
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL PANEL**

CITY-TV re an episode of *Ed's Night Party*

(CBSC Decision 03/04-0516)

Decided October 22, 2004

R. Stanbury (Chair), M. Ziniak (Vice-Chair), R. Cohen (*ad hoc*),
J. David, M. Oldfield

Since B. Bodnarchuk is employed by the same corporate group that owns CITY-TV, he did not participate in the adjudication of this file.

THE FACTS

The challenged episode of the satirical late-night show *Ed's Night Party* was broadcast by CITY-TV (Toronto) on January 16, 2004 at 11:30 pm. The humour of the episode under consideration was frequently sexual and some of the segments focused on attractive, scantily clad women, and included nudity, sexual innuendo, more explicit dialogue and some coarse language. The comment which offended the complainant was aired at the beginning of the program just after the puppet character Ed the Sock welcomed his co-host "Craig". The hosts began the show by talking about what they were wearing. Ed said that his outfit that night was a birthday gift from "Liana", the producer of the show, who happened to be a redhead. A picture of "Liana" in a bikini was shown with the puppet host ogling her cleavage. The dialogue went as follows:

Ed: You know where I got this hoody?
Craig: Where is that?
Ed: Our producer Liana made it for me. It was like a birthday present.
Craig: Ah, nice.
Ed: Look at the seamstress work, the stitching...
Craig: [pulling at the zipper on the front of the sweater] Fully functioning?
Ed: Yeah, look at that. Yes, she is. I mean, yeah it is. Liana is a redhead or, as my friend David likes to call them, "fed-heads" [?]
Craig: Redheads tend to be a bit fiery.
Ed: A bit fiery, yeah. You know what they say: "Red on the head; fire in bed".
Craig: All right. I've heard they [bleep] like you're stabbing them. [Laughter is heard.]

The show then carried on with its regular segments. At the beginning of the show, the broadcaster aired an 18+ classification icon for 15 seconds, along with a viewer advisory in both audio and visual format stating:

The following program contains adult themes, partial nudity and coarse language. Viewer and parental discretion advised.

While the on-screen viewer advisory remained the same throughout the broadcast, the audio portion of the advisory changed after the initial presentation. Following the first commercial break, when the viewer advisory was repeated, the audio track stated simply:

This program contains adult content and may be offensive to some viewers. Viewer discretion is advised.

Coming out of the second commercial break, the audio track of the viewer advisory was even more condensed, stating merely:

This program is intended for mature audiences. Viewer discretion is advised.

The Correspondence from the Complainant

On January 19, the complainant sent an e-mail to the CBSC, in which he said, in principal part (the full text of the complaint and all other correspondence can be found in the Appendix):

[T]he co-host of the show made a comment that I consider offensive.

At the beginning of the show, the attributes of women with red hair became the subject of conversation between Ed the Sock and the co-host (I don't know his name). Ed the Sock made a reference to the performance of red-haired women in bed, and the co-host said "Yeah, they fuck like they've been stabbed."

The word "fuck" was deleted, but it was clearly what he said.

I believe this comment was extremely offensive, given its general reference to violence against women, its degrading objectification of women, and its connecting the act of stabbing women with having sex with them.

In that missive, the complainant referred to the e-mail he had sent the previous day to the broadcaster and the response of the Executive Producer of the show, who had written in part as follows:

I can only say that it is unfortunate that the comment in question caused you to feel offended. There was no promotion within the joke, either overt or covert, of violence against women, nor was there such a message within the general discussion or the body of the show.

Ed's Night Party is a comedy program, and while the humour may not be to everyone's tastes, comments made within the show should be taken within the comedic context that they are offered.

As a sidebar, the producer of the program is herself a redhead and took no offence to this comment, understanding the light-hearted context in which it was made.

The complainant added the following paragraphs (in his initial e-mail to the CBSC) reacting to the Executive Producer's letter that he had quoted:

I am not satisfied with [the Executive Producer's] response because it fails to address the issue raised in my complaint. Rather than, perhaps, explain how such comments may fall within Canadian broadcast standards of, [the Executive Producer] chose to characterize it as somehow being a question of my personal taste or sense of humour. Obviously, that's why you have standards in the first place – to eliminate the variability of individual taste.

Furthermore, it is wholly irrelevant that the producer of the program is a redhead and took no offence to the comment. First, it's simply a matter of whether such a comment is or is not acceptable under the Canadian broadcast guidelines. Second, it is unlikely that, as the producer of her own show, she would find anything seen or heard on the show as being unacceptable.

A couple of days later, on the 21st of January, the complainant forwarded more of the initial exchange he had had with the Executive Producer of *Ed's Night Party*. His response to the Executive Producer stated that the latter's reply

fails to address the issue raised in my previous complaint.

Rather than, perhaps, explain how such comments may fall within the broadcast standards of CITY-TV or the CRTC, you chose to characterize it as somehow being a question of my personal taste or sense of humour.

I am just a viewer who happened to watch the first few minutes of your show. It is not up to me to determine what is acceptable for broadcast. That is a matter for the station and the CRTC. Hopefully they will get back to me in due course.

