



Canadian Broadcast Standards Council
Conseil canadien des normes de la radiotélévision

1994 / 1995 Annual Report

“Encouraging Excellence in Broadcasting”

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Message from the National Chair

Evolution over the course of the CBSC's 1994-95 fiscal year (through August 31, 1995) places this organization at several thresholds. Our observation of last year that it would not take "more than one decision of major interest to the media" to make the CBSC more familiar to Canadians was not, in the end, inaccurate. That eventuality occurred with the decision of the Ontario Regional Council in the case of the *Mighty Morphin Power Rangers*. It was the culmination of significant developments in various areas and left us at these thresholds.

The first is that of familiarity. Readers should be aware that we now receive far more telephone calls and complaints *directly* than before the *Power Rangers* decision. People *know* that we are there. Ironically, we actually receive *many* complaints by telephone and by letter which concern broadcasters or services which are *not* members of the CBSC, presumably because people believe that we are the body which is responsible for all sectors of the broadcasting industry. Of all the complaints received by the CBSC last year, 35% did not concern our members, but were presumably directed to us because Canadians believed that the CBSC was the body to contact about *any* such problems.

We now have a sounder basis of familiarity than ever and we intend to build on it further. In addition to the Public Service Announcements run by our members, we are always seeking new ways to increase the Council's profile with the public, so that they know where to go with their complaints. Part of that objective involves the simplification of our processes. Last year we did away with the waiver form which some complainants considered *user-unfriendly*. Next year we will have a new *very* consumer-friendly brochure, which we hope to find original and expanded ways of disseminating to Canadians.

The second threshold is that of membership. Last year, in the National Chair's Message, I observed that we were poised to extend our services to other sectors of the Canadian broadcasting system. We find it ironic (and confusing to the public) that, of the 56 programming choices in the Ottawa area (as a fairly typical Canadian urban example), the CBSC has only *seven* as its members, important though they may be. The 17 specialty services, 11 pay/pay-per-view services (including the pay and ppv promo channels), three public provincial educational channels, four public channels, two Parliamentary channels and two Community channels available here fall solely within the bailiwick of the Commission on content questions. The American cable channels in the Ottawa area currently include: five networks, three superstations and five specialties, all of which currently answer only to their non-Canadian CEO's.

This past year, we continued to expand the body of decisions which reflects the concerns of Canadians about what they see and hear on private radio and television stations. We wrestled with the extent and limitations of the continuing core principle of our broadcasting structure, namely, freedom of expression. We dealt with the very difficult issues of open line shows, accuracy and fairness in news reporting and various sex-role portrayal matters, details of which are provided in the body of this Report. More than ever, this growing body of decisions now requires digesting in summarized form, as anticipated in last year's Annual Report. That work is underway and will be finalized in the coming year. The result will be an annotated set of Codes, in which members and other interested parties will be able to find the interpretations and refinements relating to each of the Code clauses and principles.

For the first time, we began to deal with the issues anticipated by the new *CAB Violence Code*. The most important decision which the Council rendered was that in the *Mighty Morphin Power Rangers* series. The unanimous decision, which is discussed elsewhere in this Report, concluded that the series contravened the rules established by the private broadcasters and sanctioned by the CRTC. Unlike most other CBSC decisions, the *Power Rangers* caught the public's wide attention. The CBSC, which had previously been a well-kept secret, was reported on in print and electronically from the Atlantic to the Pacific and everywhere between, as well as in the major American newspapers and on their networks.

It raised very important questions, some of which will soon be resolved. First, there was the question of the level playing field. Let me explain. The series in question emanated from the United States and was available to Canadians on a Canadian network (as that term is commonly understood) in English and

another in French, individual conventional stations, a Canadian specialty service and, via cable, on an American network. Technically, our decision affected only one Canadian channel. As matters played out, *all* Canadian broadcast and specialty services withdrew or modified the series but it continued to be available to Canadian children via Canadian cable-delivered American signals, making a nonsense of the rules established by the private broadcasters, approved by the CRTC and applied by the CRTC to *all* new licensees or renewal applicants in the Canadian broadcasting system. The manifestation of Canadians' ability and willingness to establish rules made *by* Canadians *for* Canadians, rendered ineffectual for our own territory. The ultimate anomaly.

The CRTC's proposed Public Hearings for September and October across the country provide the opportunity for consideration of a solution regarding inappropriate programming for *all* Canadian families. The CBSC submitted a written intervention entitled *Self-Regulation Canada: Building on a Uniquely Successful System* to the Commission and expects to intervene in Ottawa and selected centres across the country at those Hearings.

The second very important issue related to the understanding of what the self-regulatory system, through its sole practitioner in this area in Canada, does and does not do. It is broadcasters who take the initial decision about what should and should not be aired. The broadcasters did, however, also agree on a *common* set of rules by which they were *all* prepared to abide in cases of doubt. All the CBSC does is to apply those rules on a self-regulatory basis and in response to the written concerns of Canadians. No monitoring of programs. No censorship. Only members of the public expressing *their* concerns. We follow up. For the broadcasters and, of course, ultimately for all Canadians. And it must not be forgotten that, even among those programs which are broadcast as the manifestation of the freedom of expression principle and in compliance with the *CAB Violence Code*, not every one will be suitable for every home. *That* is the role which parents must play. Parents are the ultimate arbiters about what is good for *their* value structures and traditions.

We have maintained our links with other broadcast standards councils around the world and have had the opportunity to receive representatives of the Broadcasting Complaints Commission of South Africa in Ottawa and to meet British, Australian and New Zealand Council heads at the World Summit on Children and Television in Melbourne, Australia, and Wellington, New Zealand and at the International Conference on Violence and the Media put on by St. John's University in New York City. I also met with Commissioner Rachelle Chong of the U.S. Federal Communications Commission and Director Jeffrey Cole, of the UCLA Center for Communication Policy, the entity charged with the responsibility of reporting to the Congress on the state of violence on American network television. The trip was made possible in part by donations from CTV and the Maclean-Hunter Television Fund, for which I prepared a report entitled *Children's Television: A Report from Down Under*.

All in all, a year of major importance for the CBSC. We do not anticipate that the forthcoming year will be any less momentous.

Ronald I. Cohen
NATIONAL CHAIR

What Is The CBSC?

The Canadian Broadcast Standards Council (the CBSC) plays an unusual role in the broadcasting industry in international terms. Many similar bodies are statutorily created and some may function on a quasi-judicial basis. Not so the CBSC, which is a creature of the private broadcasters and is called upon to fulfill a nice balancing role. With the support of the CAB and the approval of the CRTC, but without the heavy club or formalities of government sanctions, the Council promotes *self-regulation* in programming matters by Canada's private sector broadcasters. It has three principal objectives:

- *to assist in the application of specific broadcast standards developed by the Canadian Association of Broadcasters (CAB) through the innovative Canadian mechanism for voluntary self-regulation.* The CBSC accomplishes this objective by administering the codes described below. The CRTC, however, retains responsibility for the regulatory process.
- *to provide a recourse for members of the public regarding the application of these standards.* This involves responding to listener and viewer complaints about CBSC members' programming and applying an effective complaints procedure intended to encourage the resolution of complaints at the local level, directly between broadcasters and their audiences. This important dialogue is, in some senses, the essence of this Report and much is to be found on this subject in Chapters 5, 6, 7, and 8.
- *to inform broadcasters of emerging societal trends (including developments in the codes and their administration) and suggest ways to deal with them.* This educational and informational mandate may be served in various ways, including the development of new and/or revised guidelines, the preparation of publications intended for the CBSC's broadcaster members, and, most important, personal contact between the CBSC administration and the CBSC membership.

All of the foregoing objectives are more readily achieved by cross-fertilization with other entities engaged in similar activities. As suggested above, there is almost certainly no single organization anywhere in the world which is constitutionally, linguistically and organizationally identical. There are, however, corresponding entities elsewhere with broadly similar objectives and government agencies or commissions focusing on like matters. We have begun the process of touching base with such bodies and even more formal governmental entities in countries where issues dealt with by our codes are also of concern. We intend to continue this institutional dialogue.

The CBSC's Component Parts

The CBSC is a compact organization, dealing with much correspondence, many complaints and a host of issues which belie its size. The Council includes a National Chair and National Executive, five Regional Councils, and a Secretariat.

The **National Chair**, appointed by the CAB for a three-year term, is fluent in both English and French and has no current ties to the broadcasting industry. He oversees the functions of the National Executive, assists and advises the Regional Councils as necessary, provides direction to the Secretariat, and represents the Council through public speeches, interviews, and appearances before public bodies and other groups and audiences within and beyond the Canadian borders.

The **National Executive** is composed of ten members (the Chairs and Vice-Chairs of each of the Regional Councils) and the National Chair. Thus, its membership is drawn equally from the broadcasting industry and the public. The National Executive is responsible for initiating and overseeing the CBSC's informational and educational activities, reviewing complaints and making necessary code change recommendations to the CAB based on the complaints the CBSC receives, approving the Annual Report, advising on policy-related questions, and reviewing the progress of the Council in meeting its objectives. For issues of particular interest, the National Executive may also consider complaints (although it has not yet done so).

Five **Regional Councils** (Atlantic, Quebec, Ontario, Prairie and British Columbia) adjudicate complaints concerning member broadcasters in their respective regions. The Regional Councils may also recommend changes to the CAB Codes. These Councils represent the CBSC in their respective regions, by making public appearances on behalf of the CBSC, co-ordinating recruitment campaigns, and co-ordinating broadcaster education and awareness programs. Members of the Regional Councils are appointed by the CBSC (in close collaboration with the CAB and in consultation with regional broadcasters' associations and other interested groups and individuals). Three members on each Regional Council represent the public and three represent the broadcasting industry, with the Chair and Vice-Chair alternating between the two sectors.

The **Secretariat** is responsible for the day-to-day administration of the Council. Located in Ottawa, the Secretariat replies to complaint letters and directs them to broadcaster members for response, responds to public requests for information, issues news releases and decisions regarding complaints and other matters, prepares the Annual Report, maintains complete records of CBSC membership, and liaises with its members and the CRTC as necessary.

History Of The CBSC

The idea to create the industry self-regulatory body which became the Canadian Broadcast Standards Council dates from 1986. Details of the historical development of the concept and the Council have been provided in the first two Annual Reports and will not be repeated in the same way this year.

Suffice it to say for the purposes of this Report that the Council has since 1990 established an effective complaints-resolution mechanism, simplified its process from the public's point of view, broadened its approach to the interpretation of the Codes, and radically altered its method of rendering and publicizing its decisions.

