in my normal office to deal with this important matter of Channel 8, and Winnipeg, Manitoba, in general.

On a slightly different note, (and you, no doubt, know this much better than I), that increasingly the advertisers are NOT AMUSED by how cavalierly television stations treat them and their names, their trademarks, their identities; **including** the shows; the package deals, and implied endorsements. In short, the whole 9 yards! We, I mean our organization, are in discussion with several international companies, on this matter, and we agree strongly with the suggestion of the CBS Chairman here, who happens to be on the Board of St. Thomas University in the Twin Cities, when he spoke rather forcefully on the issue of Television Excesses!

Do you mind if I stay in touch with you on this matter from time, to time? I know you have a rather difficult row to hoe, as I have seen correspondence from time to time that is forwarded to the CBSC (as if you decide on the programming of individual stations)!

Best personal regards, quite aside from professional considerations.

## II. The Broadcaster's Response

The General Manager of CHMI-TV responded to the complainant's letter on March 15, 2000 with the following:

Thank you for your letter of February 22, 2000 which was forwarded to us by the CBSC for response. The subject of your complaint is a movie entitled "Double Team" which CHMI-TV broadcast on February 17, 2000, and specifically, the violence depicted in a particular scene of that film. We have reviewed the film again and that scene in particular.

Let us say first of all that we understand your concerns. This film is a typical "good guy versus bad guy" action film. Violent scenes are typical of this type of genre of film and we do sympathize with those viewers who are disturbed by the level of violence which finds its way into popular culture through not just television programming and films, but comic strips, computer games and other forms of media. However, creators of such media have the right to freely express their ideas and that includes the right to incorporate violent themes in their works.

As you may be aware, the broadcasting industry has developed a self regulatory *Violence Code* to which CHMI adheres. The *Violence Code* cannot and does not proscribe violence in programming. It does, however, prohibit scenes of violence where such violence is not integral to the story being told. The *Violence Code* requires that:

- IV. 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.

We believe the scene in question was integral to the story line and did not offend the above-noted provisions of the Code.

The scene was not quite as you described it in your letter. The child was not "gunned down" in a premeditated fashion. The father of the child is the antagonist in the film ("S"). The protagonist, "J" has been directed to capture S by shooting him if necessary. J's plans are foiled when S's son appears on the scene. J refuses to shoot at S while the latter is embracing his son for fear of harming the child. S then gets away. A few moments later gunfire does break out and it appears the child and his mother who is trying to protect him, accidentally get caught and killed in the crossfire. While we see the result of the violence, we never actually see the child get shot. Moreover, the death of this child, the son of the antagonist, is integral to the plot because it motivates the antagonist's actions throughout the rest of the film. Indeed, one of the themes running through the film is the protection of children at all costs.



We do not pretend that this film is in any way enlightening or that it is to everyone's taste. It was, however, broadcast with appropriate viewer advisories ("The following program contains scenes of violence and coarse language which is intended for adult audiences - viewer discretion is advised.") and did not, in our view, offend the Violence Code.

We hope we have responded to your concerns in a satisfactory way and thank you for taking the time to write.

### III. Additional Correspondence

The complainant sent in his signed Ruling Request on March 30, 2000. The following letter accompanied the form [emphasis, including smaller print, is from the original]:

Recently, March 22, I received an extraordinary letter from [the] General Manager of A Channel, Winnipeg, regarding my protest of February 22, re: mass murder of children in a playground and midway, broadcast on February 17. I had been away, until March 22, which is also when his letter arrived.

Unfortunately, I must reject his so-called 'explanation' as it is but a fabricated response, and rather gratuitous at that, relying too heavily on the normal, though transparent industry disclaimer. The program was, in its intent, attempting to draw, or lure the viewer into participatory vicarious, and sick, not say hideous, enjoyment of the sadistic and masochistic elements; essentially it is war footage, like criminal commandos perpetrating a killer raid on unsuspecting children. This is his notion of drama? This is black and white, where good wins out, in the end? Which ends? His corporate ends?

He claims, (so) conveniently, that is all central to the story. Indeed, and OBVIOUSLY he would do SO! Else it would be absent! The producer was paid to include it! Hence his claim is circular, never-ending, and perfectly in self-serving stride! Discordant stride... Furthermore, quite contrary to his claims and statements, he DOES NOT UNDERSTAND OUR CONCERN, nor does he make an attempt.

**Secondly**, hundreds of children being blown up, in sequence, or all at once **IS** very excessive, and he chose the meaning of 'gratuitous' (meaning 'to give freely or 'beyond requirement') to serve his self-serving case. Listen to his tape, and hear the screams of AUSCHWITZ! With aeroplanes above, we have the Firestorm of Dresden! [The General Manager's] letter seems (**self-serving, 'gratuitous' and discordant though it be**) is perhaps less coherent, though as just disjointed as the program was, again perfectly in discordant tune. (No doubt he has doctored the offending scenes, by now, quietly in his vaults, in preparation for review). After all, his company would appear to depend on this kind of thing. Fortunately few advertisers appear to trust them! And Rightly So.

Who could possibly accept his legalese, his jargon, his computer-merged, boiler plate, with two teaser paragraphs of introductions, and tacked-on conclusion, all stored on disc to appease the 0.001% of the populace that cares to write in, let alone be awake to ask a

question or two?

“The law does not proscribe...he writes!” **PROSCRIBE INDEED! - The law does not PROSCRIBE, or prohibit** telling untruths either, nor even **prescribe** personal hygiene nor many things impossible to enumerate! Incredibly, but correctly, though by inference, he and his attorney admit to running in the shadows, on the precincts of the law, and almost on the dark side of the street? Does he? He justifies mass murder and holocaust scenes as being central to the plot, “and not proscribed by law”? A classic case of black and white? **INDEED!!! Viet Nam was Black and White, as well, or was it? [The General Manager]’s contradictory words-running, run counter to our times. Recall that Viet Nam was scenes, or civil rights violence were almost proscribed, and/but /yet they, fortunately, spelled the demise of kinds of certain powers!**

Harry Houdini: Stuff and Nonsense; - CHANNEL A is out! The WWF case contravened section 5.2 and the WRIGLEY company is to this day severely chastised over that! The screams of tortured animals, were central to that story; and the public was thoroughly outraged! Finito! That too is now a “classic”. WRIGLEY says no!

Now, in this case, what were the screams we heard of the wounded and dying on the screen? (Canned, would he say?); it’s his scene - Channel A? NOT WWF - live! ---- So Speak UP Monsieur!!

**Remember the OKLAHOMA CITY bombing? Did you see the bodies in tangles of steel and concrete? Did he feel it? CAN he feel it? Can anyone feel and not melt?? Could anyone truly believe it? Yet it was REAL!! ALL TOO REAL! For far too many people!** ----- (And now would he claim that the ‘good guys’ triumphed in the end?)

May one respectfully suggest he delete, or delay these kinds of shows till after 10:30 at night? The P.G. warning is not enough to cover the sadistic intent. That also is not “proscribed by law”!! Even traffic require PG, to be sure!.

As for [the General Manager]’s proclamations that this is but a **classic** tale of woe, of black and white, of good and evil; ...**which tale does he prefer?** Demosthenes the orator? David and Goliath? Xerxes the Great? Persephone kidnapped? Orpheus in the underworld? Socrates and hemlock? Or Mickey mouse and Alexander the grape? Has he, indeed, studies the classics?

Then, try the firebombing of Dresden ---- where many, many children died and then fried; ---- is that too close to Channel A’s wide open gate?