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

TSN re *WWF Raw Is War*

(CBSC Decision 99/00-0607)

Decided January 31, 2001

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

THE FACTS

On May 29, 2000, TSN broadcast the wrestling show *WWF Raw Is War* from 9:00 p.m. until 11:00 p.m. in Vancouver. The program began with the following viewer advisory, which was repeated coming out of several, but not all, of the commercial breaks: "Warning: The following program contains material that may offend some viewers. Discretion is advised."

The program contained its usual variety of in and out-of-the-ring antics by wrestlers, managers, and wrestling officials alike. It even involved the use of objects such as a bat or a pipe (in the introductory sequence), a leather and metal championship belt, hockey sticks, chairs, tables, and the like in some of the fight sequences.

A viewer sent a letter of complaint on May 31, in which he stated, in part, that he believed that the content of the program was "vulgar, sleazy, sexist and violent". He added:

You cannot get me to watch an entire airing of this trash, but I viewed the following actions on May 29th:

- A wrestler dressed as a pimp with his "Ho Train", women dressed sleazily depicted as whores.
- The crowd chanting a--hole as Vince McMahon threw barbs with a wrestler in the ring.
- The same wrestler calling McMahon an a--ole into the stage microphone.
- A wrestler calling another scantily clad woman a slut.
- A rock band member telling two wrestlers to f-- off (bleeped out).
- Excessive violence including chairs smashed over heads, a hockey stick jabbed into the groin and the usual array of over the top punching, kicking and slapping in and out of the ring.

- Vulgar signage in the arena including “Stephanie, You Slut”, “My Nutz Stink” and “I’m a Ho”.

The full text of this complaint and the broadcaster’s response are provided in the Appendix to this decision. On June 28, the President of TSN replied in the following terms:

Please let me reiterate some of the points that [the complainant] raised in his letter. Wrestling comprises less than one per cent of TSN’s schedule. The core of our schedule is live, major sports and sports news. [The complainant] also outlined that TSN took the responsible step in February to revise our schedule and air wrestling during evening hours only. Finally, he outlined how the program is edited in accordance with our broadcasting standards with inappropriate scenes and language removed, or as you indicate in your letter, blanked out.

With respect to editing, you may be interested to learn that some viewers suggest more editing is required, while the majority say too much editing already occurs. We are working to achieve a balance for everyone concerned.

Let me add that wrestling has been part of the sports television viewing experience for 40 years and remains one of broadcasting’s most unique sports entertainment properties. Our audience relations department has ongoing contact with viewers who understand that the scenes are exaggerated and appreciate the theatrical exhibition of agility and athleticism.

The complainant was unsatisfied with this response, and requested on July 25 that the CBSC refer the matter to the appropriate Adjudicating Panel. The complainant also submitted the following note in response to TSN’s reply:

I am not satisfied with TSN’s response for the following reasons:

- The letter states that wrestling comprises less than 1% of TSN’s schedule. What it doesn’t mention is that fully 40% of TSN’s prime time schedule is dedicated to WWF and WCW programming (9:00 - 11:00 pm Monday and Tuesday as a minimum). In fact, the time slots provided this programming are among my biggest concerns as prime time draws the largest number of viewers including many children.
- The letter states that the programming has been edited to reflect a balance of what viewers would like to see. My understanding was that certain criteria (outlined on the CBSC Web page) have to be met to pass CRTC guidelines. Just because society’s lowlifes are demanding more sleaze and violence doesn’t mean the broadcaster can violate the guidelines.
- The letter states wrestling has been a part of sports television for 40 years. Completely untrue! Fake wrestling has been on television for 40 years but has not been associated with sports television until TSN’s partnership with WWF and WCW. Until then fake wrestling (in its much more inoffensive existence) was limited to local stations and two-bit cable operations. Only Vince McMahon’s recent marketing of WWF has led to it being shown in such proliferation on American cable stations. Yet still, no true sports network shows fake wrestling including the most recognized and arguably best sports network ESPN. The majority of wrestling today is shown on trash stations like UPN and TNT. TSN, in my opinion, lowers itself to this level by showing fake wrestling.