In yet another response to the complainant (all of this exchange having taken place on the same day, namely, the 18th of January), the Executive Director commented:

Just to be clear of [sic] the comment we are discussing: it occurred during a humorous conversation about the show's redhead female producer, and led to a joking exchange about the cliched urban legends concerning the sexual prowess of women with red hair. During this banter, the co-host said "I hear they (bleep) like you're stabbing them".

In my previous e-mail, the reason I cited the example of our show's female redhead producer not being offended by the comment in question is because she was the subject of the dialogue. I put forward to you the idea that if the person who not only belongs to the 'targeted' group, but was in fact the focus of the dialogue, was not offended, then that carries some significance.

While the comment cited above may not have been to your taste, it does not in any way encourage violence, suggest violence should be committed, suggest violence was committed or suggest violence is okay. In fact, it doesn't even describe any violence being committed to any person, real or imagined.

As to your concern that the comment was a form of objectification: there is comedic license attached to generalizations. Comics make generalizations about men, women, kids, seniors, cities, professions...it's standard. So simply making a joke about redheads, especially in a light-hearted manner, is not truly objectifying them in the manner that I believe you are referring to.

Continuing the pre-CBSC dialogue, the complainant registered his perspective to the Executive Producer in the following words, this time on the 20th of January:

Once again, I think that the fact that your producer took no offence at the comment is irrelevant and does not carry any significance. It should be obvious that she is not a fair judge because she has an economic stake in the program and is therefore biased.

I also disagree with you that the co-host's comment does not encourage violence or objectify women, or that it doesn't describe any violence being committed to any person, real or imagined. The co-host did not say that he heard redheads laugh like they're being tickled, or that they run like they're on drugs. To say that certain women fuck like you're stabbing them suggests many things, among them:

- a mental image of stabbing a woman while having sex with her;
- the suggestion that stabbing a woman is not unlike having sex with her,
- the suggestion that stabbing a woman may be pleasurable to one or both the man and the victim,
- the suggestion that stabbing women is as common as having sex with them,
- that it's okay to stab certain women,
- that violence against certain women is funny and therefore acceptable.

In my view, the co-host's comment promoted violence and objectification by, at a minimum, desensitizing the TV viewer and audience to the odious notion that such violence is acceptable, funny and something to be laughed at. Let's assume for a moment that instead, the co-host had said that Jewish women perform oral sex like they're being gassed. I declare my bias by saying that I am Jewish, but I see no difference between the two statements - one promotes violence against and objectifies women, while the other promotes violence against and objectifies Jews. In my opinion, couching misogynistic or racist comments within a comedy does not make them acceptable.

On March 2, the complainant wrote to the CBSC, reiterating a previously expressed concern to the effect that, while he had heard from the production side of the show itself, he had still received no explanation from the *broadcaster*. In that e-mail, he reiterated several of the arguments he had made in correspondence cited above; however, he did add another point.

I believe this comment was extremely offensive, given its general reference to violence against women, its degrading objectification of women, and its connecting the act of stabbing women with having sex with them.

The Reply from CITY-TV and the Ruling Request

The Vice President of CITY-TV did write to the complainant on March 15. In her letter, she said, among other things:

You may be aware that the Canadian Radio-television and Telecommunications Commission, in consultation with members of the public and the broadcasting industry determined that 9 p.m. constitutes the “watershed hour” in respect to program content for adult viewers. Accordingly, Canadian broadcasters, including Citytv, schedule programs designed for mature audiences – such as “Ed the Sock” – during late evening viewing periods. Furthermore, a Viewer Advisory along with a program rating that indicates that the program should be viewed by Adults 18 years of age and older precedes the program and is broadcast out of each commercial break.

We try to treat our viewers in a mature and responsible way and offer them the tools (through viewer advisories, rating icons, etc.) to choose for themselves whether they should watch a particular film or program. “Ed the Sock” is a satirical adult comedy that derives much of its humour from discussions that may be inappropriate for some viewers. Such is the nature of comedy and satire.

We do not believe that the specific comments made by [the Executive Producer’s] co-host that you reference in your complaint contravene any of the above-referenced codes. However, we do agree that the comment was both distasteful and inappropriate.

I sincerely appreciate that you took the time to voice your concerns. As a direct result of your initial complaint, I met with [the Executive Producer] and his staff to both reprimand them and to identify the reasons why this occurred. Specifically, we discussed the checks and balances currently in place to review material going to air. In addition, we have focused on sensitizing the Ed the Sock team to issues such as those raised in your letter.

I hope that you will accept my apologies and our assurance that to the best of our abilities this will not happen in the future.

On March 17, the complainant responded to the Vice President’s letter, saying in part:

As to [the Vice President]’s letter, I find it to be inadequate. Yes I understand that 9 p.m. is the watershed hour, that CITY TV provides viewer advisories and rating icons, and that Ed’s Night Party is broadcast during the late evening. However, I believe that these warnings do not give a broadcaster free reign to broadcast whatever material they want.

[The Vice President] acknowledges that the comment that red haired women “fuck like you’re stabbing them” was distasteful and inappropriate. She believes however that such a comment is within the CBSC’s codes. I disagree with her opinion. In my view, the co-host’s comment promoted violence and objectification by, at a minimum, desensitizing the TV viewer and audience to the odious notion that such violence is acceptable, funny and something to be

laughed at. Couching misogynistic or racist comments within a comedy does not make them acceptable.

