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**CANADIAN BROADCAST STANDARDS COUNCIL  
QUEBEC REGIONAL PANEL**

TVA re *Je regarde, moi non plus*

(CBSC Decision 01/02-0452)

Decided December 20, 2002

R. Cohen (*ad hoc*), B. Guérin, R. Parent, T. Rajan (*ad hoc*), and P. Tancred

Since G. Bachand, who customarily chairs this Panel, is employed by the broadcaster, she did not participate in this adjudication.

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## **THE FACTS**

*Je regarde, moi non plus* is a magazine-style program broadcast on TVA Friday evenings from 10:30 to 11:30 pm. The host, panellists and guests discuss topics relating to sexuality and romantic relationships, often accompanied by relevant visual material. The approach to the subject matter is mature and authoritative, albeit light and humorous.

In the episode of March 8, 2002 (which, for the reasons noted at the end of this section, was the episode reviewed for the purposes of this decision), segment topics included escort services, sex toys, vaginal versus clitoral orgasms and television commercials with sexual content. The video clips used to introduce the report on escort services featured nude women and a brief scene of an orgy in which one woman is seen caressing herself with money. The sex toy segment, entitled “Testé pour vous” (“Tested for You”), included a demonstration of nipple pinchers on an apron designed to look like female breasts. Other visuals of a sexual nature in the episode included a cartoon drawing of a man with an erect penis and a drawing of a group of nude women.

The episode began with a humorous “advisory”, which stated:

[translation] WARNING: The following program is just for fun. If you want to engage in a serious debate about the exploitation of women’s bodies for commercial and monetary purposes, don’t waste your time here. Make yourself some chicken soup, put on your flannel robe and go finish the 2,000 piece jigsaw puzzle that you started at Christmas.

There were no other advisories during the course of the episode; nor did it carry a classification icon.

A viewer sent a letter of complaint dated December 8, 2001 to the CRTC, which forwarded the complaint to the CBSC in due course (the full text of all correspondence can be found in the Appendix to this decision, in its original French). The viewer complained that Québec broadcasters had stooped to an unfortunate level of mediocrity and stupidity just to “make a buck” and mentioned his specific concerns about *Je regarde, moi non plus*:

[translation] I was very upset and angry to see that Quebeckers are being taken for a bunch of idiots. This program is hosted “by insignificant and naïve men and features women who show more skin than smarts and who would willingly drop their drawers for a song (or perhaps a vibrator,” as our grandmothers would have said, for good reason. It contains illogical statements supported by eminent sexologists (sex-philes), namely women who in my humble opinion create more sexual problems than they solve, and who should be instructing our young girls aged 12 to 13 on how to avoid a disastrous pregnancy instead of engaging in shrill discussions to determine the exceptional advantages of that revered notion of the G-spot vs. the clitoris.

[...]

Women in Saint-Chrysostome are making novenas so that they might find their notorious G-spots, while the men dream of inventing a remote control device to fiddle with the clitoris. Orgasm has become the be-all and end-all of life and the owners of television services are ready to do anything to make a buck.

TVA responded to the complainant’s letter on February 22, 2002. Its Vice President, Communications explained that *Je regarde, moi non plus* is “[translation] a magazine-style program that aims to be a little bit ‘naughty’ and that, through its reporters and guests, approaches certain aspects of sexuality, all in a friendly and humorous manner.” He went on to state that the content of the program is presented with dignity and in good taste, and does not stereotype or exploit either sex. He also stated that the program is broadcast late in the evening and that a viewer advisory warning viewers of the sexual themes is aired at the beginning of the program.

After receipt of the broadcaster’s letter, the complainant wrote back to the CBSC on March 5, noting that the program airs every Friday night. He voiced his skepticism about the self-regulatory process but reiterated that broadcasters should not be permitted to impose “pornography” on the public. In any event, the Council advised the broadcaster that the complainant’s concerns related to *all* episodes of the program and it was agreed that the episode closest to the date of the March 5 letter would be the one examined. That was the episode of March 8.

## THE DECISION

The Québec Regional Panel considered the matter under provisions of the Canadian Association of Broadcasters' (CAB) *Voluntary Code Regarding Violence in Television Programming* relating to classification icons and viewer advisories, as well as the exploitation clause of the *CAB Sex-Role Portrayal Code*:

*CAB Violence Code*, Article 4.0 (Classification System for French Language Broadcasters):

### Exempt

#### Programs Exempt from Classification

- Information Programs: news, current events, public affairs
- Sports Programs: sports events, sports news
- Variety Programs: entertainment events, talk shows, quiz shows, game shows, music videos
- Magazine-style programs
- Documentaries
- Infomercials

*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 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.

The Québec Regional Panel finds that TVA is in breach of Article 5.1 concerning viewer advisories, but not in violation of any of the other Code provisions mentioned above.

