
**CANADIAN BROADCAST STANDARDS COUNCIL
PRAIRIE REGIONAL PANEL**

CICT-TV re a news report on the Tour de France

(CBSC Decision 00/01-0982)

Decided January 14, 2002

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

THE FACTS

On CICT-TV (Calgary)'s 6:00 pm Global News report of July 15, 2001, the announcer led the "Our World" international section of the news with the bizarre story of an automobile driver ploughing into a crowd of spectators, reportedly because he wanted to meet the winner of the race. The announcer said "It has been a violent week-end at the Tour de France cycling race." In the approximately 45-second story, a video clip shot on a home video camera was shown. In it, a car is seen driving through barricades into a crowd of people. People are screaming and running out of the car's path. An onlooker is shown flying over the hood of the car after being hit. The clip was then replayed twice in slow motion.

On the same day, two viewers sent a complaint to CICT-TV and the CRTC, which forwarded it to the CBSC in due course. They said, in part (the full letter can be found in the Appendix):

On July 15, 2001 Global News (Calgary) aired needlessly graphic footage of the Tour de France tragedy, of [sic] which I was deeply offended.

I am in the habit of watching Global TV's 6 o'clock news report. I am not in the habit of seeing people mowed down with a vehicle no less than three times and in slow motion.

I did not find this to be newsworthy footage. It was pure sensationalism that does nothing but desensitize the public to these sorts of tragedies. The actions of Global news were callous, insensitive, in poor taste, and infuriating to ourselves. I would like Global news to

issue an apology and, in the future, to refrain from showing such graphic footage when a simple statement of fact will suffice.

The News Director of CICT-TV replied on August 16 as follows, in part (the full reply can be found in the Appendix):

Let me first assure you that we take the matter and your complaint very seriously. It is our goal at Global Calgary to remain “family friendly” and try to ensure that our news content is, whenever possible, safe for families and sensitive viewers. That goal must, however, be balanced with our responsibility to present images of the news of the day which are all too often tragic or disturbing.

After reviewing the video and the circumstances, I agree that it would have been appropriate to provide viewers with an advisory of the nature of the story beforehand. However, we did not have a system in place at that time to make this type of decision before broadcast. As a result of your concerns, we have reviewed and altered our systems to prevent similar occurrences in future.

On behalf of Global and our news department, I apologize for the upset this caused you and I offer my personal commitment to address the situation.

The complainants were not satisfied by the broadcaster’s response and filed their Ruling Request on August 24.

THE DECISION

The CBSC’s Prairie Regional Panel considered the complaint under the Canadian Association of Broadcasters (CAB) *Code of Ethics* and the *CAB Violence Code*, the relevant provisions of which read as follows:

CAB Code of Ethics, Clause 6 (paragraph 3)

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of the broadcast publisher.

CAB Violence Code, Article 6 (News & Public Affairs Programming)

- 6.1 Broadcasters shall use appropriate editorial judgment in the reporting of, and the pictorial representation of violence, aggression or destruction within their news and public affairs programming.
- 6.2 Caution shall be used in the selection of, and repetition of, video which depicts violence.
- 6.3 Broadcasters shall advise viewers in advance of showing scenes of extra-ordinary violence, or graphic reporting on delicate subject matter such as sexual assault or court action related to sexual crimes, particularly during afternoon or early evening newscasts and updates when children could be viewing.

- 6.6 While broadcasters shall not exaggerate or exploit situations of aggression, conflict or confrontation, equal care shall be taken not to sanitize the reality of the human condition.

The Adjudicators screened the challenged news report and reviewed all of the correspondence. While readily acknowledging the shocking event which is the subject of the news broadcast in question, the Prairie Regional Panel is of the view that, for the reasons given below, the report does not violate any of the above-mentioned Code provisions.

Sensationalization in News Reports

Historically, in dealing with such a matter as sensationalization, any CBSC Panel would have had recourse to the above clause from the *CAB Code of Ethics* and to the important *RTNDA Code of (Journalistic) Ethics* (which was created in 1970 and amended in 1986), which, in precise language, prohibited sensationalization of news items. Since June 15, 2001, however, the Council has been applying the most recent version of the RTNDA Code, which no longer includes that language. In such circumstances, the resolution of questions relating to complaints from the public about possible sensationalization of the news must be dealt with solely by use of the *CAB Code of Ethics*. As the Ontario Regional Panel said in *CKCO-TV re a News Item (Disappearance)* (CBSC Decision 00/01-0739, June 28, 2001),

it could not apply the more restrictive wording of the new version of the RTNDA Code so as to cut off public access to standards which have long since been applied by the CBSC to journalistic matters when the broad guarantee of “full, fair and proper presentation of [the] news” remains enshrined in the *CAB Code of Ethics*. Given that, [...] while the new Code may not contain all the same wording regarding the sensationalization of the news [...], the Panel sees no contradiction between the new text and the general requirement of full, fair and proper presentation of the news found in the CAB Code. The Panel considers that it is its duty to reaffirm, for the benefit of audiences, that such principles continue to be a part of their entitlement and expectation of broadcasters, despite their current absence from the RTNDA Code.

[...]

