
**CANADIAN BROADCAST STANDARDS COUNCIL
NATIONAL CONVENTIONAL TELEVISION PANEL**

Global Television re a segment on an episode of *Entertainment Tonight*

(CBSC Decision 05/06-1525)

Decided January 8, 2007

R. Cohen (Chair), R. Deverell (*ad hoc*), S. Fernandez, P. Hebden, M. Hogarth

THE FACTS

On April 21, 2006 at 7:30 pm, Global Television aired an episode of the American news magazine program *Entertainment Tonight (ET)*. In keeping with the program's usual format, the episode featured celebrity gossip, as well as profiles of upcoming movies and television programs. The challenged episode included a segment previewing an upcoming report about dysfunctional step-families to be broadcast on the ABC public affairs program *Primetime*.

The *Entertainment Tonight* episode included three teasers for the segment about the *Primetime* report. The images in those teasers included home video footage of a woman aggressively yelling "Get over there!" to an adolescent girl. The girl responded by shrieking and putting up her hand protectively as if she was anticipating a blow. There was also footage of a man beating the same adolescent girl on a couch.

Entertainment Tonight co-host Mark Steines provided the following commentary in the first teaser: "Step-mothers, step-fathers losing control. Children caught in the middle. The shocking footage that will make you furious." The teaser also included a clip of *Primetime* host Diane Sawyer saying, "Jealousies, rages, in some cases hitting."

Two additional teasers repeated the violent scenes, extending some of the sequences, and adding others showing similar behaviour. The second teaser was accompanied by Steines saying, "From making movies to making news

headlines, the jaw-dropping home video of families in crisis. Step-parents shouting and even hitting their children. The painful new *Primetime* exposé.”

The full segment about the *Primetime* report began at 7:52 pm and lasted approximately three minutes. Steines introduced the segment with the following information:

Screaming, hitting. Jaw-dropping: That is the only way to describe *Primetime*'s new exposé on step-mothers and step-fathers. Cameras inside their homes reveal just how bad things can get. And let me tell you, it gets explosive.

The segment included clips from the upcoming *Primetime* report which profiled two teenaged girls and their step-families. The first family was that of Amanda. The segment explained that, although the family had good intentions at first, “the relationship between step-mom and daughter has gotten so bad that Amanda has plotted to intentionally bruise herself and blame her step-mother Laurie.” A clip of an interview with Amanda was shown in which Amanda told the camera that “I used to sing ‘ding, dong, the witch is dead’.”

Steines explained that the *Primetime* journalistic team had “thousands of hours of video captured by nine cameras”. The more disturbing footage involved the family of the adolescent girl Kyle. At one point, Steines commented that “many of the scenes are not pretty, but some are outright horrifying.”

Entertainment Tonight then replayed the footage of the man slapping the adolescent girl, then jumping on top of her on the couch and punching her.

That was followed by home video footage of three young children sitting at a kitchen table. A woman was heard yelling off-screen and the words appeared at the bottom of the screen: “Come on, you little f----- s---head! You wanna take a swing at me? Go ahead!”

Steines voice-over explained “And the three young children in the kitchen cover their ears and pray,” as additional home video footage depicted the three young children doing just that. There was then a clip of an interview with Diane Sawyer saying “Jealousies, rages, in some cases hitting, screaming unbelievable things at each other” followed by a replay of the woman yelling and pointing at Kyle.

Other footage from the upcoming *Primetime* report showed Sawyer watching a television screen with a man and woman who were apparently the parents of one of the step-families; home video footage of a woman yelling; a clip of a woman crying; another clip of a comment from Sawyer about the issue of step-families; and a clip of a man and woman talking to another woman who appeared to be a therapist.

Steines then warned the audience: “Viewers are forewarned some of the language is harsh and so are the pictures.” That was followed by home video

footage of a person in a living room; the dialogue appeared in words at the bottom of the screen: “That’s exactly what I’m telling you, is I tried.” “Bull----. That’s garbage.” “Bye.”

