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

TSN re an episode of WWE

(CBSC Decision 02/03-1656)

Decided May 11, 2004

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

THE FACTS

On August 18, 2003, from 9:00 pm until just after 11:00 pm, the specialty service TSN broadcast an episode of the WWE. At the beginning of the program, the broadcaster aired a visual-only advisory that read as follows: "The following program contains material that may offend some viewers. Discretion is advised." Although no Canadian classification icons were displayed, the American ratings icon "TV 14 DLV" did appear on the screen for 4 seconds at the start of the program and once again at 21:55 for 6 seconds. The visual-only advisory was repeated after each commercial break.

This episode, like many others, is a combination of wrestling matches interrupted by outside-the-ring and behind-the-scenes dramatic segments that, with the wrestling sequences, are woven to some extent into a story line for the whole episode. The episode started by naming, and showing pictures of, the wrestlers who would be competing that evening. Two of them were then shown with a model, Stacy, standing between them, following which the announcer advised that the winner would get "Stacy's services for the night". A visual announcement to this effect was also flashed on the screen.

Twelve minutes into the episode, Stacy was interrupted in the locker room by "Test" who used to be her previous "owner". He began sweet-talking her but then changed his tone and advised her that, when he won, "I'm gonna treat you like the little slut you are." At another moment, the announcer told the television audience that Test had mentally and physically abused Stacy in the past.

Then, almost 40 minutes later, Stacy was shown in the locker room with Test and two other wrestlers, who were urging her to dance. She begged Test not to force her to dance. He

told her that she had to do it and helped her to stand up on the bench and dance. He then said to his pals, "Welcome to my lap dance party, boys" and informed his companions to keep their money because this one was on him. When she started to dance, partly facing the wrestlers, Test told her, "Turn your face around; nobody's looking at that anyway." They all then started clapping to accompany her dancing.

During another segment of the episode (which began in the second hour), the announcer talked to Linda, one of the customary WWE team, who had been injured and was staying at home. When her doorbell rang shortly after, Eric Bischoff, another of the regular WWE team, dressed in a suit came into the room and talked to her about his anger towards her son, an opponent wrestler. After the commercial break in the midst of the segment, Eric began coming on to Linda. As a part of his approach, he then twisted her arm, asked her to show him where the bedroom was, called her "the big breasted beauty", said, "You'll enjoy it so much more that way", and kissed her against her will.

The segment that concerned the complainant in particular took place towards the end of the show. In an incident presaged by a scene an hour and a half earlier in the show, the later segment depicted a wrestler tied up and unconscious while another angry wrestler poured gasoline on him and stuffed his mouth with a cloth. When the "hostage" awoke, the angry rival lit a match, ostensibly threatening to put him on fire. The threat did not materialize.

The Complaint

On August 18, the complainant sent the following complaint to the CBSC, in which he described those aspects of the episode that had troubled him (the full text of all the correspondence in this file is included in the Appendix):

I run a Community home for 4 adult Downes syndrome [*sic*, Down Syndrome] men and they are addicted to WWF. I find the portrayal of women on the show to be demeaning to say the least and it appears to be getting worse as illustrated on the show of 18th Aug. suggestion [*sic*] of a striptease for hulking men in a locker room, but what really did upset me was the depiction of a graphic scene as follows. One wrestler is handcuffed by another angry wrestler and suspended from a contraption of some sort. He is then verbally abused, has a rag shoved in his mouth and this other creature then pores [*sic*] over him gasoline (at least that is what it said on the gerry can). He then continues to be offensive and lights a match with the obvious intent of immolating this wrestler but decides then not to. I find this an extraordinary example of gratuitous violence that should NOT be allowed on Canadian screens. Can this XXX rated depiction of violent behaviour be stopped, if not why not?

The President of TSN responded to the complainant's letter on August 28 in the following terms:

TSN had no intention of insulting or offending our viewers. We regret that the interactions between the two wrestlers during the *WWE Raw* program that aired on TSN on August 18, 2003 upset you. It is important to note that our viewer feedback on wrestling is quite varied. While some viewers - like yourself - think more editing is required in our wrestling programs,

there are those who feel there is too much editing.

