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

Showcase Television re an episode of *Trailer Park Boys*

(CBSC Decision 02/03-0909)

Decided January 30, 2004

R. Cohen (Chair), S. Crawford (Vice Chair, Industry), H. Pawley (Vice Chair,
Public), M. Hogarth, M. Harris, V. Morrisette, P. O'Neill

THE FACTS

The television series *Trailer Park Boys*, in the form that some call a mockumentary, is broadcast weekly by the specialty service Showcase Television, starting at 9:00 pm. The series revolves around Julian and Ricky, two petty felons and trailer park residents.

The challenged episode, entitled "Who The Hell Invited These Idiots To My Wedding?", was broadcast on March 13, 2003. It told the story of the wedding preparations of Ricky, one of the main characters. Following the bachelor party, the groom's buddies decided to rob a grocery store while the groom-to-be was out cold (from excessive drinking) in the back seat of the car. The stick-up went awry when the passed-out groom woke up and decided to enter the store to buy some cigarettes. A shoot-out ensued and, once the buddies discovered that they were shooting at each other, they completed the robbery together. The groom, however, had not been masked during the hold-up and so was arrested at his own wedding.

The episode contained numerous scenes with extremely coarse language, including the f-word and derivatives. The complainant's primary concern, however, related to the presence of a child in scenes in which coarse language was used. In her view, this constituted child abuse. (An excerpt from her letter follows below; the full text of all the correspondence in this file is reproduced in the Appendix.) The Secretariat has identified three scenes which fall into the category targeted by the complaint:

The first scene showed Ricky talking to the camera, smoking, while a young girl (who was about 5 years old, as judged by the complainant) was playing close to him and apparently paying attention to what he was saying.

[I]t kind of pisses me off. Like I can't plan my own wedding. I am not a total idiot. And if Julian thinks he needs to baby-sit me like a little two-year old or whatever, he doesn't I am not stupid. I can plan my own wedding Julian, if you are watching this shit...

After that, ashes from his cigarette seemingly fell on the girl and, as he stooped down to get them, he apologized to the girl (apparently the daughter of Ricky and his fiancée) with "Sorry, sweetheart"

The second scene showed Ricky sitting at the kitchen table with his fiancée and the same little girl. He spotted a stranger, who parked in their driveway and was coming towards the house. Ricky said, "Who the fuck is that dick?" as they all looked towards the stranger.

And finally the third scene which might have been the focus of the complainant's concerns showed police officers as they came to arrest Ricky in the middle of the wedding ceremony, which was attended by many people, young and old. In reaction, he shouted all kinds of profanities. Hi buddy Julian fires gun shots into the air. The camera showed mothers huddling close to their young children, covering their ears.

What is this bullshit? I can't believe this shit! Oh, for fuck's sake. What the fuck is going on? I am trying to fucking get married. Julian, fuck. Oh, fuck's sake. I can't believe this shit. Julian, look at this shit, the wedding is all fucked off. This is bullshit.

The episode in question carried a rating of 18+ and began with the following viewer advisory in visual and oral formats. It was aired at the beginning of the episode and stated:

This program contains scenes with nudity, sexuality, violence and coarse language. Viewer discretion is advised.

There were no advisories after either of the commercial breaks.

The complainant wrote her letter on March 14. She said in part:

There is a lot of cursing and bad language on this program but what I am very concerned about is that in one of the scenes, which occurred in a kitchen, one of the male actors said the word "fucken [*sic*] dick" in front of a young girl about (5) years old and in another scene where a wedding was going to occur and the police arrived, there was some terrible swearing going on while a little girl was walking down the street. I consider this child abuse.

The broadcaster's Publicist replied on April 4. She said in part:

Trailer Park Boys is a verité style mock-documentary. At the centre of Trailer Park Boys are Ricky and Julian, two men whose lives were shaped by their experiences growing up in a trailer park in Halifax. The characters are offbeat, yet true-to-life, speaking in their natural dialect – Halifax patois-free-flowing and at street level. This irreverent series is a tongue-in-cheek look at the lives of the underclass, normally left at the edges of dramatic narrative. [...]

The goal of the series is to present an over-the-top take on the world of the trailer park – essentially a tight knit community with a strong sense of family. [...]