The segment then showed home video footage of Kyle vacuuming, carrying laundry, sweeping and pouring juice, accompanied by Steines’ voice-over narration explaining that “Kyle is a big help with chores and she regularly minds her step-siblings. But she and her step-mom Lynn are often at odds. As Kyle searches for a CD amidst the family clutter, her step-mom inexplicably starts screaming at her in a frightening rage.”

The visual accompaniment to that comment was an extended version of the previously played clip in which step-mother Lynn walked into a living room where Kyle and her father were sitting on the floor. Lynn yelled “Back off! Back off!”; Kyle shrieked and jumped away; Lynn yelled “Get over there!” and pointed; Kyle ducked and raised her hand as if in anticipation of shielding a blow; Lynn and the father yelled “Go sit down! Get over there!”

Steines then explained another clip: “About a month after the screaming outbursts, the volatile threesome sit down to discuss a status report from Kyle’s teacher. Experts look on as the situation rapidly deteriorates.” Two men and one woman in suits were shown watching the home video footage. The footage of the father slapping Kyle, then jumping on her and punching her repeatedly was replayed. The female expert was shown cringing.

A clip of Diane Sawyer from the *Primetime* show provided her thoughts on the footage:

You have to remember, they sent us these tapes. We didn’t cat-, catch them at anything. These are tapes that they sent us from their house to say “Look at this. Look at what we’re doing here.” [...] I said to somebody, jokingly, this is like Extreme Make-over Family and Step-Family edition here. We believe they can be saved.

Steines concluded the segment with the observation, “Mm, that is some disturbing video and here is an alarming statistic: Within a few years, step-families in America are expected to outnumber traditional families.”

A viewer complained about this segment in a letter dated May 7 (the full text of all correspondence can be found in the Appendix):

Friday, April 21st (evening) on the television show *Entertainment Tonight* (numerous channels on our ExpressVu satellite). This was on at 7:00 or 7:30, when many young children would still be watching tv.

On this episode of *Entertainment Tonight*, they previewed an upcoming television show hosted by Diane Sawyer that she described as “Extreme Family Makeover” where they profiled and tried to help extremely dysfunctional families (particularly with step-parents). The show included home video of physical assaults by the

parents on their children and extreme verbal harassment and intimidation of children by adults.

The complainant sent an additional piece of information on May 9 to clarify that he had in fact seen the program at 7:30 pm on Global Ontario. Global responded to the complainant on June 8:

In your letter, you have expressed concern about the violence portrayed in this episode regarding a preview of an upcoming program hosted by Diane Sawyer about dysfunctional families with step-parents and step-children.

As responsible broadcasters, we try to be sensitive to the members of our viewing audience and we apologize if this program has offended you. I assure you that it was neither Global's nor the producer's intention to do so.

Entertainment Tonight is a news magazine program that covers the entertainment industry and current events and, like our newscasts, is not intended for children. Upon review of the episode in question, we believe that the segment exposed violence and verbal assaults, which was the focus of the upcoming program – dysfunctional step-families. Diane Sawyer made a point of saying that the program was about trying to help these families and was in no way glorifying or condoning this behaviour. While we do agree that this segment was disturbing, it represents the harsh realities that some families face and is an issue that is considered important enough to be highlighted on *Entertainment Tonight*.

The complainant wrote back in June to express his dissatisfaction with Global's reply:

I am writing to express my dissatisfaction with the response [...] I received from Canwest. In particular I believe they have violated sections 3.1.1, 3.1.5. and 6.3 of the *CAB Violence Code*. With respect to section 6.3, I believe the average person would agree that physical assault of a child by an adult (especially of the intensity shown in the program) amounts to "extra-ordinary violence".