THE DECISION

The Ontario Regional Panel examined the broadcast under the following provisions of the Canadian Association of Broadcasters' (CAB) *Code of Ethics*, *Violence Code* and *Sex-Role Portrayal Code*:

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 10 - Television Broadcasting

Scheduling

- (a) Programming which contains sexually explicit material or coarse or offensive language intended for adult audiences shall not be telecast before the late viewing period, defined as 9 pm to 6 am. Broadcasters shall refer to the *Voluntary Code Regarding Violence in Television Programming* for provisions relating to the scheduling of programming containing depictions of violence.

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

CAB Violence Code, Article 4.0 (Classification System):

Exempt

Descriptive

Exempt programming includes: news, sports, documentaries and other information programming; talk shows, music videos, and variety programming.

Note: Exempt programming does not require an icon for on-screen ratings.

CAB Violence Code, Article 7 (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, Clause 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 Ontario Regional Panel reviewed all of the correspondence and screened a tape of the episode in question. For the reasons provided at greater length below, the Panel considers that the broadcast of the challenged episode was in breach of Clauses 6 and 11 of the *CAB Code of Ethics* and Article 7 of the *Violence Code*, although not in breach of either of the other codified standards cited above.

A Preliminary Matter: A Bleeped Word

The complainant has repetitively referred to the puppet Ed the Sock's sentence, "Yeah, they fuck like they've been stabbed." While this decision will treat the substance of the quoted line below, it may be useful to deal with the fact that the f-word was bleeped on the broadcast. If there had been an issue associated with the word itself, which there was not because the show was broadcast well after the start of the Watershed (at 9:00 pm), the fact that the broadcaster had bleeped the word would have been material. When a show is aired pre-Watershed, it is the constant position of CBSC Panels that the f-word and its derivatives must be bleeped from the broadcast. On that point alone, the deletion would have been material and would have rendered the statement in conformity with the coarse language standards established in Clause 10 of the *CAB Code of Ethics*.

The Panel acknowledges that that is not the issue in the present decision and that the complainant was justified, for the reasons associated with his complaint, in raising the issue of the "understood", albeit absent, term.

Another Preliminary Matter: The Comedic Defence

The Executive Producer has raised the point that "while the humour may not be to everyone's tastes, comments made within the show should be taken within the

comedic context that they are offered.” The complainant objected by observing that it would not be reasonable to escape responsibility for a statement by “characteriz[ing] it as somehow being a question of my personal taste or sense of humour. Obviously, that’s why you have standards in the first place – to eliminate the variability of individual taste.” Both the Executive Producer and the complainant are right, to a point; the truth lies somewhere between their two positions.

It is correct to say that there are differences in humour and that comedic context is a relevant and important matter. It is also true that there are standards that establish common levels of what is and is not acceptable. In general, it might be fairly observed that, where there is a breach of a codified standard, the comedic intent of the broadcaster will not serve as a defence. The quest for CBSC Panels is, therefore, the measuring of broadcast matter against the various codified standards.

Parenthetically and preliminarily, it is, of course, irrelevant as a component of the determination of a Code breach to posit that any member of an identifiable group may, as a question of fact, not have been offended by a comment. It was not, however, unreasonable for the broadcaster to raise the point in an attempt to participate in a dialogue.

As to the argument that “Comics make generalizations about men, women, kids, seniors, [et al.],” the answer is that some such generalizations may be acceptable, while others may not. First, those that are made about individuals on the basis of their profession or occupation, on the one hand, or the colour of their hair, on the other, will not be protected. See, e.g., *CKLZ-FM re Announcer Comments* (CBSC Decision 94/95-0113, December 18, 1996) and *CKNG-FM re “Blond Moments”* (CBSC Decision 96/97-0060, December 16, 1997). Second, those that are not so intense that they do not amount to abusive or unduly discriminatory comment will not either be in breach. While there is a Code breach associated with the challenged line, it is not on the basis of the human rights issue. That issue is only raised by the Panel because the subject was noted in one of the Executive Producer’s e-mails.

Degrading Treatment of Women

Of the part of the episode in which the comment about redheads was made, the complainant said that violence and degrading objectification were characteristics. The Panel deals with the issue of violence below; on the issue of objectification, the Adjudicators disagree with the complainant. First, the Panel must point out that the Code-related terms are “exploitation” and, to amount to exploitation, the terms “negative or degrading” are the operative words. Consequently, even *if*, and this Panel does not so conclude, the treatment of the redheaded woman were considered objectification, this would be insufficient to find a breach of the

Sex Role Portrayal Code. In any event, the Panel considers that, to describe redheads as “fiery” or inclined toward “fire in bed” is neither exploitative nor degrading. It is a description or a generalization, to be sure, but not a generic form of exploitation. Moreover, it is a statement that could likely be applied to either men or women. That in the matter at hand it is a woman does not change the foregoing appreciation.

In *CKVU-TV re an episode of Nightstand* (CBSC Decision 96/97-0140, June 19, 1997), the B.C. Regional Panel considered whether a talk-show parody which aired at midnight had exploited women by telling a “tall tale” about the death of a woman during a bear attack. According to the story, the woman was tied to a tree nude, spread-eagled and covered with honey by her husband who then left her alone a moment during which time a bear came and licked all the honey and had sex with her. The Panel did not find that the episode violated the *Sex-Role Portrayal Code*:

The view of the B.C. Regional Panel is that, at worst, the segment was in very poor taste, but it did not exploit women. It was an extended pun, styled in some respects along the lines of what used to be called “shaggy dog” stories. The humour may have been childish and somewhat sexual or off-colour but it was no more exploitative of the one sex than of the other.