The complaints mechanism itself is described at greater length; however, it would be valuable to flesh out that diagrammatic presentation. As the CBSC reflected on the dialogue it had always encouraged between broadcasters and the public, it realized that an important link was missing. The complaint process seemed dry and detached, the evaluation of a complaint against a code provision purely objective and, in some ways, unresponsive to the concerns of either the broadcaster or the listener/viewer. The dialogue was the link, the involved and subjective communication between the broadcast and the recipient ears and eyes. And yet there was no emphasis of the link in the process.

Accordingly, in the CFOX-FM decision of 1993, the Council acknowledged the importance of the link by deciding that it should be underscored and evaluated as a part of the complaints process.

It was a way of ensuring that the complainant was dealt with thoughtfully, appropriately, in sum, satisfactorily. It has also provided the CBSC with a method of recording substantial efforts regularly made by broadcasters to be responsive to their public. Even in circumstances where member stations have acknowledged an inadvertent breach of a code or even the station's own standards and practices, they have occasionally gone to extraordinary lengths to correct their error and provide satisfaction to the complainant. It has, as might be expected, resulted in plaudits for a broadcaster despite a code breach and occasionally a negative decision despite the absence of a code violation. Overall, the CBSC believes this bifurcated responsibility to respect the Codes and to communicate with the audience meaningfully has become an extremely valuable concept from the perspective of everyone involved in the process.

The requirement of responsiveness extends not only to the broadcasters but also to the CBSC itself. Accordingly, the Council has continually taken steps to revise its systems and structures to make them more user-friendly. Thus, the Council now only requires a straightforward written direction from the complainant, called a Ruling Request, to transfer the file to the appropriate Regional Council for adjudication.

The Council continues to believe that a more flexible approach to the Codes is a matter of great importance. The process of code amendment is necessarily long and involved. Not every circumstance can possibly have been envisioned in the three CAB Codes (Ethics, Sex-Role Portrayal and Violence) and yet one may justifiably assume that the spirit guiding broadcaster programming practices exists in those Codes. Accordingly, the various Regional Councils have felt comfortable in departing from a strict adherence to the Code language, occasionally expanding the obviously implied principles by reference to the Broadcasting Act, the Radio Regulations or Television Regulations adopted pursuant thereto, and even other codes from other jurisdictions. These have thereby enabled the Council to deal with almost every specific complaint entering its offices. This approach permits the CBSC's members to know with greater confidence that complaints can be dealt with within the self-regulatory framework rather than in the more formal governmental environment.

The decisions themselves have been altered in their presentation. The Council believed that these should be a more useful guide to both broadcasters and the public. Everyone having an interest in knowing the standards expected on the airwaves should be able to examine the results of the thoughtful deliberations of the dedicated members of the Regional Councils. Consequently, the CBSC now provides as much

detail as possible regarding the programming complained of, including the allegedly offensive remarks, transcribed in full, the Code provisions, any "imported" external code or statutory text, and the Council's rationale or explanation of the reasons for its findings.

In order to make these decisions more useful to broadcasters and the public, it was necessary that their existence be publicized. Well aware of the fact that the media tended to disregard the Council's decisions, the CBSC adopted a new approach to the release of decisions. They are no longer limited in their dissemination to the region in which they were rendered. Nor are they released by ordinary mail. The Council maintains a list of journalists across the country who have manifested an interest in the work of the Council or the media and faxes its decisions and accompanying press releases to ensure timely coverage. The result, at least in the case of the Mighty Morphin Power Rangers, which is discussed at length in this Report, has been much greater attention to the CBSC's decisions.

The CBSC takes pride in its evolution and believes that its bridging role between the broadcasters and the public is a valuable one. While its recognition among the radio and television audience is developing, the systems to cope with that growth are now solidly in place.

Codes Administered By The CBSC

The CBSC administers three Codes developed by the CAB and one created by the RTNDA (Radio Television News Directors Association of Canada).

The broadest of the Codes is the **CAB Code of Ethics**, which dates from February, 1988. The considerable territory covered by the Code includes the delineation of the broadcasters' responsibility for programming and ethical business standards. Matters covered in the Code include abusive or discriminatory material or comment; bias and editorialization in the news; treatment of controversial public issues; content and conduct of contests and promotions; limited advertising-related issues; and sex-role stereotyping.

The CBSC National Executive had previously recognized that the CBSC could not resolve certain types of complaints because the issues raised in a number of these did not fall within the letter of the provisions of the CAB Code of Ethics. As described in the previous section, a more flexible approach to the Code has been adopted which permits its broader application to complaints. The need for change is considerably less urgent as a result of the less rigid approach and the Council, in its continuing decision-making, has the opportunity to assess the areas which may ultimately benefit most from altered wording.

The revised **CAB Voluntary Code Regarding Violence on Television** is now in its second year of use. Developed in consultation with a broad range of media and citizen groups, including the CBSC, this Code affirms the broadcasters' commitment to self-regulation in the area of television violence. Furthermore, the Code is widely heralded as the most innovative regulatory instrument of its type in North America, if not the entire world.

The Code is dealt with at greater length later in this Report; however, it is worth summarizing its essential points here. It eliminates the broadcasting of gratuitous or glamorized violence at any hour of the broadcast day. In recognition of the special role of children in our society, the Code establishes a watershed hour of 9:00 p.m., before which no violent material intended for mature audiences may be shown. The establishment of this watershed hour does, however, acknowledge the principle of creative freedom by permitting the broadcast of violent material intended for mature audiences after the watershed. Children (persons under 12) are further protected by the creation of a special set of principles applicable only to their programming. These require a cautious approach in the use of violence in children's programming, permitting it when essential to the development of character and plot, and the avoidance of themes threatening children's security or which could invite dangerous imitation. Nor may programs containing realistic scenes of violence minimize the effects of the violent acts or suggest that violence is the preferred or only way to resolve conflict.

A classification system is envisaged by the Code and an industry committee is currently at work developing it. Viewer advisories are also anticipated and the Code contains special provisions dealing with violence against women, animals and specific groups. The special cases of violence in sports and news and public affairs programming are also addressed.

The **CAB's Sex-Role Portrayal Code for Radio and Television Programming**, which the CBSC has administered since the Code was endorsed by the CRTC in October, 1990, addresses such issues as exploitation of women, men and children; the portrayal of the diverse roles (family, professional and other) played by women and men; the portrayal of Canada's demographic diversity; and the balance, visibility and involvement of women in broadcasting.

The CBSC also administers the **Radio Television News Directors Association Code of Ethics**, which deals with journalistic practices. Because of its detailed discussion of journalistic practices, it has proved to be a valuable tool in dealing with one of the most active areas of viewer/listener concerns. Particulars of this important Code, which has governed the practice of news directors for nearly the past 25 years, are provided later in this Report.

Voluntary Code Regarding Violence in Television Programming

In January 1987, the Canadian Association of Broadcasters (CAB) became the first Canadian organization representing television broadcasters to develop a voluntary code setting limits and standards for the depiction of violence on television. The CAB revised the Code on Violence for the private television broadcasters that are its members, following a recommendation by the House of Commons Standing Committee on Communications and Culture. Once again, the CAB led all public and other private broadcasters with its new, more stringent Code, which was introduced to Canadians on October 28, 1993 and which came into effect for broadcasters on January 1, 1994.

The new Code did not lead to a deluge of complaints from Canadians, but its use in resolving a number of complaints about one children's program the Mighty Morphin Power Rangers demonstrated the power of this self-regulatory tool in helping broadcasters reflect Canadians' preferences in their programming. This was the first complaint under the revised Code on Violence that was referred to a CBSC Regional Council. The complaint was considered in the fall of 1994.

Other complaints considered under the Violence Code dealt with the issues of gratuitous violence, violence against women, the use of viewer advisories and violence in television show and film promos.

The Mighty Morphin Power Rangers

Initially, five viewers from Ontario accumulated 88 signatures from people objecting to the level of violence in the children's series Mighty Morphin Power Rangers, a program with a mix of live action and computer animation, shown on the Canwest Global System and other stations across the country. As parents, the viewers expressed their belief that the violence in the program had influenced their children, aged two and a half to seven years, to mimic the martial arts chops and kicks made by the characters in the show.

The Canwest Global System responded to the complaints by pointing to the moral message carried in each show and the positive image the characters portrayed to young viewers. Global said that it would continue to monitor the program but maintained that the Power Rangers program was cast in the long-standing tradition of children's shows that demonstrate the triumph of good over evil.

Two viewers were not satisfied with this response and asked that the CBSC's Ontario Regional Council consider their complaints. Global also wrote to the CBSC, expanding on their depiction of the show by saying that it "...does not feature death, blood or dismemberment in any of the episodes. We feel that the producers of the series are very responsible in this respect." In addition, they stated that "We should all appreciate that parents cannot use television as babysitters."

Because the viewers had not specified the air dates of episodes they found objectionable, the Regional Council reviewed tapes of two full weeks of the daily program, corresponding to the weeks immediately preceding the dates of the viewers' initial letters.

Council members found that the structure of each episode of the series was identical, even as to the order and rough timing of sequences. In each, the heroes, a group of high-school students, responded to a threat to their families or community made by a villainous monster. The boys and girls would use karate and other martial arts techniques to fight the villain; they would be transformed into robotic pre-historic creatures and then collectively become Megasaurus, a creature able to defeat the monster.

A breach of five provisions of the Code on Violence

The Ontario Regional Council found that the Power Rangers series breached five provisions of the section of the Voluntary Code Regarding Violence in Television Programming that deals with violence in children's shows:

- the program contained excessive violence,
- it portrayed violence that was not essential to the development of character and plot,
- it portrayed violence as the preferred, if not the only, way to deal with conflict,
- it minimized the physical effects of violence on people, and
- it demonstrated dangerous physical acts that children might be inclined to imitate.

Excessive violence

The Regional Council calculated the proportion of violence in each episode by subtracting from the thirty minutes of air time the time taken up by the opening and closing credits and the commercial breaks. They found that each episode included 4.5 to 6.5 minutes of fighting scenes, which represented from 25 to 35 percent of the episode's running time.

Council members concluded that the program breached the provision of the Code on Violence requiring that "very little violence ...shall be portrayed in children's programming." While the members agreed that each program contained a moral message, they considered that the moral message was overwhelmed by the amount of violence portrayed.

Violence not essential to develop character and plot

The Council found that the program breached a provision of the Code, addressed specifically to live-action children's programs, that "violence shall only be portrayed when it is essential to the development of character and plot." Council members considered that the overwhelming level of violence made it the "essential and dominant message of each episode." The Council determined that it is not acceptable to define a live-action children's show in terms of violence and then to defend the level of violence as essential to the plot for this reason. The members also pointed out that the violence did not serve to define character, as required by the Code, that in fact, character development took place completely outside the violent scenes.