We understand that the coarse language in this series may have caused you concern. Our view is that these scenes must be viewed within the context of the program as a whole. The language used in **Trailer Park Boys** is essential to the story line and help define the emotional relationships of the characters and their experiences.

Trailer Park Boys contains mature subject matter and is intended for adult audiences only. Showcase has taken steps to broadcast its movies and series responsibly. Before we decide to broadcast a program, our Programming Department screens it to ensure that it is suitable for broadcast. The determination of suitability includes ensuring that the broadcast would not contravene applicable broadcast laws and industry codes including, but not limited to, the Canadian Association of Broadcasters (CAB) Code of Ethics, the CAB “Sex-Role Portrayal Code for Television and Radio Programming,” and the “Voluntary Code Regarding Violence in Television Programming.”

[...]

As required by the Voluntary Code Regarding Violence in Television Programming, Showcase is sensitive to the scheduling of programs with violent and other adult-oriented content. Such programming may not be aired prior to 9 p.m. Because Showcase has both an Eastern and a Pacific feed, **Trailer Park Boys** does not air before 9 p.m. in any part of the country.

Finally, in order to assist our viewers in making their viewing choices, we run a viewer advisory before such programs. In this instance, a viewer advisory warning of scenes with violence, nudity, sexuality and coarse language aired before the broadcast of **Trailer Park Boys**. Due to an internal error on March 13, 2003, the advisory aired only once at the top of the show. However, the problem has been rectified and the audio/visual advisory now airs after each commercial break throughout the broadcast of **Trailer Park Boys**.

The complainant was not satisfied by the broadcaster’s response. She filed her Ruling Request with the CBSC on April 14.

THE DECISION

The National Specialty Services Panel considered the complaint under the following provisions of the Canadian Association of Broadcasters’ (CAB) *Code of Ethics*:

CAB Code of Ethics, Clause 6 - Full, Fair and Proper Presentation

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of each broadcaster. This principle shall apply to all radio and television programming, whether it relates to news, public affairs, magazine, talk, call-in, interview or other broadcasting formats in which news, opinion, comment or editorial may be

expressed by broadcaster employees, their invited guests or callers.

CAB Code of Ethics, Clause 11 - Viewer Advisories

To assist consumers in making their viewing choices, when programming includes mature subject matter or scenes with nudity, sexually explicit material, coarse or offensive language, or other material susceptible of offending viewers, broadcasters shall provide a viewer advisory

- a) at the beginning of, and after every commercial break during the first hour of programming telecast in late viewing hours which contains such material which is intended for adult audiences, or
- (b) at the beginning of, and after every commercial break during programming telecast outside of late viewing hours which contains such material which is not suitable for children.

Suggested language for suitable viewer advisories is outlined in Appendix A. The suggestions are meant as possible illustrations; broadcasters are encouraged to adopt wording which is likeliest to provide viewers with the most relevant and useful information regarding the programming to which it applies.

The National Specialty Services Panel read all of the correspondence and viewed a tape of the episode. The Panel concludes that Showcase is in breach of Clause 11 for failing to include viewer advisories (alerting viewers to the coarse language) following each of the commercial breaks during the March 6 broadcast.

Child Abuse

The Panel understands the complainant's concern and would hope that, in real life, few, if any, children are exposed to similar circumstances. That being said, the Adjudicators do not consider that such circumstances could fairly be described as child abuse in either real or dramatic circumstances. In the case of the broadcast of a docudrama entitled *Kids* (about the involvement of inner-city teenagers, stated to be in the 13 to 15 year old age range, as being heavily involved in drugs and actively and frequently engaging in sexual activity), a complainant raised the issue of child pornography. In that decision, namely *Showcase Television re the movie Kids* (CBSC Decision 97/98-1151, February 3, 1999), the Ontario Regional Panel dealt with the issue in the following terms:

While young persons are depicted in the movie as involved in sexual activity, the movie is *about* the dangers of such promiscuity, among other things. The Council does not believe that the restriction on the sexualization of children was meant to prohibit *all* programming dealing *in any way* with child sexuality. For example, the Council does not expect that a violation of Clause 4 of the *Sex-Role Portrayal Code* would result from the broadcast of programming (whether documentary or dramatic) which deals with the sexual abuse of children. In this regard, the Council notes that the Special Committee on Pornography and

Prostitution (chaired by Paul Fraser, Q.C.), in its report titled *Pornography and Prostitution in Canada*, stated the following:

Child pornography epitomizes the difficulty we face in defining pornography and in deciding what action if any, is appropriate. Whether or not someone considers a work pornographic depends on the subjective assessment of the viewer and is often a question of the intent of the user.

