
CANADIAN BROADCAST STANDARDS COUNCIL

NATIONAL SPECIALTY SERVICES PANEL

CTV Newsnet re a segment on *Mike Duffy Live* (Chinese Ambassador)

(CBSC Decision 07/08-1577)

Decided August 7, 2008

R. Cohen (Chair), D. Braun (*ad hoc*), R. Deverell (*ad hoc*), P. O'Neill

THE FACTS

Mike Duffy Live is a political affairs program hosted by CTV political correspondent Mike Duffy that airs weekdays on the all-news specialty service CTV Newsnet. During a segment that began at 5:18 pm on the March 24, 2008 episode, Duffy interviewed China's Ambassador to Canada.

The caption on screen at the beginning of the segment was "Tibet Protests Spread". Duffy began the segment by informing viewers that three men had been arrested at a small protest in Greece at the lighting of the Olympic torch. The Chinese Ambassador, Lu Shumin, then provided his thoughts on the protests and calls to boycott the Beijing Olympics in support of Tibet. He stated that many demonstrations had been violent rather than peaceful and were aimed at disrupting the Olympics and tarnishing China's image. During Lu Shumin's comments, the caption at the bottom of the screen changed to "Boycotting Beijing Olympics" at 5:19 pm.

From 5:20 to 5:21 pm, while Lu Shumin was speaking, the screen was split with one half showing the "talking head" of Lu Shumin and the other showing footage of a protest. In the clip, men wearing "Free Tibet" bandanas were being pushed by police officers wearing grey camouflage uniforms. The police forcibly dragged and pushed the men into the back of a pick-up truck. There was much commotion amongst the

protestors and police, and the police stepped on or hit some of the protestors aggressively.

At 5:20 pm, the caption changed again to “Chinese Ambassador to Canada Responds to Tibet Protests” and Duffy continued to question Lu Shumin about various issues relating to the Olympics and the controversy generated by protests, most of which centred on China’s treatment of Tibet.

The CBSC received a complaint on April 17 about the protest footage used in the segment. The complainant outlined his concerns as follows (the full text of all correspondence can be found in the Appendix):

During the interview, CTV inserted a very misleading video clip of NEPALESE police cracking down on the Tibetan protesters as the background scene. The short email reply that I have received from Mr. Duffy is simply not acceptable for such a serious TV mistake. After another 2 attempts and waiting for 3 weeks without receiving any further reply from CTV (email attached), I have no choice but to file this complaint and hope it can be addressed with your help. Thank you very much in advance!

As noted in that electronic correspondence, he provided the CBSC with copies of prior correspondence he had had with the CTV Newsnet. He had initially contacted the program directly in March and had received a short reply from the host indicating that his concern was “a welcome reminder that we must always correctly identify the source of our video.” The complainant had written back on two more occasions asking for CTV Newsnet to clarify what action it would be taking to correct its error. When he received no responses to those two e-mails, he filed his official complaint with the CBSC. At that point, the station sent a lengthier reply on May 2:

[Thank you for bringing to our attention your](#) concerns about the source of the video that [ran](#) on *Mike Duffy Live* on March 24, 2008.

CTV News and *Mike Duffy Live* endeavour at all times to present a fair, accurate and balanced view of all issues, including China and the upcoming Beijing Olympics and the Tibetan protests and concerns around the world.

You are correct in stating that CTV ran a clip of Nepalese police and Tibetan protestors during the segment involving an interview by Mike Duffy with the Canadian Ambassador to China [*sic*, actually the Chinese Ambassador to Canada]. CTV should have put a locator on the video so it was clear to our viewers that the Tibetan protests were occurring in Nepal and we regret that this was not done.

The segment in question was however titled – “TIBETANS PROTESTS SPREADS” [*sic*]. In fact, Mike Duffy began the interview by referencing a recent small protest by persons in support of Tibet in Greece where 3 people were arrested at the lighting of the Olympic torch. Mike Duffy and the Ambassador also discussed Tibetan protests and forces in and outside of China.

We can assure you there was no intention on behalf of CTV News or *Mike Duffy Live* to misrepresent the video footage which was shown of a Tibetan protest that same day in Nepal, or to suggest in any way that the Chinese police were mistreating Tibetan

protestors. It is, however, an important reminder to us to ensure the source of video is identified in circumstances such as these.

[We](#) thank you for taking the time to write with your concerns.

CTV News is a member in good standing of the Canadian Broadcast Standards Council and adheres to its guidelines. We believe the broadcast in question was part of our balanced coverage on the backlash against China by Tibetan protestors in connection with the upcoming Olympics. The Ambassador to China was given an opportunity to speak directly to this issue in this segment.