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. We understand and agree that violence and violent behaviour is an ongoing concern in the world and therefore TSN strictly follows the Canadian Association of Broadcasters Violence and Gender Portrayal Codes when it comes to WWE programming.

TSN will continue to apply 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. ET)
- * 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

The complainant was unsatisfied with this response, and requested, on August 28, that the CBSC refer the matter to the appropriate Adjudicating Panel.

THE DECISION

The National Specialty Services Panel considered the complaint under the following provisions of the Canadian Association of Broadcasters' (CAB) *Voluntary Code Regarding Violence in Television Programming* and CAB's *Sex-Role Portrayal Code*.

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 (Viewer Advisories)

- 5.1 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.
- 5.2 Broadcasters shall provide a viewer advisory at the beginning of, and during programming telecast outside of late evening hours, which contains scenes of violence not suitable for children.

CAB Violence Code, Article 10 (Violence in Sport Programming)

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

CAB Violence Code, Article 7.0 (Violence against Women):

- 7.1 Broadcasters shall not telecast programming which sanctions, promotes or glamorizes any aspect of violence against women.
- 7.2 Broadcasters shall ensure that women are not depicted as victims of violence unless the violence is integral to the story being told. Broadcasters shall be particularly sensitive not to perpetuate the link between women in a sexual context and women as victims of violence.

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.

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.

The National Panel Adjudicators viewed a tape of the episode of *WWE* in question and reviewed all of the correspondence. The Panel concludes that the *WWE* episode in question has breached the provisions of the *Violence Code* relating to the display of viewer advisories and classification icons.

The Hybrid Nature of the Program

The Specialty Services Panel of the CBSC has had several opportunities to consider professional wrestling programs created by the *WWE* or its predecessor entities, the *WWFE* and the *WWF*. Those decisions include *TSN re WWF Monday Night Raw* (CBSC Decision 99/00-0398, January 31, 2001), *TSN re WWF Raw Is War* (CBSC Decision 99/00-0607, January 31, 2001) and *TSN re WWF Monday Night Raw* (CBSC Decision 01/02-0660, September 13, 2002). On previous occasions, the Panel has dealt with, among other things, the nature of the programming as "sport". It has also been called upon to assess the undeniably non-sporting nature of other elements of the broadcasts. There can not, after all, be any doubt that the *WWE* programming intends to present its characters in both in-the-ring and outside-the-ring soap-opera-ish plots.

In *TSN re WWF Monday Night Raw* (CBSC Decision 01/02-0660, September 13, 2002), this Panel cited helpful sections of an explanatory letter from the wrestling entity's counsel in which the latter provided information on the scripted nature of the programming. He

said, in part, that

the field of professional wrestling in general, and WWF events in particular, have some unique attributes that differentiate them from competitive sports. The key point is that, to enhance its entertainment value, the event is planned and scripted and the protagonists play the part of “characters”, with scripted personalities, costumes, choreography, movements, and a unique persona.

The evolution of professional wrestling into a hybrid genre, best titled “sports entertainment”, has been much-noted in the press. For example, WWFE was featured in a cover story in *Newsweek* on February 7, 2000, which added:

[WWFE] has crafted a luridly compelling new delivery system: comic, winking, with daredevil action, larger-than-life cleavage and soap-opera plots. For a jaded audience raised on Quentin Tarantino and bored by political correctness, [Vince McMahon] gave up the pretence that wrestling was real. In its place, he framed the bouts with a “behind the scenes” saga about his own family, full of sex and intrigue, and starring the McMahons themselves--a second layer of unreality, creating ironic distance from the first. You could take it straight, or with a twist. Here was something to believe in: the candidly, honestly fake.

The point to note here is that WWFE matches are carefully written as soap operas, involving scripted characters performing wrestling, not as competitions between real people.