Violence presented as the preferred way to deal with conflict

The Council concluded that none of the episodes of Power Rangers offered an alternative to violence as a means to resolve conflict between characters. While one of the characters, in teaching a martial arts class in one episode, conveyed the message that martial arts were to be used only in self-defence, and only if other attempts to resolve a conflict had failed, none of the episodes ever showed any attempt to resolve conflict by any other means than fighting.

Minimizing the physical effect of violence

Council members found that none of the shows portrayed the consequences of violence. None of the characters suffered broken bones, cuts or bruises as a result of the fighting. The decision stated that "...the Power Rangers constantly gloss over all consequences other than the predictable result that they always win as the result of the exercise of their martial skills. And life is not like that."

Dangerous acts that children might imitate

Because the program did not show the consequences of violent behaviour, the Regional Council considered that it encouraged children to imitate the kicking and punching moves, which could have real and dangerous consequences for the children and their peers.

Canwest Global modified the program

The two complaints referred to the CBSC Ontario Regional Council were not the only ones received by the CBSC or Global. Although the other concerned viewers did not choose to have their complaints

considered by the Regional Council, they constituted a unanimous voice of concern for the impact on children of the program's violent example. Global and the CBSC responded to all of these viewers by outlining Global's actions in respect of the Regional Council decision.

Global, in later correspondence, indicated that it had worked with the program's producers to eliminate the direct hitting and kicking segments of each episode. They also incorporated Power Rangers public service announcements into each episode, focussing on honesty, peer pressure, teamwork, confidence-building and respecting differences. Each announcement depicted the build-up to a negative situation, with a Power Ranger then appearing and offering suggestions on positive ways to solve the dilemma.

Other concerns for the CBSC

The Power Rangers decision raised two additional issues for the CBSC: the applicability of CBSC decisions to broadcasters that are not CAB members; and the need for a CBSC national council to deal with complaints respecting programs aired across the country.

A double standard for broadcasters

The Regional Council decision only applied to CIII-TV, the principal Global station. Other broadcasters, including U.S. networks and their Canadian cable distributors, and YTV, the Canadian specialty service airing the program, were not obliged to respect the Regional Council decision. This risked creating a double standard for broadcasters and Canadian television viewers. Global offered the modified episodes of the Power Rangers to all Canadian broadcasting companies, including specialty services, so that Canadians would see only this version of the show, even if they were tuned in to a U.S. cable station. None of the other broadcasters accepted the offer; some actually dropped the show; others continued to carry the original version of this U.S.-produced program. While such a situation can create a competitive disadvantage for CAB members, it also exposes Canadian children to violent programming that breaches Canadian standards.

Decisions of national importance

The CBSC also noted that, technically, the decision of its Ontario Regional Council was applicable only to CAB members in Ontario. Although the precedent would likely be applied to broadcasters elsewhere in Canada if a similar complaint were referred to another Regional Council, each application of the decision would require another unwieldy process of referral and consideration of a complaint. This shortcoming in the CBSC complaints-resolution process could be remedied by the establishment of a national council to consider complaints about programs carried nation-wide.

Other children's programming

A CBSC decision about one program can have repercussions for others. A viewer in Ottawa, for example, wrote to complain about the level of violence in the children's program V.R. Troopers. The viewer stated that this program seemed to mirror the level of violence and the content of the Power Rangers program. CJOH-TV, the Baton Broadcasting station that aired the program in the Ottawa area, responded with the information that the station had reviewed its children's programming in light of the CBSC decision on the Power Rangers. The station, like the viewer, considered that V.R. Troopers seemed to contravene several elements of the Code on Violence, and pulled the program from its schedule.

Silence of the Lambs

A representative of a national association wrote to the Canadian Broadcast Standards Council to lodge a complaint about the unacceptable violence against women and 'the subject matter, unspeakable horror and grotesque violence' in the film *Silence of the Lambs*, which had aired on CITY-TV. The viewer expressed the opinion that the film, which was "about killing and skinning women," was "completely unsuitable for airing on a non-discretionary basis over our public airwaves."

The Vice President of Programming at CITY-TV responded by stating that the station shared the viewer's concern about violence in society and violence on television and outlined how the station had reached the decision to air the film in an edited form. She explained that, after the station's Review Committee had recommended that the film should be aired, CITY-TV removed about eight minutes of scenes from the theatrical version of the film and scheduled it for a 9 p.m. broadcast. The station ran a special, extended disclaimer at the start of the film and further disclaimers at each commercial break, and kept its switchboard open to log any calls about the film. CITY-TV also asked cable companies in southern Ontario to simulcast the edited film instead of the less stringently edited version of the film that was being aired on a U.S. network that same evening.

In addition to explaining its precautions in airing the film, the station also informed the viewer about other viewers' responses. The Vice President informed the viewer that the station had received a total of 14 telephone calls and letters about the film, all from viewers upset over what they perceived to be CITY-TV's "over-editing" of the film. The complainant's letter to the CBSC was the only protest against the airing of the film.

The viewer was not satisfied with this answer and responded by referring to the Restricted rating given to the film by the Ontario Film Review Board and to the warning, "Brutal violence, horror, may offend some," that the film was required to post in advertisements for its theatrical release. The viewer decried the "wishy washy viewer advisories" which advise viewers of exactly nothing." The viewer further pointed out that the advisories do not inform television viewers that, according to the Film Review Board, the film should not be viewed by people under the age of eighteen.

An edited version of the film

The Ontario Regional Council reviewed the edited version of the film that CITY-TV had broadcast and determined that it did not contain gratuitous violence, nor did it sanction, promote or glamorize violence against women, as prohibited in the Code. They characterized the film as a psychological thriller that dealt with the psychopathology of serial killers. The Council pointed out that the film principally refers to murders that have previously been committed, showing killings on screen only when Hannibal Lecter escapes from custody and when the serial killer being pursued is found by the female Staff Sergeant.

The Council stated that the film did not glamorize violence, because violence in the film was depicted as being perpetrated only by sociopathic characters. Neither did it promote or focus on violence against women: "Of the two serial killers in the film, one killed only men and the other, the lesser role, had killed a man and thereafter women. The violent acts depicted were no more, and possibly less, focused on women than on men."

In rejecting the complaint, the Regional Council also stated that CITY-TV had gone further than required in airing oral and written viewer advisories throughout the film's broadcast. The Council added that the theatrical rating given by the Film Review Board was not relevant to the edited version of the film, since it is not the television version to which the Board applied its rating. In fact, it could be expected that, in general, as the decision pointed out, "a film with a restricted rating will not appear on conventional television in its original form."

Gratuitous Violence?

Two viewers wrote to complain about what they considered to be gratuitous violence in broadcast programming. A viewer in Montreal complained about the program *Homicide: Life on the Street*, which aired weekly on station CFCF. The viewer had been scanning stations and happened upon the introductory moments of the program, which showed "4 or 5 people shot in a few seconds with close-ups blood [sic] spurting out from the bullets." The Vice President of Programming at CFCF responded by informing the viewer that the scene in question lasted less than nine seconds and followed a set-up that lasted 3 minutes and 21 seconds. He also stated that there were no close-ups of blood spurting out; there

were wide shots and medium shots, but "more noise than anything else." The viewer did not press the complaint further.

A viewer in Ottawa wrote to complain about one segment of the mini-series *Scarlett*, and its "scenes of excessive violence against a female character...being abused, brutally beaten, raped and left unconscious on the floor by the man, who was later found stabbed to death." The viewer expressed the opinion that these scenes could have been left out of the segment and that including them promoted violence against women and linked sex and violence. The Vice President of Communications of the CTV Television Network responded by stating that the scene in question "related directly to the character of the man and the rest of the plot as it affected *Scarlett's* life her response to the violence against her, her prison term, and her new life with Brett." She stated that CTV believed that the scene "was integral to the story of *Scarlett*." The viewer did not ask for further consideration of the complaint.

Viewer Advisories

Several viewers complained about the lack of viewer advisories for films that contained scenes of violence.

Complex of Fear

A viewer wrote to complain that the CTV Television Network had aired the film *Complex of Fear* without viewer advisories. The viewer stated that the film contained:

...three rapes and one attempted rape...[that] openly showed the pain the women were experiencing, over a period of several minutes ... In one case the woman was bound at her hands and feet to the bed and the rapist ran his hand between her breasts, saying that she would enjoy the event.

The viewer also mentioned a scene in which a woman was violently raped in a room while her young son pounds at the door, screaming, "don't hurt my mom, don't hurt my mom." The viewer stated that the film "IS violent against women and children and to some men as well."

The CTV Vice President of Communications agreed that the Network was remiss in not placing a viewer advisory at the beginning of the film and before each of the scenes mentioned by the viewer. The Vice President informed the viewer that the producers had thought that, because the film was based on a true story, aired after 9 p.m., and was preceded by an explicit promotional opening describing the story, a viewer advisory was not needed. She said, "In this instance they made the wrong decision." The Network also responded to the viewer's concern that the film promoted violence against women by stating that the violence depicted was integral to the story.

The complainant was not satisfied with this response, stating that "CTV owes an apology to all its viewers," and asked that the complaint be considered by the CBSC Regional Council. The Ontario Regional Council agreed with CTV that the film did not glamorize violence or promote violence against women. The rape scenes, though difficult, did not show the rape itself or last more than several seconds. All of the scenes were followed by depictions of the consequences of the rape for the victims. The Council "affirmed that a film about rape does not necessarily condone rape."

The Regional Council agreed with the viewer and the Network, however, that CTV should have included viewer advisories before and during the film. The CTV Network was required to announce, during prime time viewing hours, the Regional Council's finding that it had breached the provision of the Code on Violence requiring viewer advisories before the film and during the first hour of the broadcast.

Edited movie required audience advisory

A viewer in Edmonton wrote to complain about the airing of the film *Dangerous Intentions*, on the CTV Network. The viewer expressed the view that the film was extremely violent and that it glamorized violence against women. The Network responded by stating that the movie should have been preceded with a viewer advisory and that they had reviewed the policy on advisories with the personnel concerned. The Network Vice President of Corporate Communications also informed the viewer that the editor who worked on the movie had cut as much out of the violent scenes as possible without destroying the plot, which was based on a true story. As a result, the Network did not believe that the film was excessively violent or that it glamorized violence against women.

Parental supervision recommended

A viewer in Orléans, Ontario wrote to the Télévision Quatre Saisons network to complain about the level of violence in the film *Justice en différé*, which had aired at 8 p.m. Without going into details, the viewer noted that the film opened with a scene of two young girls in a field who are killed by a man. With children aged 5 and 9, who were still awake at 8 p.m., the viewer was concerned that they should not be exposed to such images.

The network responded by stating that they did not consider the film to be adult fare that must be scheduled after 9 p.m. The pointed out that the scene in question was not explicit, that it only suggested violence and was essential to later plot development. None the less, in light of the viewer's concerns, the network reconsidered its audience for the film and decided that any future airings would include a viewer advisory stating that the film contains scenes that may not be suitable for children, that it is intended for an audience aged 13 and over and that parental supervision is recommended.

