
**CANADIAN BROADCAST STANDARDS COUNCIL
NATIONAL SPECIALTY SERVICES PANEL**

TSN re *WWF Monday Night Raw*

(CBSC Decision 99/00-0398)

Decided January 31, 2001

R. Cohen (Chair), P. O'Neill (Vice-Chair), S. Crawford, M. Hogarth,
E. Holmes, H. Pawley, S. Teicher

THE FACTS

On February 28, 2000, *WWF Monday Night Raw* was broadcast on TSN from 8:00 p.m. until 10:00 p.m. in Alberta, the challenged part of the show being the pre-9:00 p.m. portion.

During the broadcast in question, one of the storylines involved a ringside wrestling manager named Mae, whose *apparent* age would not have suggested that she might be pregnant. In any event, the unlikely scenario leads to an emergency premature labour resulting from her physical involvement in a wrestling match. Mae is rushed by a "medic" and a group of wrestling officials to a hallway or room behind the seating area in the arena.

Throughout the episode, viewers are shown updates of her situation. In one scene, Mae is seen smoking a cigar while the "medic" prepares her for the delivery. Following a series of short cuts to and from wrestling matches, the "medic" uses a large but ordinary tool, rather than a medical device, namely, a pair of pliers, to deliver the "baby", which turns out to be a "human" hand, covered in a jelly-like substance. TSN provided a single viewer advisory, broadcast shortly before the final delivery scene, which states "Warning: The following program contains material that may offend some viewers. Discretion is advised."

The complainant sent a complaint via e-mail dated March 30, 2000, in which he described in detail the scenes in question, and stated, in part:

I bring this to your attention graphically so you will be aware of the problem and do something to protect our children from such sick and obscene viewing. The kind of garbage that was on TV Monday night should not be allowed on Canadian television. The content is obscene and damaging to any young and impressionable mind. Our children need to be protected and a "contains adult content that some might find offensive" warning is not enough.

The full text of this complaint and the broadcaster's response are provided in the Appendix to this decision. On March 17, the President of TSN replied in the following terms:

With regard to the particular episode in question, we agree that the material could be considered offensive and all subsequent broadcasts will be edited for this content.

That said, the network will continue to apply TSN programming codes and standards to our wrestling broadcasts. As a result, to ensure the programs meet our requirements, the following activities will continue to be undertaken:

- § Preview all pre-taped programming for excessive material.
- § Edit unacceptable material.
- § Meet with the wrestling organizations to communicate our programming codes and ensure compliance.
- § Enforce industry codes and our internal guidelines regarding discrimination and violence.
- § Screen a disclaimer every half-hour advising parental guidance.

You may also be interested to know that TSN recently revised its wrestling broadcast schedule. Please note that as of February 1, 2000, wrestling will air on TSN during evening hours only (9 pm and midnight ET). We feel the responsible thing to do is show the program in a later time slot. That having been said, TSN is currently licensed to operate only one national feed on an on-going basis, which is used to reach 7.5 million viewers across six time zones. As a result, unfortunately, it is not possible to broadcast the program at the same time slot in every region of the country.

The complainant was unsatisfied with this response, and requested, on March 19, that the CBSC refer the matter to the appropriate Adjudicating Panel.

It should, parenthetically, be pointed out that TSN only became a member of the CBSC a month before the broadcast of the challenged *WWF* episode and that the correspondence between the specialty service and the CRTC referred to below occurred *prior* to TSN's participation in the self-regulatory process.

THE DECISION

The CBSC's National Specialty Panel considered the complaint under the Canadian Association of Broadcasters' (CAB) *Sex-Role Portrayal Code* and *Violence Code*. The relevant provisions of those Codes read as follows:

Sex-Role Portrayal Code, Article 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.

CAB Violence Code, Article 3.1.1 (Scheduling)

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.

CAB Violence Code, Article 10.1 (Violence in Sports Programming)

Broadcasters shall not promote or exploit violent action which is outside the sanctioned activity of the sport in question.

The National Panel adjudicators viewed a tape of the program in question and reviewed all of the correspondence. It does not consider that the episode of *Monday Night Raw* is in violation of any of the foregoing Code provisions.