The Specialty Services Panel has dealt, in its meeting of today's date, with *TSN re WWF Monday Night Raw* (CBSC Decision 99/00-0398, January 31, 2001), another WWF-related complaint, in which the subject matter and its conclusion differ from the case at hand.

THE DECISION

The CBSC's National Specialty Services 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 1 (Content)

1.1 Canadian broadcasters shall not air programming which:

- ! contains gratuitous violence in any form*
- ! sanctions, promotes or glamorizes violence

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

CAB Violence Code, Article 5.1 (Viewer Advisories)

To assist consumers in making their viewing choices, broadcasters shall provide a viewer advisory, at the beginning of, and during the first hour of programming telecast in late evening hours which contains scenes of violence intended for adult audiences.

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. In the broadcast in question, the Panel considers the broadcaster to have violated certain provisions of both the *Sex-Role Portrayal Code* and the *Violence Code*.

A Threshold Issue: Wrestling as Sport

The National Specialty Services Panel has dealt with the characterization of wrestling as a sport in its other decision of this date, namely, *TSN re WWF Monday Night Raw* (CBSC Decision 99/00-0398, January 31, 2001) and it does not consider it necessary to review everything which it has said there. Suffice it to cite a portion of the Panel's conclusion in this regard:

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 all of 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 wrestling being a sport that some part of the match has been scripted (as TSN advises it has). 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.

The Panel understands the claim of the complainant that "By absolutely no definition can these programs be considered sports or wrestling and the outcomes are staged and predetermined" but it does not share his view. As this Panel has observed in the other WWF decision of this date, in the view of the Panel, WWF wrestling, however unorthodox, is sport for the purpose of the application of the provisions of the *Violence Code*. There are those sports which, by their nature, involve less body contact and those which involve more, those which are not violent and those which include a violent element at their core. The Panel does not expect that either the codifiers, the broadcast regulator or Canada's private broadcasters consider that the standards established in Article 10 of that Code were created for anything other than the purpose of application to all such athletic contests.

The Limits of the Sanctioned Activity of the Sport

This is the first occasion on which the CBSC is called upon to consider Article 10.1 of the *CAB Violence Code*. In that connection, the National Specialty Services Panel needs go no further than the appreciation of the promotion and exploitation of violent action. The issue is not, in other words, for *these* purposes at least, the "dramatic" shenanigans, the preening of the wrestlers, the exhibition of women's bodies and so on. The issue is the fighting, the wrestling, whether in the ring or outside it, or even at some distance from it. In that regard, the Panel's concerns relate to the use of a hockey stick, the substantial leather and metal championship belt, metal chairs and other such devices to strike other wrestlers. It must determine whether fighting with such instruments falls within the parameters of the

Code article. In order to make this assessment, the Panel must consider the meaning of the “sanctioned activity of the sport in question.” To do this, it does not consider it necessary to review the technical printed rules of the sport, if such exist at all. This is not what the Panel believes that the codifiers anticipated in their drafting of this article. Nor does the Panel believe that the codifiers intended that the Code concern itself with the fine technical issue of whether actions which are recognized but are subject to a penalty fall within or without the area of “sanctioned activity”. The Panel views the words “sanctioned activity” as constituting a limit (which they are meant to assess) of actions which might reasonably be viewed as so egregious as to be beyond its expectation of “sanctioned activity”.

In this respect, then, the Panel understands that the codifiers would have anticipated the customary nature of wrestling. The *Oxford English Dictionary* defines wrestling as

The action or exercise of two persons grappling or gripping in a contest of strength and adroitness, each endeavouring to throw the other by tripping or overbalancing him; the fact of contending or throwing in this manner.

While freestyle wrestling may permit rougher tactics than traditional Greco-Roman style wrestling, the Panel does not consider that this Code provision anticipates the use of dangerous objects, in effect, weapons not customarily in use for the purpose of either style of wrestling. Whether this is or is not acceptable at actual ringside is not the concern of the CBSC, which deals only with the broadcast aspects of the wrestling contests. In this respect, the Panel has no hesitation in concluding that, in its airing of *WWF Raw Is War*, the broadcaster is promoting or glamorizing the use of dangerous objects or weapons in wrestling, something which is egregious in terms of its reasonable expectation and which, consequently, falls outside of the allowable or sanctioned extent of the sport in violation of the provisions of Article 10.1 of the *CAB Violence Code*.