Violence in Advertising

Two viewers complained about the timing and placement of ads containing violent scenes. A viewer in Ottawa wrote to complain about the 8 p.m. airing of an ad for *Mortal Kombat* on the Canwest Global System. The viewer stated that the "extremely violent and sexist commercial" should not have been aired during *The Simpsons*, a time during which children could be expected to be watching television.

Global responded by explaining that the commercial had been screened by the Telecaster Committee, which was responsible for clearing such ads, and had been approved, provided that broadcasters use discretion in airing the ad. While other broadcasters chose to air the commercial before 7 p.m., Global delayed its broadcast until approximately 8:30 p.m., during *The Simpsons*, which they considered to be an adult program. The network informed the viewer that the commercial was no longer being aired as it was being replaced by a revised version.

A viewer in Baddeck Inlet, Nova Scotia wrote to the Atlantic Television System (ATV) to express concern over a promotional spot for the daytime drama *Family Passions*, which aired during the *Dini Petty Show* and which included scenes of "people being beaten and terrorized." The viewer, who had been watching television with a 4 year-old child, was concerned that such violent messages were being aired during family programming.

ATV responded by saying that it had placed the promotional spot for *Family Passions* during a program that is not intended for children. They stated that they were careful to air the promo only during programs targeted at an adult audience, and that the *Dini Petty Show* targets an audience of women aged 18 to 54 years.

Sex-Role Portrayal Code for Television and Radio Programming

In 1994-95, complaints about the portrayal of the sexes on television and in radio programming focussed on differing interpretations of what constitutes exploitation of women and on the appropriate scheduling of material with "mature" content.

Taking Offense

In informal dialogue on television or radio, off-hand comments by hosts and reporters may reveal individuals' perceptions of the roles and expected behaviour of the sexes. Where these differ from viewers' beliefs, a joke or an off-hand comment can cause offense. When this happens, broadcasters and the public can have recourse to the CAB Sex-Role Portrayal Code for Television and Radio Programming.

A viewer of CFTO-TV in Toronto took exception to a remark made during the evening newscast in the context of a discussion about a movie dealing with sexual harassment. In a review of the film *Disclosure*, the entertainment reporter referred to a statement made by one of its stars. The reporter said:

...unlike his *Disclosure* co-star Michael Douglas, another star of the film, Donald Sutherland, says he won't treat women any differently now that he's made a movie about sexual harassment. Sutherland says he's too old to change and says he even takes off his hat when a woman comes into the room. But the last time he did that he said the woman gave him a dirty look. Well, come on, Donald taking off your hat in front of a woman you've never met before...now that's sexual harassment if I've ever heard it.

The viewer expressed the opinion that such a spontaneous remark had "no place in an entertainment clip or on television in general." The viewer had called the station immediately after the segment had aired and an employee there had read back a transcript of the conversation. The viewer confirmed the content of the offending statement and then had the following exchange with the employee:

Employee: What?! He can't make a joke?

Viewer: It's not funny, it's offensive.

Employee: That's your opinion, I have other calls ahead of me.

Viewer: I see you have the same problem.

The viewer advised that the employee then hung up the telephone.

In the letter of complaint, the viewer expressed the opinion that a reporter commenting on something as serious as sexual harassment should be sensitive to the issue and not belittle its existence.

CFTO's Vice President of News and Public Affairs responded to the letter by saying that he had reflected on the on-air comments and discussed them with colleagues and concluded that they were harmless remarks that did not encourage sexual harassment or belittle its existence. He expressed the view that "The intended humour is of a very gentle nature and flows I take it from the wide range of opinion in society about the nature and definition of sexual harassment. Much legitimate comment is made about this."

The viewer was not satisfied with this response and asked the CBSC to refer the matter to the Ontario Regional Council. The Council reviewed a videotape of the segment and read the correspondence related to the complaint. Taking account of the reporter's tone of voice and attitude, and the context of the full discussion of the film, the Council concluded that the station had not violated the Sex-Role Portrayal

Code. The Council members considered that the remarks were made lightly, with no intent to exploit or degrade the role and nature of women in society.

Bikinis and Dignity

A viewer in Whitby, Ontario wrote to complain about an episode of the television program Baywatch, which aired on CHCH television. The viewer stated that the program, which aired at 8:00 p.m., showed a main character, "a blond Brigitte Bardot look alike [sic] private parts were paraded before the camera and zoomed' in on for a considerably lengthy time." The viewer expressed the opinion that:

...this type of soft-porn was more hard-core than many of the 1-800 sex phone lines advertisements which I also disagree with, but if its any consellation [sic] they are aired after 11:30 or 12:00 a.m.

She went on to express the view that this portrayal of women "costs women their dignity, honour & quite often their lives!!"

The station's Executive Vice President and General Manager responded by saying that he had screened the episode in question and was unable to find any example of a scene that matched the viewer's description. He said:

Perhaps we are using different interpretations of the phrase "private parts" because there are many scenes in which both female and male actors are photographed in bathing suits, and in the case of the females, those suits are bikinis. This scene is repeated on virtually every beach in the western world on every day that the weather allows. Surely the parts of the anatomy that are exposed when wearing a bathing suit cannot reasonably be described as "private parts".

In response to the viewer's parallel between the program and pornography, the Executive Vice President said that:

In the entire episode in question there was not even one scene in which kissing was shown, let alone any greater degree of sexual contact. There was no sexual innuendo, certainly no coarse language, and absolutely no violence. I have difficulty understanding how the photographing of healthy, attractive young adults in beach wear can possibly be described in the terms you chose.

The viewer was not satisfied with this response and asked that the complaint be considered by the Ontario Regional Council of the CBSC. The Regional Council reviewed a tape of the episode in question and the correspondence from the viewer and the station. They agreed with the broadcaster that the program did not exploit women. Council members noted in particular that the program did not contain any content that could be considered sexual.

Is This Pornography?

Two viewers wrote to complain about brief scenes on television that they said exploited women. A viewer in St. George, Ontario complained about a scene in the movie Deadly Invasion, which aired on CHCH-TV. The viewer wrote that this was an "important and informative film but marred by a display of sex." The Executive Vice-President of CHCH responded by saying he had carefully screened the movie following the complaint, but that he was:

...perplexed as to which scene is the one you describe... The only scene that might remotely be described this way is one in which there is a long shot of a young woman who opens the front of her blouse to the view of a passing trucker. I must emphasize this shot was from the back of the young woman and from a considerable distance. No scenes showing any explicit sex were contained in the remainder of the movie.

A viewer of Canwest Global in Ottawa lodged a complaint about a story on the Harlem Dance Theatre that aired during the Entertainment segment of the evening news. The viewer wrote:

The male dancers wore jockstraps and had bare buttocks. This sort of display does not belong on family TV during the dinner hour, when young children are watching. As a matter of fact, it does not belong on TV at all, because it's closer to pornography than art.

The Vice-President of the Canwest Global System responded by explaining why they chose to include the story in the early news. He said:

This is a highly classical production, in many ways breaking the barriers of traditional ballet, giving more freedom of expression to the performers, making it most interesting to view.

The performers wear costumes which are appropriate for the performance and in no way are they pornographic in their design.

Neither of these viewers asked that their complaints be referred to the Regional Council for review.

Sex and Intrigue

Several people complained about the airing of films and television programs containing scenes of sexuality and intrigue.

Exotic Dancers, Leering Spectators

A viewer in Montreal complained to CFTM-TV about the 7:30 p.m. airing of the film *Toutes folles de lui* [Crazy about him]. The viewer said that the film was offensive and insulting, especially toward women. The viewer complained in particular about scenes of spectators leering at exotic dancers in a bar. The viewer asked rhetorically if the station's censor was off that night.

The station responded by explaining that it scheduled its films according to the overall classification awarded to them by Quebec's Bureau de la censure [Censor Board]. The Bureau had given this film a "General" rating, so the station had left it to viewers to decide if the film was appropriate to their tastes. The station noted that, to protect children, it aired films containing scenes of violence only after 9:00 p.m. None the less, in light of the viewer's comments, the station questioned the values presented in the film and decided that, in the future, it would be aired only after 9:00 p.m., a time when unsupervised children are unlikely to be watching television.

The viewer wrote back to the station expressing satisfaction with the professionalism accorded the complaint and appreciation for the station's effort to limit the broadcast time for the film, but expressed the view that the film would remain offensive no matter what hour of the day it is aired.

Risky Business

A viewer in Mississauga wrote to CITY-TV to complain about the airing of the film *Risky Business* at 8:00 p.m. The viewer was concerned that the film "had fairly graphic sex scenes between obviously youthful teens. ...and contained no family values whatsoever. ...The movie condoned lying, [sic] disobedience to parents, and glorified prostitution and pimping." The Program Manager at CITY-TV responded by clarifying that the station had postponed its usual movie start time and aired this film at 9:00 p.m. It had made some, but not extensive cuts in the film and included disclaimers to alert viewers to the content. The Program Manager stated that the film's sexual scenes were brief and integral to the development of the plot. She quoted film critics who described the film as a satire that was "slightly unreal."

Sex, deceit and murder, after dinner

A viewer in Regina and a viewer in Balgonie, Saskatchewan both wrote to complain about the airing, by the Baton Broadcasting System, of the programs *Melrose Place* and *Models Inc.* between 7:00 and 9:00 p.m. The Regina viewer said, "I monitor and limit the times my kids watch not expecting to have to explain deceit, murder and kidnapping to my child..." The Balgonie viewer wrote:

They talk about drugs... and they do drugs. They talk about sex... and they do sex. They do it in the office, they do it with a priest, they do it with hookers, in fact they do it with any and every man or woman that happens to come along. In one episode there was reference made to being tied up with handcuffs and using whips as toys. They are shooting each other, beating each other up, stabbing people, running them down with cars and slapping women around.

This viewer acknowledged that these programs were being aired at an early evening hour in Saskatchewan because the broadcasts originated in the United States, in the eastern time zone, where they were aired at 9:00 p.m. and later. In addition, the viewer stated that, "Adults see these shows as entertainment. Children see them as a way to live your life. No wonder we have such high rates of teen pregnancy, drug abuse and violence against women."

The Baton Broadcasting (BBS) Vice President of Programming responded to both viewers by explaining that BBS "simulcast" the two programs in the time slot used by the U.S. network's eastern affiliate, a practice introduced to protect advertising revenues for the Canadian television industry. Because the two programs were being aired earlier in Saskatchewan than in other parts of Canada, BBS included viewer advisories so that viewers could select other channels if they wished.