A Threshold Issue: Wrestling as Sport

Some may raise the question of the nature of this type of wrestling, arguing that it is rather entertainment than sport. While there is no doubt that it does not partake of the nature of Greco-Roman wrestling or even freestyle wrestling, which audiences have been accustomed to watch as a part of, say, the Olympic Games or college sports or elsewhere, the National Panel has no doubt about its nature. It is sport. In the first place, that it may be *entertainment* does not exclude the possibility that it is also sport. Not many in the business of broadcasting would argue that, at the end of the day, they do not wish their programming to entertain that portion of the audience at which it is directed. That the rules have been modified from traditional collegiate or Olympic wrestling does not disqualify it from being considered as a form of sport. Nor is it an argument against such wrestling being a sport that some part of the match has been scripted (and the CBSC has no way of knowing whether it has or not). After all, from the *audience's* point of view, it appears to be a contest. They do not know the outcome. While they may watch the program in whole or in part for the shenanigans, the action in the ring involves athletics, competition (however unorthodox) and a winner and loser. In TSN's own letter of April 16, 1999 to the CRTC, they refer to the "sport of professional wrestling". They also say that "WWF wrestling is intended to be a theatrical exhibition of agility and athleticism." Moreover, it is presented as sport by the broadcaster, which is licensed to air sporting events and related matters.

Condition of licence 1 for The Sports Network (Decision CRTC 94-603):

The licensee shall provide a national English-language specialty service that consists of programming dedicated exclusively to all aspects of sports ...; that is, programming covering professional and amateur sports events, sports newscasts, magazine shows, interviews, commentaries, documentaries, audience participation programs, instruction and training programs and other programs that promote physical fitness.

While the determination of this issue is not central to the outcome of this decision, it is the first occasion on which one of the CBSC Panels has the opportunity to consider the WWF and it behoves the National Specialty Services Panel to make these observations relating to the nature of the programming in question.

The Sex-Role Portrayal Issues

In the opinion of the National Specialty Services Panel, there is no issue of “sex-ploitation” involved in this case. While it is true that Mae is a woman, the rather tasteless sequence which was a part of that episode of *Monday Night Raw* does not demean or degrade women or even Mae in particular although, arguably, it is rather degrading with respect to the birthing process and experience. It is clear that the situation in which an older woman is in the wrestling ring in the first place, gives birth at all in the second and has as her progeny a hand is far-fetched, to say the very least; however, the fact that the segment is absurd does not render it exploitative. The gender of Mae is essential to the particular “plot” but no reason is given to suggest that the demeaning of women was in any way a goal of the producer. The post-event vomiting is more reflective of the presumed audience reaction than any comment on Mae’s womanhood.

The Scheduling Issue

Nor does the Panel consider that the program was inappropriately scheduled. While it aired prior to the Watershed, the challenged aspect of this episode cannot be said to be intended for adults in particular. There is, in fact, no component of the story which is at all exclusively, or even primarily, adult-oriented. Tasteless, if not disgusting, but not intended for adults and that alone is the criterion which determines the need for broadcast *after* the Watershed. As the Atlantic Regional Panel stated in *CTV re W-Five (Swingers)* (CBSC Decision 99/00-0347, February 14, 2001),

While the Panel has no quarrel with the importance of broadcasters treating matters of public interest even when they may have an erotic component, the issue is whether they are oriented *exclusively* toward adults. [Emphasis added.]

In the circumstances, the National Specialty Services Panel concludes that the hour of broadcast of *this* episode does not constitute a breach of the *CAB Violence Code*.

Matters of Taste

For the CBSC, the importance of freedom of expression is an essential value; however, it is not the only value for the Panel to consider. That being said, the Panel does understand that broadcasters expect this principle to be encroached upon and, effectively, restricted only to the extent that their common sets of standards have been breached. Consequently, it has always been the position of the CBSC that the Council has no role to play with respect to matters of taste; these are for the viewer and the marketplace to regulate via the on/off switch or the channel changer. In one of the worst examples of bad taste encountered by the CBSC, the Ontario Regional Panel was called upon to consider a viewer complaint about an episode of the *Jerry Springer Show* in which one partner had developed the habit of vomiting on the other during sex. The Panel, in *CFMT-TV re an episode of the Jerry Springer Show* (CBSC Decision 98/99-1092, November 19, 1999), said:

In this case, the Council does not find that the complainant's characterization of the episode in question is exaggerated when he observes "this particular segment to be disgusting, repulsive, degrading and dehumanizing," but this is not the determinative issue for the Council in the assessment of the broadcast in question. In the conflict between *bad taste* and free speech, the Council always comes down on the side of speech. See e.g. *CHOM-FM and CILQ-FM re The Howard Stern Show* (CBSC Decision 97/98-0001+, October 17-18, 1997). Consequently, however bizarre the guest's behaviour may have been, the Ontario Regional Council adopts the view of the Atlantic and Quebec Regional Councils in concluding that it does not amount to a breach of any of the broadcast Codes which the CBSC administers. Such electronic exemplification of social misfits may not add to society's knowledge base but such questions of judgment and taste must be left to the viewer to subscribe to or reject on his or her own.