THE DECISION

The National Conventional Television Panel examined the complaint under the following provision of the Canadian Association of Broadcasters' (CAB) *Voluntary Code regarding Violence in Television Programming*, which reads as follows:

CAB Violence Code, Article 6.0 – News and Public Affairs Programming

- 6.1 Broadcasters shall use appropriate editorial judgment in the reporting of, and the pictorial representation of violence, aggression or destruction within their news and public affairs programming.
- 6.2 Caution shall be used in the selection of, and repetition of, video which depicts violence.

- 6.3 Broadcasters shall advise viewers in advance of showing scenes of extra-ordinary violence, or graphic reporting on delicate subject matter such as sexual assault or court action related to sexual crimes, particularly during afternoon or early evening newscasts and updates when children could be viewing.
- 6.4 Broadcasters shall employ discretion in the use of explicit or graphic language related to stories of destruction, accidents or sexual violence, which could disturb children and their families.
- [...]
- 6.6 While broadcasters shall not exaggerate or exploit situations of aggression, conflict or confrontation, equal care shall be taken not to sanitize the reality of the human condition.

The National Conventional Television Panel Adjudicators reviewed all of the correspondence and watched a tape of the challenged episode. The Panel concludes that the episode was in violation of Articles 6.2, 6.3, 6.4 and 6.6 of the *CAB Violence Code*.

Restrictions on the Broadcast of Delicate Subject-Matter

The National Conventional Television Panel is particularly conscious of the fact that the episode of *Entertainment Tonight* played in the heart of prime time family viewing and there is every reason to expect that children would have been in the television audience. It is equally clear to the Panel that the dysfunctional nature of the step-family interaction would have been of particularly great concern to children, who are less well-equipped to deal with such stressful issues as imploding family circumstances.

The foregoing being said, the Panel does not for a moment consider that the episode ought not to have been aired. Indeed, the Panel readily accepts the relevance of the segment announcing the coming ABC *Primetime* story on conflict in step-families and considers that the excerpts of the Diane Sawyer comments reflected the sensitivity of the forthcoming discussion on *Primetime*. The controversial nature of the underlying issue is not the problem. It is rather the method of presentation of it to the audience. The language employed in the *CAB Violence Code* anticipates that the issues associated with violent content in news and public affairs programming require thoughtful, sensitive, discreet treatment. For example, Article 6 provides that broadcasters shall use *appropriate* editorial judgment in portraying violence in such programming and that *caution* shall be used in the selection *and repetition* of violent clips. Moreover, some form of advisory is mandated in the case of “graphic reporting on delicate subject matter [...] particularly during afternoon or early evening newscasts and updates when children could be viewing.” Finally, the article provides that *discretion* shall be used in describing situations “which could disturb children and their families” and, while Article 6.6 is generally cited by CBSC

Panels for its statement that “care shall be taken not to sanitize the reality of the human condition,” it is relevant in the matter at hand to note that it also provides that “broadcasters shall not exaggerate or exploit situations of aggression, conflict or confrontation.”

There are two components to the broadcast material that the Panel has considered. One is the less than three-minute *Entertainment Tonight* segment and the other is the significant role placed by the teasers throughout the episode of *ET*. They constitute an inseparable indication of the broadcaster’s treatment of the issue.

In the first teaser, the scenes of the step-mother yelling at her step-daughter and the father beating his daughter on the couch were shown. Eight minutes later, the teaser showed two parts of the step-mother-step-daughter conflict, sandwiching the father beating up his daughter on the couch. Seven minutes later, two of the clips, including an extended version of the father-daughter clip were included in the teaser. In each case, the voice-over language was tabloid newspaper-like in nature, employing words or phrases such as “shocking”, “make you furious”, “jaw-dropping home video”, “painful new *Primetime* exposé”, and “step-daughters go to war”. In the segment itself, there were three additional repetitions of one part or another of the step-mother-step-daughter clips and two of the father-daughter physical conflict. Although the dialogue was a lot more narrative and contextual as a result of the use of the Diane Sawyer elements from the coming *Primetime* episode, terms such as “explosive”, “outright horrifying”, and “spiralling out of control” were still used by the *ET* host. After three of the five combative clips were shown but before the last two were repeated, the host alerted the audience about what was coming in the following terms: “Viewers are forewarned some of the language is harsh and so are the pictures.”