The complainant replied to the station's letter on May 3:

First of all, there are 2 segments in the program. The 1st segment was titled "Tibetans Protests Spreads" [sic] (from time 0:14 - 1:39). The 2nd segment, which was much longer, was titled "Boycotting Beijing Olympics" (from time 1:40 - 4:56).

Even in the 1st segment "Tibetans Protests Spreads" [sic], there are 2 parts.

Two points I would like to point out:

(1) The small protest of the 3 men in Greece was referenced ONLY in the first part (time 0:14 - 0:43) of the 1st segment. The second part of the 1st segment (time 0:44 - 1:39) was about the column in the *Montreal Gazette* written by Jack Todd: "...worst mistake since 1936 Olympics went to Hitler's Germany.... It's time to send a message to the Chinese: Stop the killing in Tibet or face a boycott of the Olympic Games."

(2) In fact, the segment in question IS the 2nd segment of the program (from time 1:40 - 4:56) titled "BOYCOTTING BEIJING OLYMPICS". It IS NOT the 1st segment titled "Tibetans Protests Spreads" [sic].

Therefore, CTV's official explanation is TOTALLY WRONG and unacceptable.

[...]

One thing I would like to point out:

The video clip of Nepal policemen mistreating Tibetan protestors was shown at the EXACT TIME when the Chinese Ambassador was telling the history of Tibet that the Tibet under Dalai Lama was a serfdom and slavery society. Dalai Lama was actually the largest owner of serfs and slaves and there were no human rights at all in Tibet at the time. I believe the misleading video clip was intentionally shown (2:45 - 3:30) at the EXACT TIME of the interview when the HUMAN RIGHTS issue was discussed so to give the maximum impact to our Canadian viewers.

The complainant then filed his Ruling Request on May 26.

THE DECISION

The CBSC National Specialty Services Panel examined the complaint under the following Code provisions of the Canadian Association of Broadcasters' (CAB) *Code of*

Ethics and the Radio Television News Directors Association of Canada (RTNDA – The Association of Electronic Journalists) Code of (Journalistic) Ethics:

CAB Code of Ethics, Clause 5 – News

- 1) It shall be the responsibility of broadcasters to ensure that news shall be represented with accuracy and without bias. Broadcasters shall satisfy themselves that the arrangements made for obtaining news ensure this result. They shall also ensure that news broadcasts are not editorial.
- 2) News shall not be selected for the purpose of furthering or hindering either side of any controversial public issue, nor shall it be formulated on the basis of the beliefs, opinions or desires of management, the editor or others engaged in its preparation or delivery. The fundamental purpose of news dissemination in a democracy is to enable people to know what is happening, and to understand events so that they may form their own conclusions.

RTNDA Code of (Journalistic) Ethics, Article 1 – Accuracy

Broadcast journalists will inform the public in an accurate, comprehensive and fair manner about events and issues of importance.

The Panel Adjudicators read all of the correspondence and reviewed a recording of the segment in question. The Panel concludes that the misidentification of the video clip contravened both Code provisions.

Accuracy in News and Public Affairs

The National Specialty Services Panel does not believe that there was any advertent attempt on the part of CTV Newsnet to mislead the audience. That is not, however, a defence to the complainant's concern. After all, by juxtaposing the police footage where it did in the segment, Newsnet left the audience with the clear impression that it was the Chinese police, and not any other, involved in the on-screen dealings with the pro-Tibetan protestors.

The complainant presumably felt "cheated" since, the Panel assumes, the complainant likely considered that the actions of the "Nepalese police cracking down on the Tibetan protestors" reflected badly on the Chinese authorities. The Panel considers that the issue goes beyond the point made by program host Mike Duffy "that we must always correctly identify the source of our video." Indeed, had the broadcaster properly identified the footage as the reaction of Nepalese authorities to Tibetan protests, the Panel would still have had concerns. After all, the tactics of the Nepalese police would have had nothing whatsoever to do with the interview of the Chinese Ambassador relating to the Beijing Olympics, the issue of an independent Tibet, or the role of the Dalai Lama.

