
CANADIAN BROADCAST STANDARDS COUNCIL

ONTARIO REGIONAL PANEL

CIII-TV (Global Ontario) re a report on *News Final* (“Dual Protests”)

(CBSC Decision 07/08-1677)

Decided October 22, 2008

M. Ziniak (Vice-Chair), M. Hamilton, H. Hassan, L. Levinson, G. Phelan (*ad hoc*),
J. Pungente

THE FACTS

On March 29, 2008, during its 11:00 pm newscast, Global Ontario (CIII-TV) aired a report entitled “Dual Protests”, about two protests that had been held that day in the Toronto area, one to demonstrate support for Tibet in that region’s conflicts with China and the other to show support for China in its hosting of the Beijing Olympics. A full transcript and description of the report is as follows:

Anchor Alex Pierson: The tension in Tibet spilled over into Canada today with two duelling protests here in Toronto, both meant to shed light on the Chinese crackdown, but coming from two very different viewpoints. Global’s Christina Stevens now with that story.

[Scene of large group of people in Dundas Square singing and waving Chinese flags; caption at bottom of screen: “Both Sides Now”]

Stevens: This downtown Toronto square is turned into a sea of red as hundreds of people take part in a highly-organized show of support for the Chinese government.

Interview with Jason Cao, Protestor: Olympics has nothing to do with politics. So don’t try to boycott our country’s greatness. Don’t try to do anything. That’s it. [People nearby cheer]

[More scenes of crowd]

Stevens: That kind of outburst, not what organizers of this tightly-controlled event wanted. Participants were told not to speak to the media.

Stevens to male protestor: Why can't you speak for yourself?

Protestor: Oh 'cause, I don't know. That's what they told me.

[More crowd scenes; occasional close-ups of people's faces]

Stevens: And security rushed to pull down any sign that wasn't authorized. Organizers of the event, which they say is a concert, not a protest, explain they want the world to know what's really happening in Tibet.

Interview with Chris Wei, Pro-China Event Organizer: They're claiming the Chinese government, they're suppressing their freedom. But, um, as my knowledge, they always have the freedom.

[Group of Asian men taking photographs]

Stevens: He says it's time for the truth to come out. [Close-up of Tibet flag; crowd with Tibet flags and poster reading "Free Tibet"] That's also what Tibetans at their own rally say they want, adding there's only one way to find out what's really happening.

Interview with Tenzin Bhuti, Students for a Free Tibet: They should allow an independent fact-finding mission to, um, investigate the situation inside Tibet.

[From 23:13:26 to 23:13:38, Global aired the following video clip with the caption "Lhasa, Tibet":

Men in bluish-grey camouflage uniforms and helmets carrying weapons aggressively throwing, dragging and pushing protestors into the back of pick-up trucks as the protestors yell and resist.]

Stevens: Both sides accuse the other of propaganda. Exiled Tibetans put the death toll from recent protests at 140 people. Beijing says 22. Tibetans see it one way.

[More scenes from Toronto pro-Tibet rally]

Interview with Denzin Methok, Tibetan Protestor: Our brothers and sister [sic] who's [sic] live in Tibet, they are dying, but all worlds are watching and no one is answering.

[Scenes of pro-China rally]

Stevens: Supporters of the Chinese government see it another way.

Jason Cao: To the Western medias [sic], leave our country's business to us. That's it.

[Tibet flag]

Stevens: Two very different opinions at two very different rallies, symbolic of the struggle half a world away.

[Banner at pro-China rally that reads "We Want Our Home in One Piece"]

[More footage of the “Tibet” video clip was aired from 23:14:02 to 23:14:10: Uniformed officers struggling to get protestors into trucks; one officer wielding a large stick hitting people wearing red monk robes as they try to run away]

Stevens: A small ethnic group fighting against a massive, well-oiled machine.
Christina Stevens, Global News.

Although the clip was identified as “Lhasa, Tibet”, it was in fact footage from Katmandu, Nepal. Global aired a correction to that effect on March 31. It provided the CBSC with a written text of that correction:

A correction tonight to a story Global News ran on Saturday. The story about two rallies in Toronto, one with pro-Chinese demonstrators, the other with pro-Tibetan demonstrators also included international video that was wrongly identified as originating in Lhasa, Tibet. The video showed police in blue-grey camouflage uniforms cracking down on a pro-Tibet rally. This video was actually shot in Katmandu, Nepal, not Tibet. We regret any confusion that may have been caused by the misidentification.