### The Nature of the Program

There are two preliminary issues for the Panel to address. The first relates to the type of program and is relevant to the need for classification icons and the second relates to the targeted audience and the need for viewer advisories. In the view of the Québec Panel, the program is clearly a magazine-style program, which, for classification purposes, falls squarely within the category of exempt programming under the requirements of the *CAB*

*Violence Code and Classification System for Violence in Television Programming*, 18 June 1997, P.N. CRTC 1997-80. In that Public Notice, the CRTC stated that French-language broadcasters were entitled to use the classification system of the Régie du cinéma du Québec, which the Action Group on Violence on Television then modified to appropriately deal with the television environment.

Insofar as the level of maturity is concerned, the Panel refers to its earlier decision in *TQS re an episode of the program Faut le voir pour le croire* (CBSC Decision 99/00-0460, August 29, 2000), in which it observed that

the sexual activity portrayed [...] was clearly of a nature intended for adult audiences. The practice of cunnilingus, the love-making in the clandestine circumstances of a parking garage on the hood of a car, the sexual interlude in an elevator, these are all activities which may not be problematic in the context of adult audiences but are entirely inappropriate, as the complainant states, for children.

While there is very little in the context of the challenged talk-show that is as visually graphic, there are some depictions and considerable discussion of sexual activity. In some respects, though, the case of *WTN re Sunday Night Sex Show* (CBSC Decision 99/00-0672, January 31, 2001) is more directly relevant. In that more clinical talk show environment, the broadcast involved explanations of sexual subjects without images. Nonetheless, the National Specialty Services Panel concluded that, while the host's

explanations are positive, useful, focussed and helpful, and not salacious, gratuitous, exploitative or even titillating, the foregoing principle leaves no doubt that here, too, the show is unquestionably directed toward adults. While the *Sunday Night Sex Show* is not graphic, it does include sexually explicit dialogue and adult-oriented explanatory discussion.

Similarly, in *Discovery Channel re an episode of The Sex Files* (CBSC Decision 00/01-0791, January 16, 2002), the same Panel concluded that "It is very clear that the sexually explicit scenes and discussions found in this episode of *The Sex Files* [dealing with anal sex] are targeted to an exclusively adult audience." In *TQS re two episodes of Sexe et confidences* (CBSC Decision 01/02-0329, April 5, 2002), this Panel concluded (with respect to one of the two episodes) that

the explicit references to sexual activity (of, it should be added, a distinctly aberrant variety) coupled with the images render the episode on bestiality clearly intended for adults.

The Panel concludes that the content of the episode of *Je regarde, moi non plus* is intended for adult audiences.

## **Audience Tools**

For the reasons indicated above, *Je regarde, moi non plus* is considered to be a magazine-style program and is thus *exempt* from the requirement to display a classification icon. That being said, broadcasters are always encouraged to add a ratings icon in order to be of assistance to viewers, as the specialty service Bravo! did in its broadcast of the documentary film which was the subject of *Bravo! re the film Chippendales and the Ladies* (CBSC Decision 01/02-0379, September 13, 2002). There is no similar exemption with respect to the requirement to air viewer advisories where the content is intended exclusively for adult audiences, as it clearly is in *Je regarde, moi non plus*. Advisories should have been aired at the beginning of the program and following each commercial break. It goes without saying that the humorous “advisory” used at the beginning of the challenged episode is not what the Panel has in mind. This is not to suggest for an instant that the broadcaster is not entitled to include such a light-hearted element in its program but rather to explain that TVA must find a way to include the serious advisory at the times required for the benefit of audience members wishing to make informed viewing choices for themselves and their families. The absence of this required element constitutes a breach of the advisory requirements of the *CAB Violence Code*.

## **Broadcaster Responsiveness**

CBSC Panels always evaluate the responsiveness of the broadcaster to the complaint and issues raised therein. It is always a reasonable barometer of the attention paid by the broadcaster to concerns raised by the public and, for that reason, has been an *obligation* of broadcaster membership in the CBSC. In the present matter, the Panel finds that TVA’s Vice-President of Communications has responded thoughtfully and in some detail to the complainant. Nothing further is required of the broadcaster in this instance.

## **ANNOUNCEMENT OF THE DECISION**

TVA 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 more within seven days following the release of this decision in the time period in which *Je regarde, moi non plus* was broadcast; 2) within fourteen days following the broadcast of the announcements, to provide written confirmation of the airing of the announcements to the complainant who filed the Ruling Request; and 3) at that time, to provide the CBSC with that written confirmation and with air check copies of the broadcasts of the two announcements which must be made by TVA.

The Canadian Broadcast Standards Council has found that TVA has breached the provision concerning the use of viewer advisories in the industry's *Violence Code*. The Council decided that the sexual content present in the episode of *Je regarde, moi non plus* broadcast at 10:30 pm on March 8, 2002 was intended for adult audiences and necessitated viewer advisories. The Council concluded that, by failing to air any viewer advisories during the course of the program, alerting potential viewers to the sexual content in the program, TVA breached Article 5.1 of the *Violence Code*, which requires the use of viewer advisories at the beginning of and following each commercial break of such programs.