The Sex-Role Portrayal Issues

This decision is distinctly different from that rendered today by this Panel in the case of *TSN re WWF Monday Night Raw* (CBSC Decision 99/00-0398, January 31, 2001). Of the sequence involved in that episode which was dealt with under the *Sex-Role Portrayal Code*, this Panel said:

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.

In the present matter, however, the broadcaster has, on at least three occasions, made references to women which the Panel considers demeaning and degrading and in violation of the provisions of the *Sex-Role Portrayal Code*. On one occasion, one of the wrestlers calls Stephanie, one of the cast of characters, “a two-dollar walking slut”. On another, one of the commentators describes one of the scantily clad women “that horny little she-devil, Terry” and on another, Stephanie is admonished to “stop being a filthy, dirty, disgusting, brutal, skanky, bottom-feeding, trashbag ho.” In *CKAC-AM re The Gilles Proulx Show* (CBSC Decision 94/95-0136, December 6, 1995), the Quebec Regional Panel spoke of similar demeaning language used on that show in the following terms:

In this case, the language used by the host, Gilles Proulx, was, if anything, coarser, more excessive, gratuitous and abusive with regard to the complainant than that used by Ed Needham in [*CFRB re Ed Needham (OWD Publication)*] (CBSC Decision 92/93-0096, May 26, 1993). In exclaiming, for instance, that she was a “petite niaiseuse” (dumb broad), “needs a good lay”, “as ugly as sin,” and “an idiot.” Proulx was aggressively abusive toward this female listener. The Council believes, furthermore, that this language constituted “negative or degrading comments on the role and nature of women” in clear breach of the provisions of Clause 4 of the *Sex-Role Portrayal Code*.

So, too, in *CHOM-FM and CILQ-FM re The Howard Stern Show* (CBSC Decision 97/98-0001+, October 17-18, 1997), the Quebec and Ontario Regional Panels jointly concluded that the host’s use of terms such as “pieces of ass”, “dumb broads”, “fat cow”, “dikes” and “sluts” in relation to women was exploitative and in breach of the Code. The language used on the episode of *WWF Raw Is War* is of a similar nature. It is demeaning and degrading and its use constitutes a breach of Article 4 of the *Sex-Role Portrayal Code*.

Viewer Advisories

As noted above, TSN broadcast the following advisory sporadically: “Warning: The following program contains material that may offend some viewers. Discretion is advised.”

In fact, the advisory was repeated coming out of the 2nd, 4th, 8th, and 9th commercial breaks, but not after the 1st, 3rd, 5th, 6th, 7th, and 10th commercial breaks. The result is clear. The broadcast is in breach of Article 5.1 of the *Violence Code*. As this Panel has said in *WTN re Sunday Night Sex Show* (CBSC Decision 99/00-0672, January 31, 2001),

Even after the Watershed, which itself serves as a form of generalized advice to viewers that programs airing after that hour *may* contain material intended for adult audiences, viewers are entitled to know, both for themselves and their children, what type of content may be included in a show which could be objectionable to them. The advisories provide more pertinent details regarding the type of material which may be present in the programming about to be, or in the process of being, screened which will enable a viewer, even one tuning in after the start of the show, to evaluate the appropriateness of the content for his or her tastes.

In that case, as in this, viewer advisories had not been broadcast coming out of each commercial break during the one-hour program. Relying on the Ontario Panel’s decision in

CTV re Poltergeist - The Legacy (CBSC Decisions 96/97-0017 and 96/97-0030, May 8, 1997), in which that Panel had to evaluate a two-hour pilot which contained advisories at the beginning of, and during the *second* hour, but not otherwise during the first hour, the National Specialty Services Panel cited the following provision.