In the Council's view, the movie *Kids* is not the type of programming which the drafters of the *Sex-Role Portrayal Code* sought to prohibit.

As would be expected, ACTRA, the union responsible for the representation of the financial interests of actors, as well as matters relating to their working conditions (and numerous other matters), deals with children on the sets of motion picture or television productions. The agreement with independent producers takes such issues into account in the following terms:

- a) No Minor shall be required to work in a situation that places the Minor in clear and present danger to life or limb, or if the Minor or Parent believes the Minor is in such a situation. Where a Minor is engaged to perform subject matter which the Producer knows, or ought reasonably to know could be of a psychologically damaging nature to the Minor, a psychologist or therapist properly accredited by the applicable Provincial Ministry shall be hired by the Producer to guide and assist the Minor to handle the emotional and mental stress of such subject matter. The Producer shall be required to carry out the psychologist's or therapist's recommendations which may include such psychologist's or therapist being present on set.
- b) Without limiting the generality of paragraph a), when a Minor is engaged to perform in a scene that depicts child abuse, disturbing violence or carnal acts, the Producer shall consult with the Parent and, should the Parent agree, make available to the Minor and his Parent a psychologist or therapist properly accredited by the applicable Provincial Ministry to assist the Minor in preparing for and participating in any such depiction. A Minor shall not be present during such scenes unless it is essential for the Child to be on-camera.
- c) In cases where the Parent or Tutor observe that a Minor is or appears to be suffering emotional, physical or mental stress during the course of production, (which may be evidenced by changes in behaviour), a psychologist or therapist properly accredited by the applicable Provincial Ministry shall, (subject to the Parent's consent) be engaged by the Producer to assess the situation and suggest reasonable and effective means to deal with the stress causing factors.

There is no specific prohibition in the agreement against children being exposed to foul language, but the preamble to the Minors section of the Agreement states, "The Parties are dedicated to ensuring a safe environment for all Performers, with extra care given to the proper health, education, morals, and safety of Minors."

In any event, all of the foregoing provisions suggest that it is anticipated that there *may* well be inappropriate circumstances in which child actors *must* be involved in order to dramatically reproduce the scenes required by the creative

team to give effect to the story they have created. The anticipation on the part of the actors' guild is that caring parents will review the script and determine whether they wish to have their children play such scenes and whether any form of psychological assistance would be appropriate. There is not, however, anything inherent in such material that renders it contrary to either law or broadcast standards to produce or, subsequently, to air.

In the matter at hand, the Panel concludes that nothing in the scenes referred to above raises any comparable level of concern, issue of child abuse or Code violation on that account.

Viewer Advisories

On this date, the Specialty Services Panel has dealt with *Showcase Television re the movie Frankie Starlight* (CBSC Decision 02/03-0682, January 30, 2004) and *Showcase Television re the movie Muriel's Wedding* (CBSC Decision 02/03-0882, January 30, 2004). In those decisions, it has dealt at some length with coarse language and the use of viewer advisories, finding a disregard by the broadcaster for the rules applicable to, and accepted by, the entire private broadcasting sector in this area. In the case of *Trailer Park Boys*, Showcase Television's representative has attributed the difficulty to an "internal error" and reassured the complainant that it has been rectified so that all subsequent episodes of the series bear proper audience alerts. This is not, however, an acceptable excuse. In *Discovery Channel re an episode of The Sex Files* (CBSC Decision 00/01-0791, January 16, 2002), this Panel made it quite clear that the broadcast of viewer advisories is an obligation of result and a breach cannot be avoided by a good explanation after the fact. In that case, Discovery Channel explained that a recent relocation of Discovery's Master Control led to the presence of neither the customary viewer advisory nor the classification icon at the beginning of the program (viewer advisories were shown after each commercial break though). In that decision the Panel stated:

The Code does provide, however, that a viewer advisory *at the beginning* of the program is required, and it is on this account that the National Specialty Services Panel finds Discovery Channel in breach. Discovery again cited its relocation of master control office as the explanation for this error. Despite this, the Panel must make it perfectly clear that the obligation to provide such advisories is an *obligation of result*. Broadcasters must find a way, notwithstanding such indispositions which inevitably arise from time to time, to avoid such errors. The viewing public depends on that and the *CAB Violence Code* does not allow for exceptions to the rule regarding advisories. In *CTV re Poltergeist - The Legacy* (CBSC Decisions 96/97-0017 and -0030, May 8, 1997), the Ontario Regional Panel found a breach of this article where the broadcaster did not provide viewer advisories during the entire first hour of the program. The Panel made the following comments about the importance of viewer advisories:

The rationale underlying the requirement of viewer advisories is found in the background section of the Code, which states 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 *during the course of* the first hour serves as a second, third and fourth chance for viewers to receive important information concerning the program they are considering watching, even where they may tune in late. The Code takes into account that many viewers make their viewing choices *after* the first few minutes of a program, which may result in a viewer missing an initial 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 insufficient for viewers and in breach of the spirit and wording of the Code.

Similarly, in *CHMI-TV re the movie Double Team* (CBSC Decision 99/00-0372, May 5, 2000), where the broadcaster aired advisories at the beginning of the violent film, but coming out of *only some* commercial breaks, the Prairie Regional Panel concluded that advisories were necessary *throughout* the film.

As previously mentioned, viewer advisories are one of the tools that broadcasters have created in their efforts to balance the need to offer varied programming appealing to different tastes with the desire of some viewers to be warned of content they may wish to avoid. The initial advisory is obviously crucially important in that it is the *first* opportunity for viewers to be made aware that upcoming programming may not be to their tastes. They are then able to avoid such programming *before* it begins, rather than having to view the beginning of the program to determine if it is or will be suitable for them.

The Panel concludes that the failure to provide the requisite viewer advisories constitutes a breach of Clause 11 of the *CAB Code of Ethics*.

Continuing Breaches of the Private Broadcaster Codes

The Panel has commented in *Showcase Television re the movie Frankie Starlight* (CBSC Decision 02/03-0682, January 30, 2004) on the repeated breaches of particular Code provisions by Showcase Television. It considers those comments to be applicable to the present decision.

Broadcaster Responsiveness

The requirement that a broadcaster be responsive to the letter of complaint sent by a member of the public is considered by the Adjudicating Panels to be a significant part of the membership requirements of the CBSC. Such responsiveness is an essential part of the dialogue by which the CBSC considers that matters that trouble members of the public sufficiently to compel them to write are often successfully resolved. When accomplished in thorough and

sensitive ways, such correspondence is also a way of letting the public know that broadcasters care about their audience's concerns. The Publicist's letter acknowledged the broadcaster's error with respect to the advisories and provided a lengthy explanation relating to the complaint. The Panel considers that it has fulfilled the broadcaster's obligations in this regard in this instance.

ANNOUNCEMENT OF THE DECISION

Showcase 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 time period in which *Trailer Park Boys* is broadcast; 2) within 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; 3) at that time, 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 Showcase Television breached the scheduling and viewer advisory provisions of the Canadian Association of Broadcasters' *Code of Ethics* in its broadcast of an episode of *Trailer Park Boys* on March 6, 2003. By broadcasting that episode, which contained numerous instances of coarse language without providing the audience with the information provided in viewer advisories following every commercial break, Showcase has violated the provisions of Clause 11 of the Code.

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

APPENDIX
To
Showcase re an episode of Trailer Park Boys (CBSC Decision 02/03-909,
January 30, 2004)

I. The Complaint

The complainant sent in the following hand-written letter on March 14, 2003:

I was watching the Trailer Park Boys on channel 40 – Showcase last night – March 13th, 2003. There is a lot of cursing and bad language on this program but what I am very concerned about is that in one of the scenes, which occurred in a kitchen, one of the male actors said the word “fucken [sic] dick” in front of a young girl about (5) years old and in another scene where a wedding was going to occur and the police arrived, there was some terrible swearing going on while a little girl was walking down the street. I consider this child abuse. Please let me know.