[T]he Panel considers it entirely appropriate to apply the provision in the *CAB Code of Ethics* which affirms that “the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of the broadcast publisher.” In so doing, the Ontario Panel has no hesitation in concluding that a sensationalized news report could not be characterized as either a fair or a proper presentation of news and would thus constitute a breach of Clause 6, paragraph 3 of the *CAB Code of Ethics*. See, for example, *CJRQ-FM re Opinion Poll* (CBSC Decision 94/95-0135, March 26, 1996), *CTV re News Report (Police Shooting)* (CBSC Decision 94/95-0213, March 26, 1996) and *CFTM-TV (TVA) re J.E. (Entreprises Pendagron)* (CBSC Decision 97/98-0390, August 14, 1998) for examples of sensationalized, unfair and improper presentations of news.

The Prairie Regional Panel considers that, in the present circumstances, it too must measure the issue of sensationalization by the “full, fair and proper presentation” requirement of the *CAB Code of Ethics*. In so doing, the Panel notes that, apart from the shock value of the bizarre incident, there is neither a bloody nor, thankfully, mortal consequence to the criminal act, at least as seen in the video clip that was chosen. It is unpleasant and uncomfortable but neither too graphic or grisly, even in the context of an early evening newscast. Moreover, the lengthy and world-renowned Tour de France bicycle race, which is regularly reported to Canadians over its duration each year, has relevance to the audience that would have seen this news report. In that sense, the reporting of the event has a context and pertinence. Even if it is a shocking occurrence, it is neither unfair nor improper to report it. As Article 6.6 of the *Violence Code* provides, care must also be taken not to sanitize the news. The Panel draws a distinction between a news item that is, by its nature, *sensational* and the broadcast of a news report that, otherwise having the ability to stand on its own, has been *sensationalized*. In the case at hand, the criminal act *is* the story. It is, as noted above, relevant and pertinent to the audience. Telling that story without the footage, when it is available, would be unnatural. The Panel finds no fault with the broadcaster on this account. As the British Columbia Regional Panel decided in *CHAN-TV re Newscast (Toronto Subway Death)* (CBSC Decision 97/98-0383, May 20, 1998):

Despite the use of the close-up of the victim's face, the Council finds no reason to conclude that BCTV had “sensationalized” the news item, contrary to provisions of the [former version of the] *RTNDA Code of (Journalistic) Ethics*. The shot was unpleasant but not spectacular. It was gory but not glorified. In the end, while it was unnecessary, and, in *that* sense, gratuitous, it was not sensational and consequently not in breach of [former] Article 3 of the *RTNDA Code of (Journalistic) Ethics*.

Repetition of the Shocking Footage

It remains for the Panel to assess the appropriateness of the triple repetition of the extraordinary footage. In its view, the repetition was neither appropriate nor necessary. At least, the third airplay of the clip was excessive. The Panel does not, however, find a breach of the Code on this account. It may not have been in good taste to play the clip thrice. It may not have been good news editing. It was not, however, so graphically violent that the Panel is concerned about the repetition of the video clip, as provided in Article 6.2 of the *Violence Code*. It is the view of the Panel that, for the purposes of this Article, the intention of the codifiers was to ensure that the degree of caution expected on the part of the broadcaster rises in proportion to the graphic and disturbing nature of the violence depicted. While, in the end, the Panel does not agree with the broadcaster’s decision to air the extraordinary footage three times in the newscast, it does not consider that that decision amounts to a breach of the Code.

Oral Advisories

The Panel appreciates the undertaking of CICT-TV's News Director to add an oral viewer advisory in the case of a similar news report in the future. After all, it is clear that such a story is susceptible of making certain audience members uncomfortable and broadcasters regularly take such considerations into account in their practices. That being said, it is the view of the Panel that the failure to provide an advisory before the challenged newscast did not constitute a breach of Article 6.3 of the *Violence Code*. The operative words "extraordinary" and "graphic" suggest a video segment which is considerably more violent than that which was shown. In the circumstances, the Panel applauds the intention of the News Director for the future but finds his decision on this occasion to be in full compliance with the Code.

Broadcaster Responsiveness

CBSC Panels always evaluate the nature and extent of the broadcaster's response to the complainant(s). The letter did not appear to be a boiler-plate reply. While it did not satisfy the complainants, that is always the case which brings matters to a Panel for adjudication. There can be no fault in that alone. In the view of the Panel, the letter was sufficiently focussed on the complaint to constitute a full and fair reply in terms of the broadcaster's membership requirement. 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 00/01-0982 CICT-TV re a news report on the Tour de France

I. The Complaint

The CRTC received the following complaint via e-mail dated July 15, 2001 and forwarded it to the CBSC in due course:

On July 15, 2001 Global News (Calgary) aired needlessly graphic footage of the Tour de France tragedy, of [sic] which I was deeply offended.

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This e-mail has also been copied to the Canadian Radio-Television and Telecommunications Commission.

II. The Broadcaster's Response

The News Director of CICT-TV (Global Calgary) responded to the complainants on August 16, 2001:

This is in response to your letter of July 15, in which you expressed your concerns about the video from the Tour de France that aired in that day's Global News at Six.

Let me first assure you that we take the matter and your complaint very seriously. It is our goal at Global Calgary to remain "family friendly" and try to ensure that our news content is, whenever possible, safe for families and sensitive viewers. That goal must, however, be balanced with our responsibility to present images of the news of the day which are all too often tragic or disturbing.

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