In *CKX-TV re National Lampoon’s Animal House* (CBSC Decision 96/97-0104, December 16, 1997), a complaint was registered about bare-breasted women in a late-night movie. In resolving the matter, the Prairie Regional Panel stated:

It is essential to remember that the principal goal of the *Sex-Role Portrayal Code* relates to the *equality* of the sexes and not to issues of sexual behaviour which do not go to equality or exploitation, which is itself a form of *inequality*.

While the portrayal of the women in the film is not overly flattering, it cannot either be said that the portrayal of the men is any better or advantages them in any way. All in all, the presentation of almost every one of this group of young college people is as unflattering as one might expect from a film emphasizing the frivolous, narcissistic, often gross, occasionally disgusting portrait of college fraternity life which can best be characterised as high farce. The question of portrayal inequality does not come into play.

CFNY-FM re the Show with Dean Blundell (CBSC Decision 01/02-0267, June 7, 2002) dealt with a morning show’s banter which often veered off into conversations and jokes containing sexual innuendo as well as occasionally more explicit sexual detail. Some of the contests featured on the morning show also had a sexual component to them. The complainant also raised the issue of sex-role portrayal in her assertion that the host viewed women “as only good for one thing”. The Ontario Regional Panel found no breach of the sex-role portrayal provision and made the following comments:

While the Ontario Panel notes that there was considerable discussion about sex and relationships on each of the broadcast dates, the Panel members could find no remark which would lead them to conclude that the host’s comments were in

violation of the sex-role portrayal provisions. [...] In this respect, the Panel found no basis to conclude that women were degraded or demeaned or otherwise portrayed more negatively than men. In the Panel's view, neither gender fares well on *The Show with Dean Blundell*.

Although certain comments made by participants on *The Show with Dean Blundell* focussed on the body parts of both men and women, none was so focussed as to amount to a breach of the sex-role portrayal provisions in the broadcaster Codes.

The Ontario Regional Panel finds no breach of the provisions of Clause 4 of the *Sex-Role Portrayal Code* in this matter.

Violence against Women

The *Violence Code* includes a general provision dealing with gratuitous and glamorized violence. Both are prohibited at any time in the broadcast day. Notwithstanding the presence of those global prohibitions, the codifiers saw fit to underscore the importance of the principles in their application to the case of women by adding that broadcasters, first, "shall not telecast programming which sanctions, promotes or glamorizes any aspect of violence against women" and, second, "shall be particularly sensitive not to perpetuate the link between women in a sexual context and women as victims of violence."

It has long been the view of CBSC Panels that the depiction of rape, which by definition combines sex and violence, is permitted. In the first of a line of decisions that have followed *CTV re Complex of Fear* (CBSC Decision 94/95-0022, August 18, 1995), this Panel explained that "a film *about* rape does not necessarily *condone* rape." In a very contrary circumstance, in an extreme example of a film that exceeded those bounds, namely, *CHCH-TV re the movie Strange Days* (CBSC Decision 98/99-0043 and 0075, February 3, 1999), this Panel dealt with the violent content of the science-fiction movie *Strange Days*. The movie, set in a futuristic Los Angeles, "marked by a crumbling social order and scarred by crime, violence, poverty and racial conflict" tells the story of a man who attempts to find a killer who "records" his victims' deaths on a virtual reality system which enables the user to "experience" what has happened. The movie included a lengthy scene of the gruesome strangulation and rape of a woman. This Panel found that this scene "exceeded *in the television context* what may have been necessary to advance the plot."

Whether the scene should have been as long (or longer) in the theatrical version is not at issue. For the television version, measured against industry Codes, it is the view of the Panel that it could have been edited without sacrificing any artistic integrity, and ought to have been edited in order to be long enough to make its point but not so long as to amount to violence for violence's sake.

The Panel further found that

[t]he matter is exacerbated by the requirement of Article 7 to the effect that “Broadcasters shall be particularly sensitive not to perpetuate the link between women in a sexual context and women as victims of violence.”

The Panel indicated that “that link could not be more evident than in a case such as this, where the recording of the event for sale as a thrill-seeking narcotic is its *raison d’être*.” It indicated that

[t]he length and graphic component of the scene constitute an unacceptable example of gratuitous violence against women, contrary to Article 7 of the *Violence Code*.

In far less graphic circumstances, on radio in fact, this Panel rendered another decision on the subject of women and violence in *CIOX-FM re a song entitled “Boyz in the Hood”* (CBSC Decision 00/99-0619, October 12, 2000).

The juxtaposition of lyrics such as “Gotta get my girl to rock that body” with such violent imagery as “I reached back like a pimp and I slapped the ho” clearly perpetuate the link between women in a sexual context and women as victims of violence. The lyrics portray the woman in question as a “stupid bitch” and a “ho”, whose “talkin’ shit” warranted the violent reaction by her partner. Whether the intention of the song is serious or satirical, the Council finds that the lyrics, in their sanctioning, promotion or glamorizing of violence against women, constitute abusive commentary on the basis of gender and are insensitive to the dangers of stereotyping generally and to the exploitative linking of sexual and violent elements in dealing with women.