The rationale underlying the requirement of viewer advisories is found in the background section of the Code. Therein it is stated that "... creative freedom carries with it the responsibility of ensuring ... that viewers have adequate information about program content to make informed viewing choices based on their personal tastes and standards." The repetition of viewer advisories in the first hour serves as a second chance for viewers to receive important information concerning the program they are considering watching. The Code takes into account that many viewers make their viewing choices in the first few minutes of a program, which at times leads viewers to miss an initial viewer advisory. The Council is of the view that CTV's approach to viewer advisories in this case, i.e. other than the initial advisory, providing them only in the second hour of the program, is unfair to viewers.

This Panel added the following observations relative to the WTN matter.

Applying these principles to the matter at hand, the Panel considers it important to emphasize the informative value to viewers of advisories coming out of *every* commercial break. It is not reasonable to expect that viewers who may be channel-surfing or simply turning on their television sets ten or fifteen or more minutes into a show should be deprived of such important viewing information.

In the case at hand, while advisories would only have been required coming out of the commercial breaks during the course of the first hour of the program, even these were not present on a consistent basis. There can be no doubt that this constitutes a breach of Article 5.1 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 the issues raised by the complainant, albeit not as the complainant would have wished. Consequently, the broadcaster has not breached the Council's standard of responsiveness. Nothing more is required.

Dissenting opinion of S. Teicher

I dissent insofar as the decision suggests that the challenged program is in breach of Article 10.1 of the *CAB Violence Code*.

WWF wrestling programming as "sports entertainment" provides a unique challenge in that it is neither purely sport nor purely dramatic content, but is rather a hybrid. The use of "dangerous objects" or "weapons", as cited in the decision, is, in my view, an integral element of the plot lines and character development which is a significant part of the WWF programming. To the extent such behaviour does not fall within the "sport" component of the program, it is outside the purview of Article 10. To the extent such behaviour falls within the "sport" component of the program, I think it is sanctioned by the provider and promoter (WWF), the participants (the wrestlers) and within the expectations of the audience for these programs.

I concur with the majority with respect to the decision relating to the *Sex-Role Portrayal Code* and the need for more viewer advisories, as required by the *Violence Code*.

CONTENT OF THE ANNOUNCEMENT OF THE DECISION

TSN is required to: 1) announce this decision, in the following terms, once during prime time within three days following the release of this decision and once within seven days following the release of this decision during the course of the *WWF Raw Is War* program; 2) within the fourteen days following the broadcast of the announcements, to provide written confirmation of the airing of the statement to the complainant who filed the Ruling Request; and 3) to provide the CBSC with that written confirmation and with air check copies of the broadcasts of the two announcements.

The Canadian Broadcast Standards Council has found that TSN has breached certain provisions in the *CAB Sex-Role Portrayal Code* and the *CAB Violence Code* in its broadcast of *WWF Raw Is War* of May 29, 2000. By using certain derogatory and demeaning terms in referring to women during the broadcast, TSN breached Clause 4 of the *Sex-Role Portrayal Code*. By using a hockey stick, a wrestling belt and metal chairs to assault wrestlers, TSN breached Article 10 of the *Violence Code*. By failing to provide viewer advisories following each of the commercial breaks during the first hour of the show advising audiences of its violent content, TSN breached Article 5 of the *Violence Code*.

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

APPENDIX
TO CBSC DECISION 99/00-0607
TSN re WWF Raw is War

I. The Complaint

The following complaint dated May 31, 2000 was sent to the CBSC:

To Whom it may concern,

Firstly, thank you for taking my complaint with regard to above stated program, I would like to make it clear that my complaint is not limited to this particular airing of WWF on TSN but to the content of WWF and WCW programming in general both on TSN and Sportsnet. However, as you have requested the specifics with regard to each program I will limit my complaint to the May 29, 2000 TSN broadcast of WWF Raw is War.

I had particular interest in this broadcast as it was aired from Vancouver where I live. Several of the children in my wife's school were attending the event and I have in the past viewed my concerns with The Sports Network with regard to the content of WWF and WCW programming which I believe is vulgar, sleazy, sexist and violent.