In an earlier CBSC decision on a far less charged subject, namely, *CKVR-TV re a News Report (Penned Hunt)* (CBSC Decision 00/01-0761, June 7, 2002), the Ontario Regional Panel examined a news report about an individual who had filed an application to establish a deer-hunting park on his property. The report included interviews with people involved in the issue, including the owner of the hunt park on his wooded piece of land. The report also included video footage of deer in a penned unwooded area. The complaint to the CBSC came from the hunt park owner's neighbour who stated that the deer shown in the clip were actually deer from *his* breeding operation. In the aspect relevant to the matter at hand, he was concerned that the broadcast misrepresented both the hunt park and his breeding operation. The broadcaster explained that there had been no deer at the hunt park at the time of filming, which was problematic since "We are a visual medium and so it was important for us to show our viewers the type of animals we were referring to in our story." Consequently, the broadcaster decided that it had to fill that gap, which it did by obtaining footage from a property down the road. The Panel found a breach for the broadcaster's failure to identify the footage of the deer as not belonging to the hunt park, which was at the centre of the story.

Television journalism tells stories primarily through visual images. The accurate juxtaposition of visuals and words in the television context are key to disseminating news in such a way as "to enable people to know what is happening, and to understand events so that they may form their own conclusions," as required by the *CAB Code of Ethics*. In disseminating an image, a broadcaster must assume, unless it advises the audience otherwise, that that visual component is a part of the story it is telling. It is not justifiable for it to expect that, unless it advises the viewer that it is a part of the story, the viewer is not reasonably entitled to draw that conclusion. The Panel does not consider that the broadcaster was intending to mislead its audience. Nonetheless, while attempting to help its viewers, it has, in the view of the Panel, done them a disservice in its misrepresentation of the nature of the hunt park. The broadcaster is thus in breach of [the News article] of the *CAB Code of Ethics*, and of Article 1 of the *RTNDA Code of (Journalistic) Ethics*.

In another not dissimilar circumstance, equally without the international political ramifications of the present matter, namely, *TVA re a segment of an episode of Dans la mire* (CBSC Decision 04/05-1043 and -1070, September 9, 2005), the topic of that episode of the series was autism. The program featured a panel of experts to discuss the condition, its symptoms and treatments. At one point in the program, the guest paediatric psychiatrist commented on zootherapy as a possible treatment, while TVA broadcast a video clip of two women and a man playing with a dog. The CBSC received complaints from the man and one of the women, who explained that the clip had in fact been filmed four years earlier for a segment on medical assistance dogs. The complainants were concerned that the use of the clip in the program about autism had inaccurately left the impression that *they* were autistic. The Quebec Regional Panel concluded that the use of the video clip in a context unrelated to that which it actually represented constituted a breach of Clause 5 of the *CAB Code of Ethics* and Article 1 of the *RTNDA Code of Ethics*. The Quebec Panel followed the principles laid down in the earlier decision of the Ontario Panel.

Television is, the CBSC Adjudicators understand, a *visual* medium. While panels [of experts] such as that employed by TVA in this instance can be extremely informative and helpful, television broadcasters seek visual enhancements for their discussions. Sometimes these will be live (generally in the context of the news); at other times, the producer will seek library footage.

[...]

Such a dilemma notwithstanding, the broadcaster cannot avoid the obligation to be *accurate*. [...] In the matter at hand, though, the filmed subjects were people, who could, consequently, *be* identified. Moreover, while one of the complainants readily acknowledged that she was sight-impaired, both complainants were decidedly not autistic. Using their images in the context of such a story could reasonably have led viewers to conclude that they *were* autistic.

[...]

In conclusion, the Quebec Regional Panel, while sympathetic to the dilemma of the broadcaster in seeking to find appropriate images beyond the “talking heads”, concludes that TVA has reported this public affairs story inaccurately, and thus in breach of Clause 5 of the *CAB Code of Ethics* and Article 1 of the *RTNDA Code of (Journalistic) Ethics*.

The Panel considers that the principles established in the two previous decisions are entirely applicable to the matter at hand. Accuracy was essential. It was not provided. As a result, there was a disservice to both the Canadian audience and the Chinese Ambassador, the latter in the sense that there was an undeniable negative visual implication stemming from the insertion of the non-Chinese news footage in the interview. Moreover, there was ample opportunity for CTV Newsnet to issue a correction within 48 hours, if not sooner, following the broadcast on the basis of the complaint about it. It chose not to do so. In the view of the Panel, the broadcaster has breached the provisions of Article 1 of the *RTNDA Code of (Journalistic) Ethics* and Clause 5 of the *CAB Code of Ethics*.