Code of Ethics

The Code of Ethics of the Canadian Association of Broadcasters guides television and radio stations and networks in their efforts to offer quality programming that has integrity and that gains and maintains public support and respect. In 1994-95, members of the public expressed concern over statements and jokes that they believed discriminated against particular individuals or groups in society. They also complained about what they perceived to be a lack of balance in the reporting of controversial subjects, and about satirical advertisements that they considered to be in poor taste.

Talk Radio...Not Talking Today

In Ottawa, a listener to radio station CFRA-AM wrote to complain about the actions of Steve Madely, a talk-show host, during a broadcast in which the host had indicated that he hoped to talk about drunk driving. The listener advised that, after one or two calls, the host:

...suddenly got very angry. He said "Goddammit" and again used profane language. He used the word "Damn" more than once. By his tone of voice, there was no question he lost his temper while doing a live broadcast.

...After several minutes, he said "That's it folks the file is closed and it's going to stay closed!" and continued speaking angrily...

The listener was particularly upset at the anger the host expressed in addressing his audience and at his use of profanity.

The General Manager of CFRA responded by pointing out that:

Mr. Madely's program has been and always will be one that involves a great deal of controversy and passion. In talk radio, these two explosive ingredients are the essence of why listeners tune in. ...When people are passionate about things, they get emotional. Since people are only human, that emotion is bound to spill over, on to the air. What you heard from Mr. Madely was genuine passion for the subject matter.

The General Manager also said that the language used by the host is part of the mainstream culture.

The complainant was not satisfied with this response and asked that the matter be reviewed by the Ontario Regional Council, saying that the host's actions and manner were not worthy of respect. Further, the listener questioned whether the host had the right to refuse to take more calls on the subject of the broadcast, cut off a caller without allowing her to express her view and then hang up on her. The listener also objected to Mr. Madely's use of sarcasm in addressing the public.

The Ontario Regional Council reviewed the correspondence and a tape of the program, which showed that the host had introduced the subject of drunk driving with an air of pessimism about the probable course of the show. He had said:

And I'm trying to get some people excited about drunk driving although, quite frankly, it's the third time I've tried to do it and I, eh, judging by the phone lines, I've failed again.

After taking two telephone calls, he said:

And that's it. I'm going to close the topic. And I can't tell you how sad I am to do that. But I am going to close this file and I'm going to put the file away because no one gives a damn. And that's the way it is, folks. And if I'm ticked off, I've never been so ticked off at an audience as I am right now. I mean, I can't

believe, I don't know what it will ever take to get you motivated, other than to take you to a funeral or to pull you into a living room or into an emergency room, 'cause that file is closed, dammit. And I just, what will it ever take to get people to notice the suffering that goes on around them? These are 450 families out there a year that someone's been killed, a father or a mother or a daughter or a son or a cousin or an uncle or an aunt. And the kids whose lives are ruined, who, paraplegic and quadriplegic, and brain injury and back, and loss of limbs, and the lives that are put into a state of limbo because of this crime that has taken place in Ontario.

And no goddam wonder that you can't get politicians involved if you can't get the people involved. If you can't get angry about it and you can't get upset about it and you can't demand action on it, no wonder you have politicians who can't. It's your own damn fault.

The host went on, sarcastically, to invite people to call in to talk about the weather. When the next caller tried to talk about drunk driving, the host spoke over her statements, making comments about the weather. The caller asked if the host was going to let her speak about drunk driving and when he said "No," she responded, "You're nuts, stupid."

The Regional Council decided that the host and the station had not breached the Code of Ethics, although the host's actions and words were clearly not to the liking of some audience members. The Council pointed out that the host had been angry and had used sarcasm in addressing his audience but he had not insulted or intimidated any callers. While the host had temporarily cut off debate on the subject, he had not done so because he disagreed with a view expressed by a caller. It was also not clear whether it was the host or the last caller who had hung up on the other. The Council considered that the host was being dramatic to stir his audience, but not in a discriminatory or abusive way.

While the Council had some reservations about the language used by the host, the members indicated that the words used had become "marginally acceptable" in general use. They pointed out that, while the word "Goddamit" might be considered blasphemous to some listeners, the host had not been intentionally irreverent or irreligious, but had used the word as an "epithetic expression of frustration".

This Caller "Doesn't Count"

A listener to another open-line show on CFRA-AM in Ottawa wrote to protest host Lowell Green's treatment of a caller who had identified herself as a "born-again Christian." The listener said that the host had been urging women to call in to the show, which was about "What is wrong with Canada today." When the female caller started off by saying that she was speaking from the perspective of a "born-again Christian," the listener said she:

...was stunned by the brutal verbal assault to which she was immediately subjected by Mr. Green, who snarled before he cut her off, "Oh no you born-again Christians are not going to come on my program and preach to me" or words to that effect.

The listener asserted that the host then made a number of demeaning, defamatory retrospective comments during succeeding calls, including "born-again Christians don't count", i.e. "their opinions are unworthy of consideration."

The News Director at CFRA responded by including a transcript of the exchange and expressed the opinion that Mr. Green's treatment of the caller did not:

...constitute "a brutal, verbal assault," ...the point [Mr. Green] was making was that the program was to deal with "What's wrong with this country," (meaning the French-English debate) and that the discussion of religion was clearly not related to the subject at hand.

The News Director said that Mr. Green "has repeatedly allowed people with conservative Christian views onto his program" and expressed the view that the caller was being cut off, not:

...for being Christian, but rather what Mr. Green perceived to be "preaching" to him in a way not related to the topic at hand. When it's germane to the discussion, we always allow Christians and other groups, the chance to have their say. It's only fair.

The complainant was not satisfied with this response and asked that the Ontario Regional Council consider the matter. In a second letter, the complainant countered the News Director's assertion that the show was limited to the English-French debate. The complainant also expressed the view that Mr. Green's treatment of the caller was discriminatory.

The Regional Council reviewed all of the correspondence related to the complaint and listened to a tape of the portion of the show related to the host's exchange with the "born-again Christian" caller. Because the Council did not have a tape of the entire open-line program for that day, it could not address the contention that the host made additional comments about Christian people later on in the program.

The tape of the excerpt of the program began with the following:

Mr. Green: ...Here, we're getting the third woman [of the day]. Can we have some applause here or something. Third woman. Way to go. Janet, you're making history here.

Caller: Well, I'm a practising Christian, and I know that Canada...

Mr. Green: Oh, oh. Oh, oh ... wait a minute ... when you start off...

Caller: We in this country have turned our backs on God...

Mr. Green: Okay. All right. Get lost. Get lost. Get lost. A preacher again. Sorry ...that ...She doesn't count.

The host then cut off the caller, greeted the next caller and added, "When born-again Christians phone me and start preaching before they even take a breath, I get ... time for me to go."

The Regional Council decided that the station had contravened two clauses of the Code of Ethics. The Council considered that the exchange discriminated against an individual on the basis of her religion because, by cutting off the caller, the host had acted as though the woman's religion "made her unqualified to speak on the subject at hand." The station had also not allowed for the "full, fair and proper presentation of ...opinion, comment..." as provided for in the Code of Ethics.

In their deliberations, Council members referred to CRTC guidelines on open-line programming, which state that these programs "offer an opportunity for lively public discussion...[providing] the public with an outlet for the expression of a wide range of differing views." The Council also noted that the CRTC has expressed concern that such programming must "provide reasonable, balanced opportunity for the expression of differing views on matters of public concern..." The Commission calls for the hosts of open-line shows to maintain the quality of the shows, and refers to "abuses such as intimidating and insulting callers, cutting off those with different points of view..."

The Regional Council also considered the Canadian Association of Broadcasters' reference, included in a submission to the CRTC, to open-line programming as "an important expression and reinforcement of true democracy." The members found that the host had not achieved an acceptable balance between freedom of expression and the imposition of reasonable limits on debate. Council members concluded that the host had been rude and aggressive with the caller, had not allowed her to speak and in this way had infringed upon her freedom of expression.

CFRA-AM was required to air an announcement describing the Council's decision during peak listening hours.

Just for Laughs

A television viewer in Don Mills, Ontario telephoned CKVR-TV in Barrie to complain about the program Just for Laughs, which aired at 11:30 p.m. on Sundays. The viewer then followed up with a written complaint, saying:

I was extremely offended by last week's broadcast of "Sister Mary"'s act.

Never before have I heard such a blatantly offensive contempt [sic] & ridicule of God, the Bible, & His Son Jesus. *I enjoy the comedy shows, & can laugh at religious jokes but there is NO excuse for the completely disrespect [sic] & filth spewed from this Sister Mary. I could not believe my ears *nor that it wasn't just one joke in poor taste* but a continuous stream. Particularly offensive was her reference to the **Lord Jesus Christ** as a homosexual. [Emphasis in original]*

The Program Manager at CKVR acknowledged the viewer's displeasure but said that:

You did not mention the date that you saw this program on CKVR. This information would be helpful to us in order to pinpoint the episode and make note for any potential future airings.

We record the show from CBC in Toronto so if you require a copy you must contact them directly.

The viewer was not satisfied with this response and asked that the complaint be considered by the Ontario Regional Council. The Council reviewed a tape of an episode of Just for Laughs in which a fictional "Sister Mary Immaculate" made a number of jokes about religion and about her trip to Montreal. In one joke, she responded to the question "Where does the Bible stand on homosexuality?" by quoting a passage in the Bible where God states, "get thee behind me, Satan."

The Council considered whether the joke breached the Human Rights clause of the Code of ethics, which requires broadcasters to ensure that their programming contains "...no abusive or discriminatory material or content which is based on...religion..." They concluded that the humour in the program was not discriminatory against any particular religious group and that, therefore, the station had not breached the Code of Ethics.

Council members, however, faulted the station for its poor response to the viewer's concerns. CKVR-TV was required to air, during prime-time hours, an announcement of its breach of the CBSC standards for responsiveness to viewer concerns.

Losers, Misfits and Poor Taste

An Association wrote to the Chairman of the Canadian Radio-television and Telecommunications Commission (CRTC) to complain about an episode of the cartoon show Beavis and Butt-head on CITY-TV. The complainant referred to the repeated use of the word "slut" to describe a woman:

Referring to women as sluts constitutes more than just bad manners Mr. Spicer. It constitutes using the public airwaves to promote hatred against an identified group women. We are therefore demanding that the CRTC direct CITY-TV to cease and desist.

The CRTC referred the letter to the CBSC, which in turn sent it to the broadcaster concerned. CITY-TV responded by saying the program "is a cartoon nothing more, nothing less." The station acknowledged that the show is controversial, but said that it came out of a tradition that has included The Three Stooges and Bart Simpson. Beavis and Butt-head, the Program Manager said:

...are an exaggerated parody of two teenage misfits whose antics take place in a cartoon world antics they know are obviously unacceptable and not to be emulated in real life. ...the current younger

generation who enjoy [sic] this show has its own distinct music, language and humour shaped by the world in which they live. ...