Sincerely,

II. Broadcaster Response

Showcase’s Publicist responded to the complainant on April 4, 2003 with the following:

Dear Ms. [F]:

We have received a copy of your letter which was forwarded to us by the Canadian Broadcast Standards Council. Showcase appreciates and considers all viewer feedback and we thank you for taking the time to express your concerns about our programming. We regret that you were offended by Showcase’s broadcast of *Trailer Park Boys* on Thursday, March 13 at 9:30 pm.

I would like to take this opportunity to explain Showcase’s programming policy. It is our programming mandate at Showcase to offer an alternative to other broadcasters’ offerings. One way that we have achieved this distinction is to broadcast high-quality international drama series and world-class films. The decision to air *Trailer Park Boys* is consistent with Showcase’s interest in and commitment to innovative programming.

Trailer Park Boys is a verité style mock-documentary. At the centre of Trailer Park Boys are Ricky and Julian, two men whose lives were shaped by their experiences growing up in a trailer park in Halifax. The characters are offbeat, yet true-to-life, speaking in their natural dialect – Halifax patois-free-flowing and at street level. This irreverent series is a tongue-in-cheek look at the lives of the underclass, normally left at the edges of dramatic narrative. It is a distinctively Canadian series which picks up on many international innovations in film and television (such as reality-based programming and Dogme 95 filmmaking).

The goal of the series is to present an over-the-top take on the world of the trailer park – essentially a tight knit community with a strong sense of family. Trailer Park Boys is based on Mike Clattenburg’s debut feature film of the same name. Clattenburg is one of Canada’s top up-and-coming directors. His work has been recognized with the Telefilm Award for Best

New Director and the Rex Tasker Award for Best Documentary Director. *Trailer Park Boys* was also twice nominated for a Gemini Award in the 'Best Ensemble Performance in a Comedy Program or Series' category.

We understand that the coarse language in this series may have caused you concern. Our view is that these scenes must be viewed within the context of the program as a whole. The language used in *Trailer Park Boys* is essential to the story line and help define the emotional relationships of the characters and their experiences.

Trailer Park Boys contains mature subject matter and is intended for adult audiences only. Showcase has taken steps to broadcast its movies and series responsibly. Before we decide to broadcast a program, our Programming Department screens it to ensure that it is suitable for broadcast. The determination of suitability includes ensuring that the broadcast would not contravene applicable broadcast laws and industry codes including, but not limited to, the Canadian Association of Broadcasters (CAB) Code of Ethics, the CAB "Sex-Role Portrayal Code for Television and Radio Programming," and the "Voluntary Code Regarding Violence in Television Programming."

In addition, Showcase also complies with the new program classification system developed by the Action Group on Violence on Television to give Canadian parents the most advanced control system in the world. This six-level rating system is used to classify any levels of violence language or sex/nudity in all drama, feature film and children's programming broadcast in Canada. The "18+" icon is shown during our broadcast of *Trailer Park Boys* to warn parents that this film contains themes or content elements which might not be suitable for viewers under the age of eighteen.

We are also cautious about the content of shows broadcast during hours when children may be watching. As required by the Voluntary Code Regarding Violence in Television Programming, Showcase is sensitive to the scheduling of programs with violent and other adult-oriented content. Such programming may not be aired prior to 9 p.m. Because Showcase has both an Eastern and a Pacific feed, *Trailer Park Boys* does not air before 9 p.m. in any part of the country.

Finally, in order to assist our viewers in making their viewing choices, we run a viewer advisory before such programs. In this instance, a viewer advisory warning of scenes with violence, nudity, sexuality and coarse language aired before the broadcast of *Trailer Park Boys*. Due to an internal error on March 13, 2003, the advisory aired only once at the top of the show. However, the problem has been rectified and the audio/visual advisory now airs after each commercial break throughout the broadcast of *Trailer Park Boys*.

It is certainly not our intention to offend our viewers but to introduce them to the wealth of quality, unique drama from Canada and around the world. Not all shows will suit all tastes, but we have tried to construct the Showcase schedule to deliver something for everyone, and to permit viewers to make their choices on an informed basis.

Thank you for taking the time to voice your opinion. We do appreciate feedback and hope that this letter has addressed your concerns.

III. ADDITIONAL CORRESPONDENCE

The complainant returned her Ruling Request form on April 14th.