You cannot get me to watch an entire airing of this trash, but I viewed the following actions on May 29th:

- A wrestler dressed as a pimp with his "Ho Train", women dressed sleazily depicted as whores.
- The crowd chanting a--hole as Vince McMahon threw barbs with a wrestler in the ring.
- The same wrestler calling McMahon an a--ole into the stage microphone.
- A wrestler calling another scantily clad women a slut.
- A rock band member telling two wrestlers to f--- off (bleeped out).
- Excessive violence including chairs smashed over heads, a hockey stick jabbed into the groin and the usual array of over the top punching, kicking and slapping in and out of the ring.
- Vulgar signage in the arena including "Stephanie, You Slut", "My Nutz Stink" and "I'm a Ho".

I have phoned TSN several times to complain about this type of programming. Their response to me is that they are following CRTC guidelines. This is completely unacceptable to me for several reasons not the least of which is that TSN and Sportsnet have been granted licenses to air sports programming. By absolutely no definition can these programs be considered sports or wrestling and the outcomes are staged and predetermined. Quite simply, these programs are aired because of their large viewing audience and TSN justifies it because the CRTC allows them to. Please explain to me why.

Thanks again for your time.

II. Broadcaster Response

The broadcaster responded to the complainant's letter on June 28, 2000 with the following:

Thank you for your e-mail, which we received through the CBSC. I appreciate your concerns and apologize if the program offends you. I wanted to reply as soon as possible and let you know your feedback is valuable to us.

I understand that you have communicated your point of view about wrestling to both T. F. and G. B. I am also aware that Mr. B. forwarded you a letter on April 26, 2000 in an attempt to address some of your concerns.

Please let me reiterate some of the points that Mr. B. raised in his letter. Wrestling comprises less than one per cent of TSN's schedule. The core of our schedule is live, major sports and sports news. Mr. B. also outlined that TSN took the responsible step in February to revise our schedule and air wrestling during evening hours only. Finally, he outlined how the program is edited in accordance with our broadcasting standards with inappropriate scenes and language removed, or as you indicate in your letter, blanked out.

With respect to editing, you may be interested to learn that some viewers suggest more editing is required, while the majority say too much editing already occurs. We are working to achieve a balance for everyone concerned.

Let me add that wrestling has been part of the sports television viewing experience for 40 years and remains one of broadcasting's most unique sports entertainment properties. Our audience relations department has ongoing contact with viewers who understand that the scenes are exaggerated and appreciate the theatrical exhibition of agility and athleticism.

In closing, let me thank you again for writing and offering your feedback. We will continue to monitor the program and continue to take the responsible steps, as required, in the future.

III. Additional Correspondence

The complainant was unsatisfied with the broadcaster's response and returned his signed Ruling Request on July 25, 2000, accompanied by the following note:

I received a reply to my complaint from TSN on June 28th which I will also forward to you. I am not satisfied with TSN's response for the following reasons:

- The letter states that wrestling comprises less than 1% of TSN's schedule. What it doesn't mention is that fully 40% of TSN's prime time schedule is dedicated to WWF and WCW programming (9:00 - 11:00 pm Monday and Tuesday as a minimum). In fact, the time slots provided this programming are among my biggest concerns as prime time draws the largest number of viewers including many children.
- The letter states that the programming has been edited to reflect a balance of what viewers would like to see. My understanding was that certain criteria (outlined on the CBSC Web page) have to be met to pass CRTC guidelines. Just because society's lowlifes are demanding more sleaze and violence doesn't mean the broadcaster can violate the guidelines.

- The letter states wrestling has been a part of sports television for 40 years. Completely untrue! Fake wrestling has been on television for 40 years but has not been associated with sports television until TSN's partnership with WWF and WCW. Until then fake wrestling (in its much more inoffensive existence) was limited to local stations and two-bit cable operations. Only Vince McMahon's recent marketing of WWF has led to it being shown in such proliferation on American cable stations. Yet still, no true sports network shows fake wrestling including the most recognized and arguably best sports network ESPN. The majority of wrestling today is shown on trash stations like UPN and TNT. TSN, in my opinion, lowers itself to this level by showing fake wrestling.

- The letter closes stating that TSN will continue to monitor its programming and take responsible steps in the future. My contention is that this will only happen if forced to do so by the body responsible for appropriate television viewing in Canada, the CRTC. I have made every effort to express my concerns to the appropriate parties and now ask that the tape of this program be viewed to determine if this is the type of programming we find acceptable in our country.