In the matter at hand, there is not a single one of the segments that relates to the sport of professional wrestling. In other words, the challenged elements of the present episode are drama and are subject to the criteria applicable to that genre. The fact, though, that the programming is a hybrid genre, partaking of all of sports, entertainment and dramatic natures, with undertones of violence and sexist, and occasionally sexual elements, suggests that there may be special requirements for its presentation on the airwaves. In the past, these led to the undertaking on the part of TSN that they would

- * 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. ET)
- * 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

The review of these commitments is a part of the CBSC’s assessment of the current episode.

The Treatment of Women

The Panel finds no comfort in the overall presentation or treatment of women in the wrestling program context. The forced dance scene with Stacy and the aggressive treatment of Linda by Eric Bischoff are examples of the offhand acceptance of women in a

position of diminished power relative to the dominators, who, at least, are presented as mindless or gawking aggressors. Since, among other things, the two scenes taper away into non-events from their initial plot-setting moments, there is actually no dramatic conclusion to, or even development of, either scene, and, accordingly, nothing that carries them to the level of breach of either Article 4 of the *Sex-Role Portrayal Code* or Clause 7 of the *Violence Code*.

A Not So Fiery Scene

The complainant's main concern relates to a segment of the broadcast in which the creators bring an out-of-the-ring rivalry established earlier in the show to its dramatic conclusion. That concluding scene depicted a wrestler tied up and unconscious while the other angry wrestler covered him with what appeared to be gasoline and gagged him with a cloth. When the "hostage" wrestler awakened, the angry rival lit a match and threatened to put him on fire. The scene did not even extend to the point of simulating any fire and did not amount, in the view of the Panel, to a scene containing actual violence, much less gratuitous violence. Moreover, it was broadcast in the context of a program that only began following the beginning of the Watershed. The Panel finds no breach of Article 1 of the *Violence Code*.

The Use of Viewer Advisories

The broadcaster acknowledges that there ought to have been advisories as a part of the broadcast. In the TSN President's words, they will "[s]creen a disclaimer at the beginning of the episode and out of every commercial break during the program advising viewer discretion." Although they have done so in this case, each of the advisories was only presented in video form. It has long been clear in CBSC decisions that viewer advisories need to be provided in *both video and audio formats* whenever they are required. In *Showcase Television re the movie Police 10-07* (CBSC Decision 00/01-0613, January 16, 2002), the National Specialty Services Panel dealt with a broadcast in which there were insufficient advisories during the course of the program but, apart from the pre-program advisory, the later advisories were presented in audio form only. This Panel stated "The provision of oral-only viewer advisories [...] was clearly inadequate in terms of the Code requirements." In *TQS re the movie Les Girls de Las Vegas* (CBSC Decision 01/02-0478, December 20, 2002), the Quebec Panel was called upon to deal with the presence of an advisory in video format only, as in the matter at hand. The Quebec Panel ruled:

It is the view of the Quebec Panel that an advisory in video format only is equally inadequate. In other words, whenever viewer advisories are required, they must be presented in both video and audio formats.

Then, more recently, in *TQS re Film de peur* (CBSC Decision 02/03-0940, April 22, 2004), the Quebec Panel elaborated on this point:

Reiterating its previous position, the Quebec Panel wishes to leave no doubt on this issue. Oral-only advisories are inadequate to satisfy the requirements of Article 5 and Clause 11 and video-only advisories are no better. When viewer advisories are required, they must be presented in both video and audio formats at the start of the program and following the commercial breaks (either during the first hour or for the entire program, depending on factors dealt with elsewhere in this decision).

In the present decision, the Panel considers that TSN's commitment to broadcast advisories (called "disclaimers" by them) must respect the requirements of the Council's rules, namely, that they must be presented in audio and video formats whenever they are aired. The failure to employ both formats in the present matter constitutes a breach of Article 5 of the *Violence Code*.