Broadcaster Responsiveness

In every CBSC decision, the adjudicating Panel assesses the broadcaster's responsiveness to the complainant. It goes without saying that the broadcaster is not under any obligation to agree with the position taken by the complainant, but every broadcaster is obliged, by virtue of its membership in the CBSC, to respond to the complainant in a thoughtful, timely and thorough manner. The Panel has no comment to make on the original response by Mike Duffy since it was provided before the CBSC was involved in the file. As to the response by the Executive Producer of *Mike Duffy Live*, the Panel considers that it met all of its responsiveness obligations as a CBSC member. Nothing further is required in this respect on this occasion.

ANNOUNCEMENT OF THE DECISION

CTV Newsnet 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 this episode of *Mike Duffy Live* 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 CTV Newsnet.

The Canadian Broadcast Standards Council has found that CTV Newsnet violated the Canadian Association of Broadcasters' *Code of Ethics* and the *RTNDA Code of (Journalistic) Ethics* in its broadcast of *Mike Duffy Live* on March 24, 2008. During a segment about protests against the Beijing Olympics, which included an interview with the Chinese Ambassador to Canada, CTV Newsnet showed footage of protestors being rounded up, dragged and pushed by police. The footage was of Nepalese, not Chinese, police. By leaving the impression that the video footage used to accompany the interview with the Chinese Ambassador was related to Chinese police actions, CTV Newsnet violated Clause 5 of the *CAB Code of Ethics* and Article 1 of the *RTNDA Code of (Journalistic) Ethics*.

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

APPENDIX

CBSC Decision 07/08-1577 CTV Newsnet re a segment on *Mike Duffy Live* (Chinese Ambassador)

The Complaint

The CBSC received the following complaint via its webform on April 17, 2008:

station: CTV

program: *Mike Duffy Live*

date: March 24th

time: 12:00 am (not sure)

concern: <http://www.youtube.com/watch?v=s4BxlqI1LY4>

The above YouTube video is an interview between Mike Duffy of CTV and Lu Shumin, the Chinese Ambassador to Canada. During the interview, CTV inserted a very misleading video clip of NEPALESE police cracking down on the Tibetan protesters as the background scene. The short email reply that I have received from Mr. Duffy is simply not acceptable for such a serious TV mistake. After another 2 attempts and waiting for 3 weeks without receiving any further reply from CTV (email attached), I have no choice but to file this complaint and hope it can be addressed with your help. Thank you very much in advance!

The complainant included copies of the email exchange he had had with CTV prior to filing his official complaint with the CBSC. In March, he had written to CTV, although he did not include a copy of that initial letter. Mike Duffy replied on March 26:

Dear Sir:

Your note is a welcome reminder that we must always correctly identify the source of our video. Thanks for taking the time to write, and I hope you will keep watching *Mike Duffy Live*!

Sincerely,

Mike Duffy

The complainant wrote back to Mr. Duffy the same day:

Dear CTV, Mr. Duffy,

Thank you very much for your reply.

I am not sure whether it is CTV's official reply or is only your personal reply. There is no mention of explicit acknowledgement of your serious professional mistake, nor any mention

of offering an apology to the Chinese consulate or the Canadian viewers misled by your obvious mistake.

This is absolutely unacceptable.

I repeat: The damage has already been done by you and CTV.

I again demand you and CTV to acknowledge this publicly and offer a sincere apology to the Chinese consulate and the Canadian viewers.

I am looking forward again to your reply.

After not receiving any further reply, the complainant wrote again to CTV on April 10:

Dear CTV, Mr. Duffy,

After patiently waiting for 2 weeks without receiving any answer, I would like to follow up:

Is there any decision from CTV to address this issue (previous mails attached)??

I am again looking forward to your reply. Thank you very much.

When the complainant still received no additional reply, he filed his complaint with the CBSC.

The CBSC wrote back to the complainant explaining that the Council cannot deal with complaints about website content, even if the video segment had originally been broadcast on traditional television. The complainant wrote back on April 18 stating that he had in fact originally seen it on CTV:

Thank you very much for your quick reply.

I have been a Rogers cable TV subscriber for few years already. Normally I do not watch Mr. Duffy's show. I have only paid more attention to the TV news recently due to the Olympic and Tibet riots. I watched his show by accident when I scanned through the channels. I didn't even notice there was a fake inserted clip. I only found out later through discussion with my friends and felt being cheated [*sic*]. That is why I want to get an apology from CTV.

I repeat, I watched his show on traditional TV in my home with my own 2 eyes. I have searched the internet and provided the YouTube [link] to you only as the proof in case you have not watched his show and want proof for my complaint.

Again thank you very much for your time and hope you can help me in this matter. I am looking forward again for your reply.