A viewer sent the following complaint directly to Global Ontario on April 3, 2008:

Dear Global TV Editors,

In your March 29th TV news, there was a report regarding the “Dual Protests” at the Dundas Square, Toronto. In the news, an image showing some policemen beating the monks was explicitly labelled as the Lhasa riot in the Tibet of China.

If you have professionally checked the source of this background scene, then you would have known that it was NOT taken from the Tibet of China, but from Nepal. The image of the Nepal policemen beating the monks was used and explicitly reported as the riot in Tibet of China in the news by your Global TV.

I have to ask: Was it just a naïve mistake???

Since the damage of misleading our Canadian viewers had already been done by your Global TV, therefore, I demand Global TV to clarify this publicly and of course an apology is owing to all the Canadian viewers. I am looking forward to your reply.

The complainant received an automated reply to that e-mail that thanked him for writing and indicated that he may not receive a direct reply to his concerns due to the volume of e-mails the station receives (the full text of this and all other correspondence can be found in the Appendix). The automated e-mail made no mention of the CBSC.

The complainant wrote again to the station with some additional details:

Dear Global TV Editors,

As per your viewer reply, I have included more information to help you expedite my question in a more efficient and timely manner. Please see the attached image pictures captured from your March 29th TV news regarding the “Dual Protests” at the Dundas Square, Toronto.

If I do not receive any reply from you after waiting for a reasonable time period, then I shall send you a friendly reminder.

My original e-mail request is also attached. Thank you very much in advance.

The complainant wrote again to Global on April 17:

Dear Global TV Editors,

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

Is there any decision from Global TV to address this issue (previous e-mails attached)??

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

He received another automated reply on April 23:

Thank you! We have received your e-mail successfully. We appreciate you taking the time to write us.

The complainant then filed an official complaint with the CBSC via its webform on May 24 and attached the above e-mails. He outlined his concerns as follows:

On March 29th Global TV news, there was a report regarding the "Dual Protests" at the Dundas Square, Toronto. In the news, the old news clips of the Nepal policemen beating the Tibetan monks was used, explicitly labelled and reported as the riot in Tibet of China. I carefully watched the TV news twice myself on that day in front of TV set in my home.

As per customary procedure, the CBSC forwarded the complaint to the broadcaster on May 26 giving it 21 calendar days within which to reply. When the complainant still did not receive a response from the broadcaster, he wrote again to the CBSC on June 22:

After more than 21 days, I still have not received any response from CIII-TV. Do you mind double-checking with CIII-TV just in case their mail may be lost due to internet problem?

Global's News Director then responded on June 23 (although he dated his letter May 28):

Thank you for taking the time to write to us about our *News Final* broadcast at 11:00 pm on March 29th. Let me begin by stating that the Global News team strives to uphold the highest level of journalistic integrity and ethics at all times. Our producers, reporters and other journalists are educated to make story decisions thoughtfully and with sensitivity and to produce material that is fair, balanced and accurate in accordance with community standards.

[...]

The 11:00 pm *News Final* broadcast included a story provided to Global News Toronto by Global National based in Vancouver. The story in question, about a pro-Tibet rally and a pro-Chinese rally, was reported by Christina Stevens for Global National. After receiving your complaint as well as others, we investigated and found that video of police in bluish-

grey camouflage uniforms arresting protesters was erroneously identified by electronic titles as being from Lhasa, Tibet. A check of our international news feeds that day revealed the location of the video was actually Katmandu, Nepal. The police were Nepalese police cracking down on pro-Tibet demonstrators.

A full and proper correction was made on our main *News Hour* newscast at approx. 6:15 pm on Monday, March 31st. We regret the error and any unfair portrayal that may have resulted. Fortunately, this was an exception to our strict editorial standards and not the rule. There was no intent whatsoever to intentionally mislead the audience.

The complainant submitted his Ruling Request form on July 11 with the following note:

CIII-TV (Canwest) has responded [*sic*] to my complaint by saying that:

“A full and proper correction was made on our main *News Hour* newscast at approx. 6:15 pm on Monday, March 31st.”

I have then requested Canwest to provide me with ALL details of their “full and proper correction” and also have requested them to explain the reasons if no apology was offered in their correction.

After waiting again for more than 2 weeks, I have NOT received any further response. Therefore, I remain concerned and would like to request a Ruling by a CBSC Panel. Please see following previous e-mails for details.

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

THE DECISION

The CBSC Ontario Regional Panel examined the complaint under the following 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*:

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.

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 7- Corrections

Errors will be quickly acknowledged and publicly corrected.