The Use of Classification Icons

In general, sports programming is exempt from the requirement for the display of classification icons on Canadian television. (Note that this is not the case in the United States, where the challenged episode bore the distinctly American "TV 14 DLV" rating.) As noted earlier in this decision, however, the WWE professional wrestling is a hybrid genre, which includes both sports and dramatic elements. As the federation's own attorneys noted, the episodes "are carefully written as soap operas, involving scripted characters performing wrestling." It follows that, particularly for the out-of-the-ring segments, the broadcaster must apply classification ratings to the program, in accordance with the AGVOT rules. In this case, the Panel considers that, not unlike the applicable American rating, it is the "14+" level that would be applicable in Canada. The failure to have displayed that icon at the start of the program and at the top of the hour at 10:00 pm and 11:00 pm constituted a breach of Article 4 of the *CAB Violence Code*. Moreover, the broadcaster should note carefully, for future broadcasts of the program, that the AGVOT system requires that the icon be displayed for 15-16 seconds on each occasion. The Panel makes this point since the display of the American ratings icon, which was not, and would not have been, appropriate as a substitute for the Canadian icon, was only displayed for 4 seconds at the start of the program and for 6 seconds at 21:55.

Broadcaster Responsiveness

It is a material component of the membership responsibility of the broadcaster that every complaint for which they must issue a reply be dealt with fully and thoughtfully. In the present instance, the President of TSN sent a reply that could fairly be considered of appropriate length; however, the Panel has some concern about the fact that it did not in any way focus on the actual complaint. Not a single sentence could be said to have been responsive to the issues raised by the complainant. The Panel readily acknowledges the fairness of providing a broadcaster's general perspective on a program that has been challenged, as well as the nature of its programming philosophy; however, the CBSC's experience with broadcaster responses leads the Panel to observe that, frequently,

complainants are more willing to acknowledge the value of the broadcaster end of the dialogue when they attempt to explain their position with respect to the actual content under challenge. This letter is, in that sense, at the threshold of being unsatisfactory, but not so over the limits of non-responsiveness as to constitute a breach of membership obligations.

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 more within seven days following the release of this decision in the time period in which this WWE episode 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 TSN.

The Canadian Broadcast Standards Council has found that TSN's broadcast of the WWE wrestling program on August 18, 2003 breached the provisions of the *CAB Violence Code*. By providing the appropriate number of viewer advisories in the video format but failing to provide them as well in the audio format, TSN breached the requirements of Article 5 of the *Violence Code*, which requires such information to be presented in both formats so that the audience can make the necessary viewing choices for themselves and their families. By failing to display the required 14+ classification icon at the start of and during the program, in accordance with the Canadian classification system, TSN breached the article of the Code requiring ratings information, which is also of assistance to viewers in deciding the suitability of the program for themselves and their families.

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

APPENDIX

TSN re an episode of WWE (CBSC Decision 02/03-1656, May 11, 2004)

I. THE COMPLAINT

The following complaint dated August 19, 2004 was sent to the CBSC:

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II. THE BROADCASTER'S RESPONSE

The President of TSN responded to the complainant's letter on August 28 with the following:

Dear [...],

Thank you for your letter, which we received through the Canadian Broadcast Standards Council on August 19, 2003. I understand and appreciate your concerns regarding TSN's WWE programming.

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.

TSN had no intention of insulting or offending our viewers. We regret that the interactions between the two wrestlers during the *WWE Raw* program that aired on TSN on August 18, 2003 upset you. It is important to note that our viewer feedback on wrestling is quite varied. While some viewers - like yourself - think more editing is required in our wrestling programs, there are those who feel there is too much editing.

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

Yours sincerely,

[...]
President, TSN

III. ADDITIONAL CORRESPONDENCE

After receiving the broadcaster's response, the complainant wrote to the CBSC the following message dated August 28, attached to a Ruling request Form.

Hello, not being very email literate I am returning my not satisfied with response form this way. I understand your definition of gratuitous to be correct and as such the episode I refer to had nothing to do with wrestling and as such was brutally gratuitous, can you review it and hopefully as a consequence a warning will be insufficient to excuse poor community standards.
Thank you.