In a more remote connection between women and violence found in *CKVX-FM re morning show comments* (CBSC Decision 01/02-0059, January 23, 2002), the B.C. Regional Panel dealt with a complaint about the use of the term “bitch-slapped” during a sports report. The announcer said that “the Seattle Mariners bitch-slapped their opponents last night.” The Panel found the broadcast in breach of Article 7 of the *Violence Code*, as well as other Code provisions cited there:

While the expression “bitch-slap” may have more than one meaning, the B.C. Panel understands its use here to have been that identified by both the complainant and the broadcaster in its replies; in that usage, the Panel finds a remarkable resemblance to the wording that was the subject of the CIOX decision, namely, “I reached back like a pimp and I slapped the ho.” While not extreme, the violent domination which is of the essence of the term is unacceptable on the public airwaves. There is in its use an assumption that this is an appropriate way to express a significant victory by one team over another. While verbs like smear, whip, stun, beat, pound, even massacre, as well as others, indicate substantial dominance in sports events, none of these has a sexist connotation. The Panel finds it curious and particularly unacceptable that the verb “slap” would not likely even find its way onto the foregoing list of victorious verbs except in the circumstances in which it is attached to a feminine noun. There are many many ways to express sports dominance which are not attached to gender or other forms of submissiveness. There is a broad enough choice that no broadcaster can reasonably view itself as unduly limited by reason of the application of the industry’s own restriction on the airing of expressions of

violence against women. The use of “bitch-slap” is not an option in such circumstances.

In the circumstances of the episode of *Ed’s Night Party*, there is an undoubted connection drawn between violence and sexual activity. There is nothing subtle in the terminology selected. There is nothing equivocal in the words used. Sexual intercourse is linked to stabbing. Such imagery is violent and without either justification or redemptive aspects. It makes no contribution to the Canadian airwaves. It is in breach of Article 7 of the *Violence Code*, as well as Clause 6 of the *CAB Code of Ethics*.

Viewer Advisories

Viewer advisories are an important tool provided by broadcasters to their audiences, by which viewers are able to make informed choices regarding the programs they wish to avoid because of content considered unsuitable to them or their families. While classification icons constitute an abbreviated information format and are only required to be displayed once in each programming hour, viewer advisories, which are much more expansive, in terms of the information they provide, are mandated at the beginning of the program and coming out of each commercial break (during either the first hour or the entire program, as a function of issues which are not material in the present instance). Because of the function that advisories fulfill, it has been the consistent position of CBSC Panels that advisories warn of all potentially offensive content on each occasion when they are required, and that they do so in both video and audio format. As this Panel said in its decision of even date in *CITY-TV re the feature film Jade* (CBSC Decision 03/04-0382, October 22, 2004),

after the advisory preceding the opening credits, the content of the oral form of the advisory did not even match the written form; it was shorter and offered far less information regarding the nature of the film’s content. It was, in many respects, similar to the problems encountered by the National Specialty Services Panel in *Showcase Television re the movie Rats* (CBSC Decision 99/00-0772, August 23, 2001). That movie was preceded by a viewer advisory in audio and on-screen formats which stated: “The following program contains scenes of nudity and coarse language. Viewer discretion is advised.” Thereafter, following each commercial break, an oral advisory was broadcast which stated simply “Viewer discretion is advised.” The Panel drew several conclusions. First, [a point not relevant to the present decision]. Second, the Panel found that the shorter advisories coming out of the commercial breaks were inadequate because they did not provide “any reasons for which a viewer might choose to exercise discretion.” Third, the shorter advisories’ audio-only format was insufficient because “this warning in audio format only is of no assistance to the hearing impaired or to those who may be glancing at their television sets at a distance or with the volume turned down or otherwise rely on visuals only to determine the viewing choices for their household.”

Applying these principles to the present matter, the Ontario Regional Panel concludes [...] that the differing form of the audio and visual advisories coming

out of each commercial break constitutes a breach of that clause and of Article 5 of the *CAB Violence Code*. It is not that the audio form is not word-for-word identical to the visual form but rather that it provides an inadequate level of information about the content of the film. There is no reference to any of the violence, coarse language, nudity or sexual content.

The viewer advisories following the initial warning made no reference to the “adult themes, partial nudity and coarse language” which the broadcaster considered material from the start of the program. The failure to include such essential information as a part of the viewer advisories coming out of each commercial break constitutes a breach of Clause 11 of the *CAB Code of Ethics*.

Classification Icons

The Panel noted with appreciation the broadcaster’s decision to include an 18+ classification icon at the start of the program. While the Panel considers that *Ed’s Night Party* falls with the genre of programming exempted from the requirement to display a classification icon (namely, “talk shows, music videos, and variety programming”), it believes that the broadcaster’s practice of including a ratings icon of 18+ constitutes a recognition of its sensitivity to its audience’s sensibilities. It applauds that decision and notes that the corporate group of stations and services, CHUM Ltd., has included classification icons on previous occasions in order to assist audience members in making informed viewing choices when it has not been required to do so. Examples include the documentary feature that was the subject of *Bravo! re the film Chippendales & the Ladies* (CBSC Decision 01/02-0379, September 13, 2002). The National Specialty Services Panel said that it

considers that the broadcaster’s decision to include such information is thoughtful, helpful and praiseworthy. It inevitably assists viewers in making their television-watching choices. The Panel also considers that, had an icon been required, the 14+ choice would have been correct: “scenes of nudity and/or sexual activity within the context of narrative or theme” are permitted at this ratings level. Those boundaries were not exceeded.