...[Beavis and Butt-head] are viewed as complete misfits and losers with no productive future. Therefore, what they say and what you have objected to is not considered appropriate language by anybody.

Is all insulting language unacceptable?

The association did not accept this response and asked that the complaint be referred to the Ontario Regional Council. In a letter following up to the Program Manager's response, the association said that CITY-TV believes it can air insults against identified groups in society if the sentiments are expressed by cartoon characters. The association went on to say:

It therefore follows that CITY-TV would also broadcast insults directed at other identified groups. For example:

Kike, raghead, nigger, wagon burner, gearbox, squaw, spic, wop, paki...

The association held that insulting language is unacceptable from humans and unacceptable "coming out of the mouth of a cartoon nitwit, a talking frog, a plush pig puppet, a large purple dinosaur, or any of the other non-human figures who turn up on television."

The Regional Council reviewed all of the correspondence related to the complaint and watched a tape of the episode in question. Council members noted that the dialogue took place as Beavis and Butt-head watched a television show that was airing brief video clips of women. These women, the Council noted, were not identifiable as actual characters or personalities in any television show. The dialogue went as follows:

Butt-head: Check this out.

Beavis: Olivia Newton-John sucks.

Butt-head: That's not Olivia Neuter-John [sic]. That's that rich chick from 9-0-6, mmm-2-6-1.

Beavis: Oh, yeah, Donna.

Butt-head: That's not Donna. Donna's the slut. This is Kelly.

Beavis: No way, dude. Donna's not a slut. She's a virgin. Kelly's the slut.

Butt-head: Does she look like a slut to you, Beavis?

Beavis: Yeah. That's why it's Donna.

Butt-head: Yeah, but you just said Donna's not a slut.

Beavis: Oh, yeah. That must be Kelly.

The Regional Council decided that this segment of the Beavis and Butt-head show was not insulting to women. It was, instead:

...a comment about a specific person in a specific program. The word "slut" was not generically applied to women or even to women in the particular program. It did not incite hatred against any group or even against any individual person...

Whether the use of the term is precise or not in assessing the character of Kelly is not in issue. It is a term which has been in use for more than five centuries to refer, according to the Oxford English Dictionary, to "a woman of a low or loose character; a bold or impudent girl; a hussy, jade," and, since 1664, "in playful use, or without serious imputation of bad qualities..."

The Council considered that the specific usage of the word lacked the attitude necessary to make it a violation of any CAB code. The Council's decision went on to say:

...there [is] no equivalence between the word "slut", which is not by its nature a term of generic application, and the list of epithets included in the association's February 14 letter, which are, as a rule, only applied by their users as negative sweeping racial slurs. That "slut" and a list of other contemporary slang terms may not be generally appropriate language does not relegate it to the discriminatory scrap-heap of the complainant's ugly examples.

An Adult Cartoon

In a letter to the CBSC, a viewer of CFMT-TV in Toronto complained about the content of an episode of the program *The Simpsons*. In the letter, the viewer expressed the opinion that the program contained language and scenes not suitable for the young people who watch it. The complainant also stated that, when contacted by telephone about this concern, the station had responded by saying that the program was produced by the U.S.-based Fox Network and that the viewer should address the complaint to that network.

The CBSC forwarded the viewer's letter to CFMT-TV and the station's General Manager responded by letter. The General Manager pointed out that the program was an "alternative style program" that had been on the air for five years. He also asserted that, "Although the show is in animation, it is not designed as children's programming."

Unsatisfied with this response, the viewer asked that the complaint be considered by the Ontario Regional Council. The Council agreed with the station that *The Simpsons*, although a cartoon, is not intended primarily for children. Council members therefore considered that the program did not violate the Code of Ethics provision regarding the content of programming intended for children. While Council members acknowledged that some children watch this program, they considered that it is not intended for their unaccompanied viewing. Council members stated that it is therefore important for parents to "put the program into context, as an example of what children should not do."

Council members noted further that the program aired at 7:30 p.m., "in a time slot when parents can more readily fulfil the responsibility of determining the suitability of a program for their own households." Furthermore, they did not consider the program to be one that should fall into the category of shows that are intended solely for adult audiences and that should therefore be shown after 9 p.m. or aired with viewer advisories.

The Regional Council also commented on the broadcaster's responsiveness. While they acknowledged that the General Manager's letter response was sufficient, they expressed dismay at the viewer's description of the response to the telephoned complaint. Council members stated that, while a broadcaster may wish to encourage a viewer to contact the producer of a program to express concern about its content, broadcasters must not attempt to sidestep their own responsibility for the content of the programming they broadcast.

Style and Lifestyle

A listener to CHQR-AM radio in Calgary wrote to complain about an announcer's joke related to a cover article in Vanity Fair magazine, which had featured photographs of singer k.d. lang and model Cindy Crawford together. After commenting on the article, the announcer aired a satirical "advertising spot" for "The Vegetable Institute," which was supposedly endorsed by k.d. lang. The male voice advised children to eat their vegetables and stay away from red meat. The voice said that eating vegetables would "put hair on [their] chests too."

The listener said that the spot was `obviously referring to lang's sexual orientation and the stereotype that all lesbians are masculine.' The listener further said that `such homophobia is loathsome and the promotion of such stereotypes unacceptable.' The letter closed by saying that `it is one thing to make light of her political stance on eating meat, but quite another to mock her sexual orientation.'

In response to the complaint, the Program Director at CHQR said that, as a public figure, Ms. lang was open to parody, as are politicians. Saying that the Vanity Fair article was a self-parody in which Ms. lang had actively participated, the Program Director considered it to be an overall indication of Ms. lang's style, presence and demeanour. He said that the "advertising spot" was aired in this same spirit of fun. He also pointed out that "at no time was there any mention of sexual preference." He apologized for any offense taken by the complainant.

The complainant was not satisfied with this response and asked that the complaint be considered by the Western Regional Council. While the Council saw the spot as a spoof of Ms. lang's vegetarianism, it considered that, even if it were related to her sexual orientation, it could not be said to be discriminatory and a breach of the Code of Ethics. The members noted that the spot took the same approach as the Vanity Fair feature, in which Ms. lang had chosen to present herself in masculine clothing. The Council considered the intent of the spot to be simply humorous.

Public Parodies and Poor Taste

A listener to CHOG-AM in Toronto wrote to complain about a segment of the Jesse and Gene Show that featured a parody of Member of Parliament Jag Bhaduria. Over the tunes of songs by the Beatles, a voice impersonating Mr. Bhaduria had sung lyrics that reflected the politically controversial situation in which the politician had been embroiled at the time. The complainant said:

During the previous few months there have been numerous incidents when this show has promoted hatred against people from the Indian sub-continent.

Of late, under the guise of Jag Bhaduria bashing, these attacks have intensified. I accept that as a public figure Jag Bhaduria is fair game ... [h]owever ... the show really went overboard in ridiculing, and spreading hatred about people from the Indian sub-continent. ...the show broadcast parodies of [Beatle] songs in a stereotypical accent, with lyrics that were insulting, defamatory, and exposed the whole community to contempt.

The Vice-President of Programming at CHOG-AM responded by agreeing that the re-written lyrics were "graphic and sometimes colourful," but denied that the piece was racially motivated. He added:

The voice used in the commercial is in fact an impersonation of Mr. Bhaduria, not simply a stereotypical East Indian accent ... [O]ne of the individuals who works for the morning show is a professional voice over announcer with dozens of national credits and awards to his name. He is also an expert impersonator ...

The Complainant was not satisfied with the station's response and asked that the matter be heard by the Ontario Regional Council.

The Regional Council read all of the correspondence related to the complaint and listened to a tape of the broadcast. When considering whether the parody was discriminatory and in breach of the Code of Ethics, the Council compared the circumstances to those of a similar matter, related to CFOX-FM, Vancouver, which was decided by the British Columbia Regional Council in 1993-94. In that instance, the B.C. Regional Council had said:

It is not any reference to "race, national or ethnic origin, religion, age, sex, marital status or physical or mental handicap" but rather those which contain "abusive or discriminatory material or comment" based on [these grounds] which will be sanctioned.

The key element for the Regional Council was that, for a parody to be free of discrimination, it must be aimed at an individual in his or her capacity as a politician, and not at the particular group in society to which he belongs. In this case, the Council agreed with the station that the parody had been directed toward Mr. Bhaduria himself and not toward Indian people as a group.

"Ed," the Talking Sock

A viewer in Barrie, Ontario complained about promotional ads for a new program called Ed the Sock, to be broadcast on CITY-TV in Toronto. The ads had aired during the two-hour premiere episode of the show Star Trek-Voyager, from 8:00 to 10:00 p.m. on a Monday. The viewer first called the station, where an employee responded to the complaint by saying she "had no problem" with the ads. The viewer followed up with a letter of complaint, saying:

In one ad, Ed the Sock, a cigar-chomping sock puppet dressed in a Star Trek uniform announces, "Star Trek fans have great sex lives; too bad they have no partners". In another, the sock which has no arms complains that the only way he can scratch an itch is if he gets excited.

The viewer considered that the promotional spots "were clear references to masturbation and erections" and complained that they were aired "during an extremely well-advertised premiere showing of an adventure show popular with young people."

After receiving the complainant's letter, CITY-TV asked its Internal Screening Committee to review the promotional spots. The station's representative said that the Committee "felt though they were 'silly', they were not offensive and ...the humour used was subtle enough that only mature viewers would understand it."

A representative of CITY-TV responded to the viewer by explaining that the promotional spots had been produced to air only during the Star Trek premiere, because the audience for that show was found to be "overwhelmingly adult," the same audience sought by the new Ed the Sock show. The representative stated that the new show's sock character was a "surly outspoken character in the tradition of Archie Bunker," and that the humour was geared to adults.

The viewer was not satisfied with this response and, asking that the complaint be heard by the Ontario Regional Council, said:

...In our society, Citytv (and any station or advertiser) is free to create what some would term as offensive commercials and insert them during programs reflective of the tone of the commercials; however, I feel stations are not free to insert commercials of this kind during programs which have cross-generational attraction. I do not choose to view crude programming, so why should crude commercials be imposed upon me during programs with general viewer appeal.

The Council reviewed the correspondence related to the complaint and watched tapes of the three 5-second promotional spots. Council members considered whether the spots contravened the Code of Ethics provision that advertising "shall be in good taste, simple, truthful and believable, and shall not offend what is generally accepted as the prevailing standard of good taste."

The members noted that the first of the ads, which it considered was probably the most "on the edge" of the three, aired at 8:28 p.m., just thirty minutes before the "watershed hour;" the second ad had aired at 8:37 p.m. and the third at 9:26 p.m. The watershed hour of 9:00 p.m. has been used by Canadian broadcasters to delineate the time before which no programs containing violence intended for an adult audience will be shown. Broadcasters have also come to consider this hour as the threshold for other types of adult programming as well, although they are not bound by any Code requirements to this effect.