The CBSC then agreed to pursue his complaint.

Broadcaster Response

The broadcaster responded on May 2:

[Thank you for bringing to our attention your](#) concerns about the source of the video that [ran on Mike Duffy Live](#) on March 24, 2008.

CTV News and *Mike Duffy Live* endeavour at all times to present a fair, accurate and balanced view of all issues, including China and the upcoming Beijing Olympics and the Tibetan protests and concerns around the world.

You are correct in stating that CTV ran a clip of Nepalese police and Tibetan protestors during the segment involving an interview by Mike Duffy with the Canadian Ambassador to China. CTV should have put a locator on the video so it was clear to our viewers that the Tibetan protests were occurring in Nepal and we regret that this was not done.

The segment in question was however titled – “TIBETANS PROTESTS SPREADS” [sic]. In fact, Mike Duffy began the interview by referencing a recent small protest by persons in support of Tibet in Greece where 3 people were arrested at the lighting of the Olympic torch. Mike Duffy and the Ambassador also discussed Tibetan protests and forces in and outside of China.

We can assure you there was no intention on behalf of CTV News or *Mike Duffy Live* to misrepresent the video footage which was shown of a Tibetan protest that same day in Nepal, or to suggest in any way that the Chinese police were mistreating Tibetan protestors. It is, however, an important reminder to us to ensure the source of video is identified in circumstances such as these.

[We](#) thank you for taking the time to write with your concerns.

CTV News is a member in good standing of the Canadian Broadcast Standards Council and adheres to its guidelines. We believe the broadcast in question was part of our balanced coverage on the backlash against China by Tibetan protestors in connection with the upcoming Olympics. The Ambassador to China was given an opportunity to speak directly to this issue in this segment.

Additional Correspondence

The complainant responded to CTV Newsnet’s letter on May 3:

Thank you very much for the CTV’s official reply.

In your attached reply doc, you said:

“The segment in question was however titled - ‘TIBETANS PROTESTS SPREADS’ [sic]. In fact, Mike Duffy began the interview by referencing a recent small protest by persons in support of Tibet in Greece where 3 people were arrested at the lighting of the Olympic torch. Mike Duffy and the Ambassador also discussed Tibetan protests and forces in and outside of China.”

First of all, there are 2 segments in the program. The 1st segment was titled “Tibetans Protests Spreads” [sic] (from time 0:14 - 1:39). The 2nd segment which was much longer, was titled “Boycotting Beijing Olympics” (from time 1:40 - 4:56).

Even in the 1st segment “Tibetans Protests Spreads” [sic], there are 2 parts.

Two points I would like to point out:

(1) The small protest of the 3 men in Greece was referenced ONLY in the first part (time 0:14 - 0:43) of the 1st segment. The second part of the 1st segment (time 0:44 - 1:39) was about the column in the *Montreal Gazette* written by Jack Todd: "...worst mistake since 1936 Olympics went to Hitler's Germany.... It's time to send a message to the Chinese: Stop the killing in Tibet or face a boycott of the Olympic Games."

(2) In fact, the segment in question IS the 2nd segment of the program (from time 1:40 - 4:56) titled "BOYCOTTING BEIJING OLYMPICS". It IS NOT the 1st segment titled "Tibetans Protests Spreads" [*sic*].

Therefore, CTV's official explanation is TOTALLY WRONG and unacceptable.

In your attached reply doc, you also said:

"We can assure you there was no intention on behalf of CTV News or *Mike Duffy Live* to misrepresent the video footage..... or to suggest in any way that the Chinese police were mistreating Tibetan protestors."

One thing I would like to point out:

The video clip of Nepal policemen mistreating Tibetan protestors was shown at the EXACT TIME when the Chinese Ambassador was telling the history of Tibet that the Tibet under Dalai Lama was a serfdom and slavery society. Dalai Lama was actually the largest owner of serfs and slaves and there were no human rights at all in Tibet at the time. I believe the misleading video clip was intentionally shown (2:45 - 3:30) at the EXACT TIME of the interview when the HUMAN RIGHTS issue was discussed so to give the maximum impact to our Canadian viewers.

In conclusion, I have to insist my original request that CTV must issue a sincere apology to our Canadian views for its serious unprofessional mistake.

Thank you very much again and looking forward to your reply.

The complainant then filed a Ruling Request on May 26 with the following short note and a copy of his above letter to CTV:

The CTV's [*sic*] official explanation is TOTALLY WRONG and unacceptable. I have then sent my reply to CTV and after 3 weeks I still haven't received any reply. See the following attached email.