The Panel wishes to suggest to all broadcasters that they adopt the practice of Bravo! applied in the case of *Chippendales & the Ladies*. Even where the content is such that the program would, according to the rules, fall into the exempt category, it would be a courtesy benefiting both the viewer and the broadcaster, whose interest is best served by ensuring that people who do not wish to see a genre of programming have the information to avoid it.

The Panel also refers to the decision of the Specialty Services Panel in *The Comedy Network re an episode of Gutterball Alley* (CBSC Decision 01/02-0450 & 01/02-0481, September 13, 2002) in which the Comedy Network provided corresponding useful information to its viewers. The Panel noted there that it “particularly commends the broadcaster for including an icon despite the fact that it was not required to do so.”

Broadcaster Responsiveness

In all CBSC decisions, the Council's Panels assess the broadcaster's responsiveness to the complainant. Although the broadcaster need not agree with the complainant, as was the case here, it is expected that its representatives charged with replying to complaints will address the complainant's concerns in a thorough and respectful manner. In this instance, the Panel finds that the combination of the show's producer's and broadcaster's responses was, in this regard, entirely extremely thorough and conscientious. In the sense of the back-and-forth communication, it was as true an example of "dialogue" as one could anticipate. The Panel considers that CITY-TV has fully met its responsiveness responsibilities of CBSC membership.

ANNOUNCEMENT OF THE DECISION

CITY-TV 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 *Ed's Night Party* 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 CITY-TV.

The Canadian Broadcast Standards Council has found that, in its broadcast of an episode of the series *Ed's Night Party* on January 16, 2004, CITY-TV has breached provisions of the Canadian Association of Broadcasters *Code of Ethics* and *Violence Code*. By perpetuating the link between women in a sexual context and women as victims of violence, it has breached the provisions of Article 7 of the *Violence Code*. By failing to mention the presence of "adult themes, partial nudity and coarse language" in each of its on-screen advisories, CITY-TV has also violated the provisions of Clause 11 of the *Code of Ethics*.

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

APPENDIX
To
CITY-TV re an episode of Ed's Night Party (CBSC Decision 03/04-0516,
October 22, 2004)

I. The Complaint

The following complaint dated April 14, 2004 was sent to CRTC and forwarded to the CBSC in due course:

concern: On the CITY-TV show, Ed's Night Party, aired on Friday January 16, 2004, the co-host of the show made a comment that I consider offensive.

At the beginning of the show, the attributes of women with red hair became the subject of conversation between Ed the Sock and the co-host (I don't know his name). Ed the Sock made a reference to the performance of red-haired women in bed, and the co-host said "Yeah, they fuck like they've been stabbed."

The word "fuck" was deleted, but it was clearly what he said.

I believe this comment was extremely offensive, given its general reference to violence against women, its degrading objectification of women, and its connecting the act of stabbing women with having sex with them.

On Sunday January 18, 2004 I emailed my concern to CITY TV and the show. I received the following response from Mr. K, the Executive Producer of the show:

Dear [complainant's name],

In response to your e-mail of January 18, 2004 concerning a comment made by the co-host of Ed's Night Party, I can only say that it is unfortunate that the comment in question caused you to feel offended. There was no promotion within the joke, either overt or covert, of violence against women, nor was there such a message within the general discussion or the body of the show.

Ed's Night Party is a comedy program, and while the humour may not be to everyone's tastes, comments made within the show should be taken within the comedic context that they are offered.

As a sidebar, the producer of the program is herself a redhead and took no offence to this comment, understanding the light-hearted context in which it was made.

I thank you for taking the time to share your concerns.

[signed]

I am not satisfied with Mr. K's response because it fails to address the issue raised in my complaint. Rather than, perhaps, explain how such comments may fall within Canadian broadcast standards of, Mr. K chose to characterize it as somehow being a question of my

personal taste or sense of humour. Obviously, that's why you have standards in the first place – to eliminate the variability of individual taste.

Furthermore, it is wholly irrelevant that the producer of the program is a redhead and took no offence to the comment. First, it's simply a matter of whether such a comment is or is not acceptable under the Canadian broadcast guidelines. Second, it is unlikely that, as the producer of her own show, she would find anything seen or heard on the show as being unacceptable.

After receiving the CBSC's initial response, the complainant forwarded to the CBSC, on January 21, additional correspondence exchanged between himself and the Executive Producer of the show.

Dear Sirs,

Further to my email to you earlier this week, I am forwarding the recent correspondence between myself and Mr. K, the Executive Producer of the show. I believe his response is unsatisfactory in this instance.

The emails are set out in chronological order. Please note that we were corresponding from my home email, and I am sending this from my office email.

----- Original Message -----

From: [complainant]

To: Ed the Sock

Sent: Sunday, January 18, 2004 11:12 PM

Subject: Re: Unacceptable Comment by Co-Host

Dear Mr. K,

Thank you for your prompt email. Unfortunately it fails to address the issue raised in my previous complaint.