With respect to the complainant's concerns about the broadcaster's response, the Panel also considered the following section of the *CBSC Manual* for broadcaster members:

CBSC Manual, Responsibilities of Membership

Broadcaster members which join the CBSC do so voluntarily and, by so doing, agree to:

[...]

g) co-operate fully with complainants by responding quickly and effectively to their concerns and informing them of their right to bring the matter directly to the CBSC if they are dissatisfied with that reply

The Panel Adjudicators read all of the correspondence and watched a tape of the challenged news report. The Panel concludes that the report violated Clause 5 of the *CAB Code of Ethics* and Article 1 of the *RTNDA Code of (Journalistic) Ethics*, but that it clearly met the correction requirements of Article 7 of the RTNDA Code.

Accuracy in News and Public Affairs

The substance of this decision is materially identical to the recent decision of the National Specialty Services Panel in *CTV Newsnet re a segment on Mike Duffy Live (Chinese Ambassador)* (CBSC Decision 07/08-1577, August 7, 2008). In the challenged broadcast of CTV Newsnet on March 24, 2008, a split screen image showed an interview with the Chinese Ambassador to Canada on the one side and men wearing "Free Tibet" bandanas being pushed by police officers wearing grey camouflage uniforms. By juxtaposing the police footage where it did in the news segment, Newsnet left the audience with the clear impression that it was the Chinese police, and not any other, that was involved in the on-screen battling with the pro-Tibetan protestors. In consequence, the Specialty Services Panel found a breach of Article 1 of the RTNDA Code and Clause 5 of the CAB Code.

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*.

In the Global Ontario report, the source of the police footage was indicated as Lhasa, Tibet, which left the viewer with the sense that the police were Chinese. The major difference between the two broadcasts was that Global Ontario aired a correction of its error.

In the *CTV Newsnet* decision, there were references to, and citations from, earlier CBSC decisions, namely, *TVA re a segment of an episode of Dans la mire* (CBSC Decision 04/05-1043 and -1070, September 9, 2005), a decision of the Quebec Regional Panel, and *CKVR-TV re a News Report (Panned Hunt)* (CBSC Decision 00/01-0761, June 7, 2002), a decision of this Panel. There is no need to resume here what was taken from those decisions. It suffices to quote an extract from what this Panel said in the *CKVR* decision.

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.

That was not done in the matter at hand, as Global Ontario acknowledged, and the Panel has no choice but to find the broadcaster in breach of Article 1 of the *RTNDA Code of (Journalistic) Ethics* and Clause 5 of the *CAB Code of Ethics*.

The Effect of the Correction

In an era in which news travels faster than ever, it is understandable, indeed reasonable to expect, that errors will occasionally occur. From the audience's point of view, it is equally reasonable to expect that, when those errors are discovered, the correct information will be brought to their attention. This is, after all, consistent with the "fundamental purpose of news dissemination in a democracy [which] is to enable people to know what is happening, and to understand events so that they may form their own conclusions." In the matter at hand, Global Ontario was made aware of its error soon after the March 29 broadcast and it ran a correction at about 6:15 pm on March 31, three days before the complaint was even filed. By acting so promptly, the broadcaster fulfilled the RTNDA's codified expectations.

Although it is only an incidental point, it should be noted that, while the prompt broadcasting of the correction fulfills the requirements of Article 7 of the RTNDA Code, it does not, of course, have the effect of erasing the initial accuracy breach of Article 1 of that Code and Clause 5 of the CAB Code.

Broadcaster Responsiveness

Global Ontario did not do as well in terms of its CBSC membership obligations. Having written directly to the broadcaster on March 31, the complainant received an automated electronic reply forthwith. Having received nothing more, he wrote again on April 17. Global sent another impersonal automated reply six days later. When nothing more happened, the complainant filed an official complaint with the CBSC via its webform on May 24. Expecting a reply from Global Ontario in three weeks, the complainant wrote again to the CBSC on June 22. No doubt realizing that it ought to have replied sooner, Global Ontario's News Director replied on June 23, ante-dating the correspondence May 28. In any event, the reply was sent within a reasonable time frame (given that the deadline only expired June 16). Consequently, the Panel finds no material fault with the broadcaster on this account.

The Panel does have an observation to make regarding the broadcaster's use of automated responses. First and foremost, the Panel understands the need for broadcasters to be able to respond efficiently to the large volume of mail they receive. That presents no *per se* problem. There is, however, a CBSC membership obligation for all broadcasters to advise complainants "of their right to bring the matter directly to the CBSC if they are dissatisfied with [the broadcaster's] reply." Consequently, it concludes that the broadcaster ought, in its original exchanges with the complainant, *even if automated*, to have advised this complainant of the role of the CBSC. Global Ontario ought also to have communicated in a more fulsome fashion from the start, in which case this complaint may not ever have reached the stage of a CBSC Panel adjudication. The response, which admitted the error and provided the complainant with information regarding the broadcast of a correction, otherwise fulfilled the broadcaster's obligation of responsiveness. Global Ontario was not otherwise under any obligation to furnish the complainant with an actual copy of the logger tape or transcript of that correction.