The Council took this into account as it considered whether the station had erred in airing these ads during the Star Trek Voyager broadcast. In this respect, the members noted that the ads were broadcast very close to the watershed hour. The Council also assessed whether the program was intended for an adult or general audience. The members did not agree with the complainant's contention that the film could be expected to have "general" viewer appeal (age ten and up). They noted that, had the broadcaster desired or expected that result, the show would have been aired at an earlier hour. They also stated that the humour in the ads was at a level that would have been understood mainly, if not only, by adults. For this reason, the Council believed that the humour would not have offended younger viewers; it did not include offensive language and was not graphic or vile. "At most," they said, "it could have been described as suggestive."

The Regional Council therefore decided that the ads did not go beyond the "prevailing standard of good taste" as proscribed by the Code of Ethics.

All you need to put on...

Three Toronto-area viewers of CFTO-TV and CFMT-TV complained to the Canadian Radio-television and Telecommunications Commission about a commercial for radio station CHUM-FM which had aired in the fall of 1993. The commercial depicted an unclothed man wearing a set of headphones and carrying a briefcase that strategically hid parts of his body while he walked to a bus stop. A woman sitting on a bench at the bus stop was also unclothed; her body was partly hidden by a large portable stereo. A voice-over to the commercial stated, "CHUM-FM: it's all you need to put on."

All three viewers objected to the commercial, calling it offensive and indecent and saying that the ad promoted nudity on television. The Vice President of Programming and Promotion for CFTO-TV responded to the complaints by explaining that the commercial had been cleared by the Telecaster Committee of Canada, without any cautions related to the times of the day when the commercial could be aired. The station reviewed the commercial in light of the complaints and decided that it was not offensive.

The complainants were not satisfied with this response and asked that the matter be referred to the Ontario Regional Council. While the CBSC does not normally deal with complaints about advertising, referring these instead to the Canadian Advertising Foundation, the Council has considered complaints about commercials produced by local stations.

The Regional Council noted that the fact that the commercial had been cleared by the Telecaster Committee did not mean that they were not entitled to find it to be in breach of the CAB Code of Ethics. However, the members decided that the commercial did not offend prevailing standards of good taste; they considered that, at worst, it "represented an attempt at humor that might not be universally considered humorous by a viewing audience." They did not agree that the spot contained sexual overtones or any attempt to encourage viewers to imitate the activity depicted. The Council also found that the commercial did not breach the scheduling provisions of the Code on Violence, which recommends that broadcasters air "mature" programming at times when children are not likely to be part of the viewing audience.

Both Sides of a Story

A viewer of CFTO-TV, who was also the subject of a news story carried by that station, complained that two reports on the story were biased against her point of view. In 1977, the woman had charged a pediatrician with sexually abusing her. She had alleged that the doctor had kissed and fondled her while she was holding her two-year-old son. After a hearing before the College of Physicians and Surgeons, which lasted a year and a half, the doctor had been found guilty of misconduct of a sexual nature. In the fall of 1993, the woman was seeking financial compensation from the College of Physicians and Surgeons and asking that the physician's licence be revoked.

The first report aired by CFTO covered the fact that the doctor had been found guilty of misconduct for the incident and that it had taken the College three years to deal with the complaint. The victim was quoted on air as saying, with regard to financial compensation for the attack, "To be reasonable, \$100,000 per annum [while it was] in the system."

In a second report, on the following day, the doctor's response to the claim and to the effort to have his licence revoked were described through references to statements by a witness and by the doctor's lawyer. The lawyer was quoted as saying, "What happened in 1977 in the space of ten seconds did not destroy [the patient] and I ask that you not destroy [the doctor]." The victim's lawyer was quoted as saying, "It is irrelevant to diminish the case by saying it only took ten seconds." The victim herself was quoted as saying:

It takes less than ten seconds to put a bullet through somebody's head. That has a lifetime effect, doesn't it? It's just another way of trying to diminish the trauma and pain of sexual violations.

The reporter closed the story by saying, "[The disciplinary panel] will have to decide if a doctor with an otherwise impeccable record should lose his licence for a ten second incident that took place 16 years ago."

In a telephone conversation with CFTO's Vice President of News and Public Affairs, and in subsequent letters, the complainant objected to:

- being "misrepresented" by a statement that she was seeking \$300,000 from the College;
- comments made to her by the CFTO camera person covering the hearing;
- the 'misrepresented' statement "that for an otherwise impeccable record this doctor was awaiting sentencing for an incident that took only 10 seconds, 16 years ago."

In the station's response to the complaint, the Vice President of News at CFTO-TV enclosed transcripts of the two news segments and a memorandum that he had asked the reporter to provide. After reviewing the content of the stories with the reporter, CFTO held that they constituted balanced and fair reporting. The Vice President, however, apologized for the actions of the camera person who had expressed an opinion on the case. The Vice President stated that he had spoken to the individual about that lapse of judgement.

Although satisfied with the apology for the camera person's comments, the complainant was not satisfied with CFTO's response regarding the substance of her complaint and asked that the matter be reviewed by the Ontario Regional Council.

The Regional Council reviewed the correspondence related to the complaint, viewed tapes of the two news segments and read the reporter's memorandum, which gave background information on what was said in the hearing and in parts of the interview that had not been aired.

The Council found that the reporter was able to demonstrate that the woman had stated that she was seeking \$100,000 for each year her complaint was in the system and that it had taken three years to resolve the complaint. On the matter of bias in the reporting of the story, the reporter supported the facts reported as follows:

- the term "otherwise impeccable record" was used in the hearing, and
- the phrase "an incident that took only ten seconds, 16 years ago" was stated in the testimony.

The Council noted that the first newscast covered the complainant's version of the current case and that the second covered, to some extent, the doctor's version, and included clips of the complainant and her lawyer. The Council decided that, "when weighed together, the reporting of the incident over the two days was balanced and fair." The members agreed with a comment by the CFTO Vice-President to the effect that no broadcaster can be expected to cover every aspect of an issue raised in the course of a hearing or other news event; they must be selective in judging which elements of the events of the day to report to the public. The Council concluded that CFTO-TV had to determine how to tell the story, in a way that was neither inaccurate nor biased. This the station had done.

The Council also praised the broadcaster for the excellent response to the complainant's concerns. The members found that there had been no breach of the Code of Ethics.

Talk Television: An Emotional Debate

In another issue involving balance in public affairs programming, an individual from Scarborough, who had been a guest panelist on the Shirley talk show, aired on CTV, complained that the circumstances surrounding his appearance to discuss the palliative care he had helped provide to two members of his family just before their natural deaths, had been misrepresented to him by the show's producer and host. The show had dealt with the subject of euthanasia and the individual said that this difficult issue had been presented in a biased way, undermining the efforts that the panelists supporting palliative care made to present their case.

The individual's specific complaints were that the show's producer and the host had "lied to me about the number of people on the panel and the order of our presentations", and that all participants on the show were asked to avoid making references to the fact that the show was being taped in Canada in the evening, so that the television audience could believe that it was being aired live, from New York. The participant considered this to be a lie to the audience.

On the matter of the circumstances of his appearance on the show, the panelist said he had been told by a producer:

1. ...that there would be 4 people discussing this issue in depth and in a balanced way - two in favour of euthanasia and assisted suicide, and two opposed. ...
2. Upon arriving for the taping on March 9th, I was told that there would be, in fact, 9 people discussing this most difficult issue instead of 4. I expressed my concern that this topic could not be adequately addressed by 9 people sharing 48 minutes of show time. The host of the program, Shirley Solomon, informed me just minutes before the taping that the four people of the panel, including me, who had personal stories to tell would go on first so that they would receive the necessary time they deserved to tell their stories. The politician and lobbyists would follow us after the first break. ...
3. When we were brought into the studio, I was ushered to the side rather than to the stage. The first long segment of the program had one woman from Ohio who is dying of cancer and opposed to assisted-suicide debating the issue with Sven [sic] Robinson, the NDP politician with a bill before the House on Euthanasia, and three other people in favour of euthanasia and assisted-suicide.

The Vice President of Entertainment Programming at the CTV Network responded by informing the complainant that the "purpose of SHIRLEY is to inform and enlighten and, as circumstances allow, to entertain ...viewers." He expressed the view that it was unlikely that anyone at the Shirley show would have stated that there were only to be 4 panelists for the show's duration:

It is very rare that less than six guests would be invited to participate in a SHIRLEY show. The usual number of guests is anywhere from six to twelve. It is important, particularly with a complex issue such as doctor assisted suicide, to have proper representation of all points of view and this is simply not possible with only four guests. The panel of guests for the episode that you participated in was made up of four individuals who were against doctor assisted suicide and five who supported it.

The Vice President also expressed the view that the change in the order of the panelists' appearance was probably made at the last minute and was not a deliberate misrepresentation:

You must also understand that the exigencies of a talk show taped before a live audience often demand last minute changes in the number and order of panelists. Individuals who were not available often become so at a late date and are added to the roster. I am sure that the last minute shuffling of the order in which the guests appeared was done in order to ensure the best possible show and was not the result of an intentional lie on the part of the producer of the episode.

The complainant was not satisfied with this response and asked that the matter be referred to the Ontario Regional Council. The Regional Council reviewed a tape of the program and all related correspondence. The members decided that the Shirley show had not breached the Code of Ethics because it had endeavoured to present all sides of the controversial issue.

The Council also stated that many of the complainant's concerns were about events that took place off-camera; the members noted that the Council could not assess CTV's compliance with the Code of Ethics with respect to those issues. In the result, the Regional Council concluded that there was no breach of the Code of Ethics.

Code of Ethics of the Radio-Television News Directors Association

The Canadian Broadcast Standards Council administers the Code of Ethics of the Radio-Television News Directors Association (RTNDA) on behalf of that organization. The issues covered by the RTNDA Code of Ethics mirror many of those in the CAB Code of Ethics, but they are focussed exclusively on news programming and so provide more detailed and precise guidelines. The Code, which was created in 1970 and revised in 1986, reflects the standards that Canadian news directors expect from their reporters and on-air personalities, and by which all involved in television and radio news live.

Increased public demand for information programming creates increased potential for complaints about "one-off" programs, that is, programs that are unlikely to be repeated. News, by its nature, involves one-of-a-kind situations and stories. The accumulation of decisions on what is and is not acceptable in news reporting and public affairs programming can guide news directors and reporters in their work.

Canadians directed a number of complaints to stations about the content of video-tapes from the scenes that were used in news stories. These complaints were resolved informally through this dialogue between the viewers and the broadcasters. In addition, two complaints under the RTNDA Code of Ethics were referred to Regional Councils for consideration.