Despite the fact that, in this *WWF* decision, the Panel considers that the challenged sequence was repulsive and disgusting, it is not one which breaches a Code and must, therefore, be left to the viewer to watch or ignore.

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 Panel considers that the broadcaster's response addressed the issues raised by the complainant, albeit not as the complainant would have wished. The Panel does, however, find it curious that, despite the broadcaster's own reply of March 17 to the viewer, which declares TSN's undertaking to "screen a disclaimer every half-hour advising parental guidance," only one such disclaimer, or advisory, was aired. While, strictly speaking, the *Violence Code* does not require a viewer advisory in this case, given TSN's other declared commitments to this complainant, who was bound to see the show prior to the Watershed, TSN did leave the appearance of undertaking to screen its own advisories. While the failure to do so every half hour does not constitute a breach of the Code in these

circumstances, it is regrettable for the viewer that TSN did not conform to its own commitment. In any event, the Panel does not find that the broadcaster has breached the Council's standard of responsiveness. Nothing more is required.

This decision is a public document upon its release by the Canadian Broadcast Standards Council. It may be reported, announced or read by the station against which the complaint had originally been made; however, in the case of a favourable decision, the station is under no obligation to announce the result.

APPENDIX

CBSC File 01/02-0660 TSN re *WWF Monday Night Raw*

The Complaint

The following complaint dated March 22, 2002 was sent to the CRTC and forwarded to the CBSC in due course:

Monday night (March 18th), on TSN's wrestling show (Monday Night RAW I believe), at approximately 10:30 pm.

Wrestling has always tried to push the envelope as far as its material goes. I do not watch wrestling, and am thankful that my children do not either. On Monday night, I was channel surfing and decided to watch a few minutes of wrestling to see what they are up to now.

What I saw, I found very disturbing, and seriously crosses the line of being acceptable. There were 2 wrestlers beating up on a woman (probably their manager or something). One wrestler got a table and the other climbed the ropes with the woman on his shoulders. The latter then slammed the woman onto the table, leaving her writhing in pain (fake of course), then the 2 men celebrated.

Again, I am thankful that my children have no interest in wrestling, but I am seriously concerned with such material. I will be very relieved if there is anything the CRTC can do to prevent such a disgusting display in the future.

Broadcaster Response

The broadcaster responded to the complainant on May 28 with the following:

Thank you for your letter, which we received through the Canadian Broadcast Standards Council. I understand and appreciate your concerns regarding WWE programming and whether it crosses the line of acceptability.

Professional wrestling has a large and loyal following on TSN. However, acknowledging that all potential viewers may not be aware of the sports entertainment nature of WWE Raw, TSN screens a disclaimer at the beginning of each episode and out of every commercial break during the program advising viewer discretion.

It is important to note that our viewer feedback on wrestling is quite varied. There are those viewers who say more editing is required and many more who say too much editing already occurs.

In order to strike a balance between these opposing views and meet the network's commitment to quality programming, TSN edits WWE programming by referencing Canadian Broadcast Standards Council guidelines and following the Canadian Association of Broadcasters Violence and Gender Portrayal Codes.

The network will continue to apply TSN programming codes and standards to all our wrestling broadcasts. To ensure the programs meet our requirements, the following activities will continue to be undertaken:

- Broadcast the program during evening hours only (9 p.m. and midnight ET)
- Preview all pre-taped programming for excessive material
- Preview all scripts for excessive material
- Edit unacceptable material where possible (program is live at 9 p.m).
- Meet regularly with the WWE to communicate and discuss our programming codes
- Screen a disclaimer at the beginning of the episode and out of every commercial break during the program advising viewer discretion

We hope this letter relieves you of your concerns and conveys how seriously we take our programming responsibilities. Thank you for taking the time to write to us.

Additional Correspondence

On May 30 the complainant sent the CBSC the following letter:

The broadcaster's response indicates the regulations that they follow, but I do not feel that they have dealt with the situation at hand, they do not even make any reference to it. I did not obtain satisfaction from their reply at all.

My position now, is as a parent. I will ensure that my children continue to avoid any wrestling on television, as well as any programming on TSN as best I can. My primary concern is that the children of our community are watching this type of activity. The same children who will become tomorrow's adults.

Watching 2 men beating up on a single woman is certainly not the type of message we want any of our children to be viewing. Three years ago, we received a message from my son's school (he was in grade 1 at the time), asking that we prevent our children from watching wrestling. A number of 6 and 7 year olds were walking around the school yard making obscene gestures and yelling "Suck It". They were simply imitating a so-called role model seen on wrestling. I believe that the TSN and the Wrestling community as a whole owe more than that to our community. A mere warning at the beginning of the show is clearly NOT ENOUGH.