ANNOUNCEMENT OF THE DECISION

As noted above, Global Ontario aired a correction to its March 29 report two days later, on March 31. In previous instances where a broadcaster has acknowledged or apologized for its Code-violating material on air, the CBSC has not required the station to air a customary CBSC decision announcement. As the CBSC stated in *OMNI.1 re an episode of the Jimmy Swaggart Telecast* (CBSC Decision 04/05-0097, April 19, 2005),

in the rare circumstances in which a broadcaster had already taken concrete steps to acknowledge its error and rectify the situation, the CBSC has not necessarily required an announcement of the Panel decision.

The Ontario Regional Panel considers that Global Ontario equally took the necessary steps to rectify the original error with the consequence that no announcement of the CBSC decision is required in this case.

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

APPENDIX

CBSC Decision 07/08-1677 CIII-TV (Global Ontario) re a report on *News Final* ("Dual Protests")

The Complaint

A viewer sent the following complaint directly to Global Ontario on April 3, 2008:

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If you have professionally checked the source of this background scene, then you would have known that it was NOT taken from the Tibet of China, but from Nepal. The image of the Nepal policemen beating the monks was used and explicitly reported as the riot in Tibet of China in the news by your Global TV.

I have to ask: Was it just a naïve mistake???

Since the damage of misleading our Canadian viewers had already been done by your Global TV, therefore, I demand Global TV to clarify this publicly and of course an apology is owing to all the Canadian viewers. I am looking forward to your reply.

The complainant received an automated reply to that email:

This is an automated response. Please DO NOT reply to this email. Thank you! We have received your email successfully. We appreciate you taking the time to write us.

Note: if your question is answered below, you may not receive an additional reply due to the high volume of emails we receive from across the country. If your question has not been answered below and you still wish to send an email, please remember to provide us with as much information as you can to help us expedite your question or comment in a more efficient and timely manner. Please remember to include the city and province you are writing to us from, relating to your inquiry.....

The complainant wrote again to the station with some additional details:

Dear Global TV Editors,

As per your viewer reply, I have included more information to help you expedite my question in a more efficient and timely manner. Please see the attached image pictures captured from your March 29th TV news regarding the "Dual Protests" at the Dundas Square, Toronto.

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station: Global TV

program: Global TV news

date: March 29th

time: 6 and 11 pm

concern: On March 29th Global TV news, there was a report regarding the "Dual Protests" at the Dundas Square, Toronto. In the news, the old news clips of the Nepal policemen beating the Tibetan monks was used, explicitly labelled and reported as the riot in Tibet of China. I carefully watched the TV news twice myself on that day in front of TV set in my home. For your convenience, refer to

http://s292.photobucket.com/albums/mm40/vivacuba9/?action=view¤t=Global_329.flv

Please also see following my emails with Global TV.

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Broadcaster Response

Global responded on June 23 (although they dated their letter May 28):

Your email message to the Canadian Broadcast Standards Council has been forwarded to me for reply.

Thank you for taking the time to write to us about our *News Final* broadcast at 11:00 pm on March 29th. Let me begin by stating that the Global News team strives to uphold the highest level of journalistic integrity and ethics at all times. Our producers, reporters and other journalists are educated to make story decisions thoughtfully and with sensitivity and to produce material that is fair, balanced and accurate in accordance with community standards.

I am responding specifically to the Chinese demonstration story that ran on the local news broadcast at 11:00 pm ET. The story you refer to in your letter did not air on the local news broadcast at 6:00 pm ET, but ran on the national broadcast at 5:30 pm ET that originates in Vancouver. I am solely responsible for the content of our local Toronto broadcasts.

The 11:00 pm *News Final* broadcast included a story provided to Global News Toronto by Global National based in Vancouver. The story in question, about a pro-Tibet rally and a pro-Chinese rally, was reported by Christina Stevens for Global National. After receiving your complaint as well as others, we investigated and found that video of police in bluish-grey camouflage uniforms arresting protesters was erroneously identified by electronic titles as being from Lhasa, Tibet. A check of our international news feeds that day revealed the location of the video was actually Katmandu, Nepal. The police were Nepalese police cracking down on pro-Tibet demonstrators.

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Additional Correspondence

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