Rather than, perhaps, explain how such comments may fall within the broadcast standards of CITY TV or the CRTC, you chose to characterize it as somehow being a question of my personal taste or sense of humour.

I am just a viewer who happened to watch the first few minutes of your show. It is not up to me to determine what is acceptable for broadcast. That is a matter for the station and the CRTC. Hopefully they will get back to me in due course.

As you know, it is wholly irrelevant that the producer of the program is a redhead and took no offence to the comment. Firstly, it's simply a matter of whether such a comment is or is not acceptable under the station's and the CRTC's guidelines. Second, it is unlikely that, as the producer of her own show, she would find anything seen or heard on the show as being unacceptable.

----- Original Message -----

From: Ed the Sock
To: [complainant]
Sent: Sunday, January 18, 2004 3:08 AM
Subject: Re: Unacceptable Comment by Co-Host

Dear Mr. K,

In response to your follow-up e-mail of January 18, I will try to address your concerns with greater specificity.

Just to be clear of the comment [*sic*] we are discussing: it occurred during a humorous conversation about the show's redhead female producer, and led to a joking exchange about the cliched urban legends concerning the sexual prowess of women with red hair. During this banter, the co-host said "I hear they (bleep) like you're stabbing them".

In my previous e-mail, the reason I cited the example of our show's female redhead producer not being offended by the comment in question is because she was the subject of the dialogue. I put forward to you the idea that if the person who not only belongs to the 'targeted' group, but was in fact the focus of the dialogue, was not offended, then that carries some significance.

While the comment cited above may not have been to your taste, it does not in any way encourage violence, suggest violence should be committed, suggest violence was committed or suggest violence is okay. In fact, it doesn't even describe any violence being committed to any person, real or imagined.

As to your concern that the comment was a form of objectification: there is comedic license attached to generalizations. Comics make generalizations about men, women, kids, seniors, cities, professions...it's standard. So simply making a joke about redheads, especially in a light-hearted manner, is not truly objectifying them in the manner that I believe you are referring to.

As to your questions concerning the CRTC and CSBC [*sic*] guidelines - while conversant with these organizations' positions on the issues you raised, I can't speak for them. You indicate that you have forwarded your concerns to both organizations, as is your right. I hope their answers provide you with some satisfaction that Ed's Night Party did not contravene any of their codes.

Again, thank you for taking the time to write and express your concerns.

----- Original Message -----

From: [complainant]
To: Ed the Sock
Sent: Tuesday, January 20, 2004 10:34 PM
Subject: Re: Unacceptable Comment by Co-Host

Dear Mr. K,

Thank you for clarifying the exact quote - I was going from memory and you have the benefit of reviewing the tape of the show.

Once again, I think that the fact that your producer took no offence at the comment is irrelevant and does not carry any significance. It should be obvious that she is not a fair judge because she has an economic stake in the program and is therefore biased.

I also disagree with you that the co-host's comment does not encourage violence or objectify women, or that it doesn't describe any violence being committed to any person, real or imagined. The co-host did not say that he heard redheads laugh like they're being tickled, or that they run like they're on drugs. To say that certain women fuck like you're stabbing them suggests many things, among them:

- a mental image of stabbing a women while having sex with her;
- the suggestion that stabbing a woman is not unlike having sex with her,
- the suggestion that stabbing a woman may be pleasurable to one or both the man and the victim,
- the suggestion that stabbing women is as common as having sex with them,
- that it's okay to stab certain women,
- that violence against certain women is funny and therefore acceptable.

In my view, the co-host's comment promoted violence and objectification by, at a minimum, desensitizing the TV viewer and audience to the odious notion that such violence is acceptable, funny and something to be laughed at. Let's assume for a moment that instead, the co-host had said that Jewish women perform oral sex like they're being gassed. I declare my bias by saying that I am Jewish, but I see no difference between the two statements - one promotes violence against and objectifies women, while the other promotes violence against and objectifies Jews. In my opinion, couching misogynistic or racist comments within a comedy does not make them acceptable.

Again, I'm just a consumer and a TV viewer who happened to catch your show. Unlike you, I am not involved in the entertainment business, nor am I familiar with the regulation of broadcasting content. I leave it to the CRTC and CSBC [*sic*] to determine the acceptability of the comment.

Thank you again for your reply.

On February 2, the complainant sent the following message to the CBSC Correspondence Officer:

Thank you for your email.

Your email mentions that I will be contacted by the broadcaster. As you noted, I already have been contacted about my complaint; however, the person who contacted me was Mr. K, the Executive Producer of Ed the Sock. I believe Mr. Kerzner was not speaking on behalf of CITY-TV as he was speaking personally and that I will receive a further response from CITY-TV.

If there is further dialogue with CITY-TV, I don't know if matters will be resolved between us. However, I don't want to end up in the situation that I enter into a discussion with them, it is unresolved, I file for a Ruling, and then am told that the 14 days expired because the clock started ticking from Mr. K's last email to me.

I am assuming from your email, and am relying on it, that CITY-TV will be contacting me and that I will still have my right to ask for a Ruling

On March 2, sent the following message in which he reiterated his complaint and provided some additional arguments.

concern: On the CITY-TV show, Ed's Night Party, which aired on Friday January 16, 2004, the co-host of the show made a comment that I believe is offensive.