For the Panel, the brief spoken advisory is a case of too little, too late. It alerted no member of the audience before the spate of violent moments in the succession of teasers or before the first 60% of the violent clips in the three-minute segment. This failure to alert viewers about the violent content (which could also have been accomplished by the use of traditional on-screen viewer advisories) constitutes a breach of Article 6.3 of the *CAB Violence Code*.

As to the video clips, the Panel considers that it is the overall, combined effect of their presentation that is the issue. They are repeated too frequently. They are shown repetitively, without regard for the caution required in Article 6.2 or the discretion demanded in Article 6.4. Their re-use added nothing useful to the story. The Panel concludes that they were no more than viewer magnets. There is a difference between alerting viewers about what is coming and attracting them to the content. There is, it goes without saying, nothing inappropriate in attracting viewers, provided this goal is achieved without violating codified standards. In the matter at hand, the Panel is of the view that the combination of

the images and the choice of sensational language breach the requirement in Article 6.6 that broadcasters shall neither exaggerate nor exploit situations of aggression, conflict or confrontation, all of which are present in this broadcast.

It is also useful to refer to *CITY-TV re an episode of Hard Copy* (CBSC Decision 96/97-0055, May 8, 1997), in which the Ontario Regional Panel encountered a similar situation in the context of another magazine-style program. On the comparable issues, it said

While the Panel does not find the content of the video segment was such that it should not have been shown at all, it does find that the repetition of the video segment, in whole or in part, on 9 separate occasions throughout the report was disproportionate to its relevance in presenting the story. No new information was conveyed in the repetition of the video and no new perspective was provided to the story by the repeated use of the disturbing pictures generated by the hidden surveillance camera.

The issue of repetition of violent material is specifically addressed in clause 6.2 of the Code which states that "caution shall be used in the selection of, and *repetition of*, video which depicts violence." [Emphasis added.] The Panel finds that CITY-TV failed to meet this standard in broadcasting this segment of *Hard Copy*. Moreover, the cumulative effect of the excessive repetition of the video was to distort and sensationalize the story [...]. In this regard, the Council notes the particular relevance of the following quote taken from the CRTC's *Policy on Violence in Television Programming* (Public Notice CRTC 1996-36, 14 March 1996):

The Commission notes the concern expressed by members of the public about the depiction of violent incidents in early evening newscasts. However, given the importance of freedom of expression in the reporting of news, the Commission will not expect news stories to be rated. *The Commission is confident that the Radio-Television News Directors Association's (RTNDA) Code of Ethics, the journalistic guidelines of individual broadcasters and the provisions in the CAB code on violence regarding the reporting of violence within news and public affairs programming will ensure that violence is depicted with sensitivity, with respect for the audience, and without exploitation, exaggeration or sensationalism.* The Commission also supports the measures undertaken by broadcasters to advise viewers when graphic news stories are presented. [Emphasis added.]

All in all, the National Conventional Television Panel concludes that the broadcast of the April 21 episode of *Entertainment Tonight* violated the standards established in the various paragraphs of Article 6 referred to above.

Broadcaster Responsiveness

The CBSC always assesses the broadcaster's responsiveness to the complainant, which is a responsibility of membership in the Council. It expects that response to be thoughtful and focussed on the substance of the complaint.

In the matter at hand, the Panel considers that the response from Global Television's Coordinator of Compliance Standards constitutes a sufficient reply to fulfill Global's obligation of responsiveness on this occasion.