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

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## ANNEXE

### Dossier du CCNR 01/02-0452 TVA concernant *Je regarde, moi non plus*

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#### La plainte

La lettre suivante en date du 8 décembre 2001 a été acheminée au CCNR par le CRTC:

À l'adressé :

La télévision québécoise

*À défaut de me faire rire,  
Je vous en conjure, faites-moi jouir*

Je suis tombé récemment sur une émission de TVA s'intitulant, je crois; « Je regarde moi non plus ». J'en fût [*sic*] fort choqué et en maudis qu'on prenne les Québécois pour un « gang » de caves. Une émission animée, comme auraient dit et avec raison nos grand-mères « par des hommes insignifiants et innocents et pis des femmes qui montrent plus de peau que de génie et qui se baisseraient la culotte pour une chanson (ou peut-être un vibreur) ». On y tient des propos incongrus étayés par des éminents sexologues (sexophiles) notamment des femmes qui à mon humble avis créent plus de problèmes sexuels qu'elles en règlent et qui, au lieu d'entretenir des quolibets pour déterminer les avantages exceptionnelles du point G, ce monstre sacré, vs le clitoris, elles devraient enseigner à nos petites filles de 12-13 ans comment faire pour éviter une grossesse désastreuse.

Les stations de télé québécoise ont basculé dans la quêtainerie. Elles sont devenues des poubelles d'annonces publicitaires desquelles débordent, la médiocrité, l'ignorance, la stupidité, le manque de professionnalisme et de civisme et le sensationnalisme, autrement dit le « cheap ». Alors que le nombre de « commerciaux » augmente de façon dégoûtante, les gens devraient s'attendre à une amélioration de la programmation, mais malheureusement c'est le contraire qui se produit. Ben évidemment il y a des exceptions mais elles sont aussi rares que de l'or en barre.

Si ce genre de programmes obtient la faveur des Québécois, je m'attriste à la pensée que je fasse partie de la confrérie des évachés amorphes, des jouisseurs perpétuels, des braillards chroniques, des Jos Connaissant de tout mais maîtres en rien et des spectateurs béats.

Les femmes font des neuvaines à St-Chrysostome pour trouver leur fameux point G pendant que les hommes rêvent d'inventer une manette de contrôle à distance pour tripoter le clitoris. La jouissance est rendue le « sine qua non » de l'existence et les propriétaires des chaînes de télé sont prêts à tout pour faire une « piastre ». Et que dire de cette nouvelle vague d'humoristes; ces crétins qui gagneraient aussi bien leur vie à danser des danses à deux piastres dans les trous du bas de la ville de Montréal. S.V.P. gardez-les chez vous ou mettez-les en cage.

## La réponse du radiodiffuseur

Le Vice-présidente, information a répondu au plaignant le 22 février 2002 avec la lettre qui suit :

Nous avons bien reçu votre plainte du 8 décembre 2001, qui nous a été transmise par le Conseil canadien des normes de la radiotélévision (CCNR) le 31 janvier dernier.

Dans votre plainte, vous référez à la diffusion de l'émission *Je regarde moi non plus*, produite par Les Productions J et diffusée à notre antenne les vendredis de 22h30 à 23h30. Aucune date de diffusion n'est toutefois spécifiée.

Vous écrivez avoir été « choqué » par le contenu de cette émission.

Afin de répondre à votre plainte, nous croyons utile de vous faire part des commentaires suivants. L'émission *Je regarde moi non plus* est un magazine qui se veut un tantinet « coquin » et qui, par le biais de ses chroniqueurs et invités, aborde certains angles de la sexualité le tout de manière conviviale et avec humour.

Nous sommes aussi d'avis que le tout est fait avec dignité et bon goût, sans stéréotype sexuel ou exploitation indue. Bien que cette émission soit diffusée tard en soirée et par conséquent en dehors des heures d'écoute d'un public incluant de plus jeunes téléspectateurs, nous diffusons un panneau d'avertissement au début de l'émission à l'effet que ce magazine abordera des questions de sexualité.

Par conséquent, nous estimons que la diffusion de ce magazine respecte les différents codes auxquels nous adhérons à titre de diffuseur, notamment les codes concernant les stéréotypes sexuels à la télévision.

En matière de télévision, les goûts sont toujours diversifiés. Toutefois, nous sommes désolés que cette diffusion ait pu vous choquer et soyez assuré que l'opinion de nos téléspectateurs est utile afin de déterminer notre programmation.

Espérant le tout conforme, veuillez agréer, cher Monsieur [T], l'expression de mes sentiments les meilleurs.

## Correspondance additionnelle

Le plaignant a envoyé le courriel suivant comme réponse à la demande du CCNR pour les dates et les heures précises :

L'émission en question est diffusée chaque vendredi soir à TVA, à 10.30hrs.

L'autoréglementation ou l'autocensure n'est qu'un principe de parodie auquel les diffuseurs cupides et irresponsables adhèrent pour tester jusqu'à quel point ils peuvent pousser le cynisme sachant que les auditeurs reposent dans l'apathie la plus douceureuse et que peu se plaignent croyant que rien ne change malgré leur intervention. Voilà la tristesse de la chose. Il n'appartient pas aux diffuseurs publics ou privés de se faire propagandistes et d'imposer au peuple une pornographie de bas étage.