At the beginning of the show, the attributes of women with red hair became the subject of conversation between Ed the Sock and the co-host (I don't know his name). Ed the Sock made a reference to the performance of red-haired women in bed, and the co-host said "Yeah, they fuck like they've been stabbed" or "I heard they fuck like you're stabbing them."

The word "fuck" was deleted, but it was clearly what he said.

I believe this comment was extremely offensive, given its general reference to violence against women, its degrading objectification of women, and its connecting the act of stabbing women with having sex with them.

To say that certain women fuck like you're stabbing them suggests many odious things. The co-host's comment promoted violence and objectification by, at a minimum, desensitizing the TV viewer and audience to the odious notion that such violence is acceptable, funny and something to be laughed at. The co-host did not say that he heard redheads laugh like they're being tickled, or that they run like they're on drugs.

To paraphrase the CBSC codes: the comment sanctioned, promoted or glamorized violence; and it was a negative or degrading comment on the role or nature of women.

On February 3, 2004 I received an email from N. L., the CBSC's Correspondence Officer, informing me that the CBSC forwarded my complaint to the broadcaster CITY-TV on February 2, 2004. Ms. L said that CITY-TV had 21 days from the date of her email (i.e, until Feb. 24, 2004) in which to respond to my concerns.

N's Feb 2, 2004 email to me was copied to two people at CITY-TV. Only their email addresses are available [e-mail address].

On February 20, 2004 I emailed these two people, reminding them that CITY-TV has until Feb 24, 2004 in which to respond to my concerns. The deadline of Feb 24, 2004 came and went, without any response from them or CITY-TV.

Since not responding to my concerns is a response, I am not satisfied with the actions of the broadcaster, and am filing a request for a ruling.

II. Broadcaster Response

The broadcaster responded to the complainant's letter on March 15, with the following:

Dear Mr. K,

Re: Complaint Regarding Ed the Sock

The CBSC has forwarded to us your email regarding the program Ed the Sock, which aired on Friday Jan. 16, 2004.

Before I address your specific concerns, I would like to give you some background on how we decide what is suitable for air. We adhere to Canada's broadcast content guidelines, and take great care in selecting our programming material. Citytv follows the *Canadian Association of Broadcasters (CAB) Code of Ethics, Guidelines on Sex-Role Portrayal and Guidelines on Violence in Television Programming*, as well as our own programming policy. If you would like to view the codes, you will find them posted on the CBSC's website at: <http://www.cbsc.ca>.

You may be aware that the Canadian Radio-television and Telecommunications Commission, in consultation with members of the public and the broadcasting industry determined that 9 p.m. constitutes the "watershed hour" in respect to program content for adult viewers. Accordingly, Canadian broadcasters, including Citytv, schedule programs designed for mature audiences – such as "Ed the Sock" – during late evening viewing periods. Furthermore, a Viewer Advisory along with a program rating that indicates that the program should be viewed by Adults 18 years of age and older precedes the program and is broadcast out of each commercial break.

We try to treat our viewers in a mature and responsible way and offer them the tools (through viewer advisories, rating icons, etc.) to choose for themselves whether they should watch a particular film or program. "Ed the Sock" is a satirical adult comedy that derives much of its humour from discussions that may be inappropriate for some viewers. Such is the nature of comedy and satire.

We do not believe that the specific comments made by S.K's co-host that you reference in your complaint contravene any of the above-referenced codes. However, we do agree that the comment was both distasteful and inappropriate.

I sincerely appreciate that you took the time to voice your concerns. As a direct result of your initial complaint, I met with Mr. K and his staff to both reprimand them and to identify the reasons why this occurred. Specifically, we discussed the checks and balances currently in place to review material going to air. In addition, we have focused on sensitizing the Ed the Sock team to issues such as those raised in your letter.

I hope that you will accept my apologies and our assurance that to the best of our abilities this will not happen in the future. Again, it is never our intention to offend any of our viewers.

We have always taken our viewer feedback very seriously as we constantly strive to improve our programming. Thank you for taking the time to write with your concerns.

III. Additional Correspondence

The complainant sent the following correspondence on March 17 which the CBSC considered as an equivalent to a Ruling Request.

I have reviewed the attached letter from M.H. and note that the deadline for CITY TV to respond to my concerns expired on February 24, 2004. Since they missed the deadline, I assume that you are proceeding with my ruling request.

As to Ms. H's letter, I find it to be inadequate. Yes I understand that 9 p.m. is the watershed

hour, that CITY TV provides viewer advisories and rating icons, and that Ed's Night Party is broadcast during the late evening. However, I believe that these warnings do not give a broadcaster free reign to broadcast whatever material they want.

Ms. H acknowledges that the comment that red haired women "fuck like you're stabbing them" was distasteful and inappropriate. She believes however that such a comment is within the CBSC's codes. I disagree with her opinion. In my view, the co-host's comment promoted violence and objectification by, at a minimum, desensitizing the TV viewer and audience to the odious notion that such violence is acceptable, funny and something to be laughed at. Couching misogynistic or racist comments within a comedy does not make them acceptable.

I would like the CBSC to proceed with a ruling as to whether the co-host's comments constituted a breach of the CBSC's code and guidelines.