ANNOUNCEMENT OF THE DECISION

Global Television is required to: 1) announce the 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 during the time period in which *Entertainment Tonight* was broadcast; 2) within the fourteen days following the broadcasts of the announcements, to provide written confirmation of the airing of the statement to the complainant who filed the Ruling Request; and 3) at that time, to provide the CBSC with a copy of that written confirmation and with air check copies of the broadcasts of the two announcements which must be made by Global Television.

The Canadian Broadcast Standards Council has found that Global Television breached provisions of the Canadian Association of Broadcasters' *Violence Code* in its broadcast of an episode of *Entertainment Tonight* on April 21, 2006. By repeatedly showing a number of violent video clips of a daughter, her step-mother and father as teasers for an upcoming segment and as part of the segment itself during prime family viewing time, without sufficient caution or discretion, Global breached Articles 6.2, 6.4 and 6.6 of the *Violence Code*. By failing to alert viewers about the violent content in the episode, Global breached Article 6.3 of the *Violence Code*.

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

APPENDIX

CBSC Decision 05/06-1525 Global Television re a segment on an episode of *Entertainment Tonight*

The Complaint

The CBSC received the following complaint dated May 7, 2006 via the CRTC:

Friday, April 21st (evening) on the television show *Entertainment Tonight* (numerous channels on our ExpressVu satellite). This was on at 7:00 or 7:30, when many young children would still be watching tv.

On this episode of *Entertainment Tonight*, they previewed an upcoming television show hosted by Diane Sawyer that she described as "Extreme Family Makeover" where they profiled and tried to help extremely dysfunctional families (particularly with step-parents). The show included home video of physical assaults by the parents on their children and extreme verbal harassment and intimidation of children by adults.

The complainant sent a small piece of additional information on May 9:

The exact time of the *Entertainment Tonight* broadcast was 7:30 pm (Friday, April 21st) and it was viewed on Global Television (Toronto). See complaint reference 299494 for my original complaint regarding this episode.

Broadcaster's Response

Global's Coordinator of Compliance Standards responded on June 8:

We are in receipt of your correspondence regarding *Entertainment Tonight* which aired on April 21st at 7:30 pm on Global Television. In your letter, you have expressed concern about the violence portrayed in this episode regarding a preview of an upcoming program hosted by Diane Sawyer about dysfunctional families with step parents and step children.

As responsible broadcasters, we try to be sensitive to the members of our viewing audience and we apologize if this program has offended you. I assure you that it was neither Global's nor the producer's intention to do so.

Entertainment Tonight is a news magazine program that covers the entertainment industry and current events and, like our newscasts, is not intended for children. Upon review of the episode in question, we believe that the segment exposed violence and verbal assaults, which was the focus of the upcoming program – dysfunctional step families. Diane Sawyer made a point of saying that the program was about trying to help these families and was in no way glorifying or condoning this behaviour. While we do agree that this segment was disturbing, it represents the harsh realities that some families face and is an issue that is considered important enough to be highlighted on *Entertainment Tonight*.

We appreciate open dialogue with our audience and thank you for your letter.

Additional Correspondence

The complainant wrote back to the CRTC on July 3:

I am writing to the CRTC because I had filed a complaint in early May regarding a program seen on Global Television in the early evening (CRTC Ref # 299494). It was forwarded to the CBSC and Global. I was not satisfied with Global's response and therefore responded to the CBSC with my concerns. I wrote:

I am writing to express my dissatisfaction with the response (attached) I received from Canwest. In particular I believe they have violated sections 3.1.1, 3.1.5. and 6.3 of the *CAB Violence Code*. With respect to section 6.3, I believe the average person would agree that physical assault of a child by an adult (especially of the intensity shown in the program) amounts to "extra-ordinary violence".

The CBSC has NOT responded (the above email text was sent June 10th). Therefore I am seeking the aid of the CRTC in resolving this complaint, as the CBSC obviously has no interest in my complaint, nor the courtesy to even respond.

The CBSC discovered that the e-mail of June 10 referred to above had been filtered as spam by its e-mail program. It explained this to the complainant in a letter of July 19.