News of a Traffic Death

A viewer in Saskatoon wrote to BBS Saskatchewan to complain about the inclusion in the 6:00 p.m. news of a videotape picture of a van that had been involved in a fatal collision. The viewer of CFQC-TV stated that:

I phoned CFQC's News Manager... and asked him if he was aware that the spouse of the victim in that accident had seen the news item (complete with pictures) on the supper hour news before she had been advised of the death of her husband by the police.

The viewer explained that the wife of the victim had recognized the family van in the videotape and had called a friend to say so. Although the police would not respond with information when she telephoned them to inquire whether in fact her husband had been involved in the collision, the RCMP arrived at her home shortly afterward to advise her of his death.

The viewer considered the situation "appalling and inexcusable" and stated that the news report should not include videotape of the scene if the family of the deceased had not yet been notified of the death. Instead, a news report without pictures should simply advise travellers that there may be delays on the highway because of the collision.

The General Manager of CFQC-TV responded by explaining that the station's policy was not to release the names of individuals involved in fatal collisions until they receive the go-ahead from police. In the case of the collision involving the van, the camera person had not photographed the vehicle's license plates or the deceased himself. The General Manager also advised the viewer that the particular accident had elicited a lot of viewer interest because it also involved a school bus. The station had received numerous calls for information to counter rumours that there had been many injuries. The General Manager said that:

...it is very distressing to discover from your letter that watching our news is how the wife of the victim discovered the possibility that the accident could involve her husband. We have a responsibility to our viewers who rely on us to bring them the news but we, as well, have a responsibility to protect our viewers who may be victims of the news we carry.

He concluded by advising that the station would review its policy to see if there might be more that it could do in these situations.

A View of a Death

A viewer in Guelph, Ontario complained to CKCO-TV about the fact that their noon and evening newscasts had included a film clip showing the partially nude body of a woman found at the edge of a remote sideroad. The viewer had telephoned the station's News Director to express "anger and disgust" at the unnecessary film clip. In a follow-up letter, the viewer advised that, "The coverage showed actual footage of the woman's body, naked from the waist down, on her knees, face down, exactly as it had been found."

The Vice President and General Manager of CKCO responded by confirming that the content of the film clip was exactly as the viewer had described, but added "that the footage was a long shot and it was shortened on the 6:00 p.m. newscast." He also stated that, "If the newscaster had not verbally described the fact that the body was naked from the waist down, it probably would have been difficult on most home television screens to determine that it was in fact a human body that was half-naked."

The Vice President agreed in retrospect that the film clip had probably not been required to report the details of the story.

The 'Airborne' Video

Two viewers of CTV stations, one in Masham, Quebec and the other in Annapolis Royal, Nova Scotia, wrote to complain about the airing of part of the video of the "hazing" ritual engaged in by members of the Canadian Airborne Regiment.

The viewer from Masham stated that while it is one thing not to support such conduct, it is quite another to have to see "sodomasochistic disgusting" people and acts on television. The viewer said that, "Such an appalling [sic] private party with overtones of neonazis gone wild is not news for the general public, it's belongs [sic] to an opinion show with Viewer discretion advised."

A representative of Canada AM responded by stating that these pictures helped trigger government action that led to the disbanding of the Regiment. She expressed the view that to withhold these pictures from the Canadian public would constitute censorship.

The Annapolis Royal viewer expressed the view that the hazing film constituted pornography and should not be shown on network television.

In response, the Vice President of CTV News explained that CTV had decided to air parts of the video because:

...there are some serious questions about a unit which dehumanizes and desensitizes its soldiers who are then sent to do sensitive and difficult work among other cultures. ... If this had been a private group having a disgusting party..., we would not have shown the footage, but these soldiers are overseas representatives of Canada and should conduct themselves appropriately.

Guns and Symbols

Canada AM was the subject of two complaints that were referred to the Ontario Regional Council in 1994-95. The first complaint involved a viewer who objected to the use of a gun graphic projected behind the Canada AM news reader as the audience was informed about a murder involving strangulation. The viewer said that the use of the gun graphic was "very misleading and deceiving to the viewers" and sensationalized the story.

The Vice President of Corporate Communications for the CTV Network responded by acknowledging that the gun graphic had been used in the report on the killing and agreeing that it was inappropriate given the

nature of the homicide being reported. The Vice President said that the viewer's letter had been discussed with the Canada AM production team.

The viewer was not satisfied with this response and asked for a Regional Council review of the matter. In a follow-up letter, the viewer said that, as the owner of a handgun, the viewer was offended by the presentation "of a handgun as a symbol of murder." The viewer also expressed concern that:

This kind of broadcasting created prejudice against lawful gun owners. I do not wish to be looked at as a murderer or a criminal because I own a gun.

The Ontario Regional Council reviewed a tape of the news broadcast and the correspondence from the viewer and the Network. It decided that the CTV Network had not breached the RTNDA Code of Ethics or the CAB Code of Ethics by using the gun graphic because it was used as a symbol of crime, not as an indication of the means of assassination. The Council members considered that, with the news reader's verbal description of the crime as a strangulation, the graphic was neither misleading nor sensationalistic.

What Was That?

A viewer of Canada AM wrote to complain about a segment involving the attorney for Robert Latimer, the Saskatchewan farmer charged with the murder of his severely disabled daughter. The viewer wrote:

This morning on "Canada AM" ..., I heard a man named Gerry MacDonald say succinctly "You're a pedophile." My experience has shown me to find this disgusting example of slander to be reprehensible. ...That comment was broadcast nationwide, and nobody accuses a Nobel Prize nominee of sexual assault, specifically regarding children.

The Vice President of Corporate Communications at the CTV Network responded by saying:

If I understand your letter correctly, you say that Gerry MacDonald accused someone of being a pedophile. ...Mr. MacDonald appeared on the program to talk about the rights of the disabled. He did not accuse anyone of being a pedophile.

The viewer was not satisfied with this response and asked that the Ontario Regional Council consider the matter.

The Regional Council reviewed the correspondence, watched a tape of the program, and read a transcript of the interview. They decided that the CTV Network had not breached the RTNDA Code of Ethics, because they were unable to determine what statement could possibly have been interpreted by the viewer to be an accusation of pedophilia. They confirmed that, "...the guest, Gerry MacDonald, had not uttered the words quoted by the complainant or anything remotely similar to them." The Council noted that viewers occasionally "hear" remarks that are not stated in programs, despite their best efforts to report accurately what has transpired, and acknowledged the difficulty for viewers and listeners to reconstruct accurately the words they hear briefly on air.

Membership

In 1993/94, CBSC membership was 96% of all CAB members. The table below gives CBSC membership by number stations, as well as CBSC membership as a proportion of all CAB members, for each region. Call letters of all CBSC members are provided on the back cover of this report.

	Radio		Television		Total	
	#	%	#	%	#	%
Atlantic	36	100	5	100	41	100
Quebec	42	91	15	88	57	90
Ontario	101	93	17	85	118	91
Prairie	86	98	20	100	106	98
British Columbia	58	91	7	100	64	90
TOTAL	323	94	64	93	387	94

Appendix A Summary Tables of Complaints

1. Overview

The CBSC received 219 complaints in 1994/95.

- Of these, it actually handled 138 (63%).
- The CBSC responded to all of the complaints, and sent the remaining 81 complaints to the CAF, the CTSC, a non-member broadcaster, or the CRTC.

2. Radio and Television Complaints

Of the 138 complaints,

- 20 dealt with radio programming (15%)
- 115 dealt with television programming (83%)
- 3 could not be determined (2%).

Language of Program						
	Radio		Television		Total	
	#	%	#	%	#	%
English	17	13	106	78	123	91
French	3	2	9	7	12	9
N/D	0	0	1	0.5	1	0.5
TOTAL	20	15	115	85	135	100

Note: in 3 letters, the complainant did not specify whether the programming source was radio or television.

Source of Program						
	Radio		Television		Total	
	#	%	#	%	#	%
Canadian	20	15	58	43	78	58
Foreign	0	0	53	39	53	39
N/D	0	0	4	3	4	3
TOTAL	20	15	115	85	135	100

Note: in 3 letters, the complainant did not specify whether the programming source was radio or television.

Type of Program - Radio			
	#	% of all Radio Complaints	% of all Complaints
Open Line	9	45	7
Informal Conversation	4	20	3
News	3	15	2
Public Affairs	2	10	1.5
Other spoken word	1	5	0.75
Music	1	5	0.75
TOTAL	20	100	29

Note: in 3 letters, the complainant did not specify whether the programming source was radio or television.

Type of Program - Television			
	#	% of all TV Complaints	% of all Complaints
News	37	32	27
Drama/Comedy	30	26	22
Children's	29	25	22
Advertising	11	9	8
Human Interest	4	4	3
Sports	3	3	2
N/D	1	1	1
TOTAL	115	100	85

Note: in 3 letters, the complainant did not specify whether the programming source was radio or television.

Codes and Clauses			
	Radio #	Television #	Total #
CAB Code of Ethics			
Human Rights	8	5	13
Children's Programming	0	1	1
News	5	16	21
Controversial Issues	1	0	1
Advertising	0	2	2
Radio Contests	1	0	1
Sex Role Stereotyping	0	1	1
TOTAL	15	25	40
Sex-Role Portrayal Code			
Diversity	0	1	1
Exploitation	2	5	7
TOTAL	2	6	8
RTNDA Code of Ethics			
Accuracy/comprehensiveness	1	2	3
Relevant information	0	1	1
Distortion of News	0	7	7
Respect for Privacy	1	5	6
TOTAL	2	15	17
Television Violence			
Content		10	10
Children's Programming		3	3
Scheduling		10	10
Viewer's Advisory		4	4
News/Public affairs programmes		9	9
Violence against women		4	4
TOTAL		40	40
General (no code)	5	21	26
General complaints about TV violence		34	34

Appendix B National Chair and Regional Councils

National Chair

Ronald I. Cohen was named National Chair of the CBSC on June 23, 1993 and began his term on July 1. A film producer and lawyer, Mr. Cohen was founding Chair of the Academy of Canadian Cinema and Television. He served in that role for four years and remains Special Advisor to the Board. He was a Director of the Consumers' Association of Canada and previously served as Senior Counsel to Quebec's Commission of Inquiry into Organized Crime. Mr. Cohen has served as a Director of the Banff Television Foundation and other organizations. He is the author of *Quebec Votes: An Analysis of Quebec Voting Patterns in Federal Elections*; *The Regulation of Advertising: A Comparative Approach*; and *The Constitutional Validity of a Trade Practices Law for Canada*; and is nearing completion of *Sir Winston Churchill: A Bibliography of His Published Writings*.

Atlantic Regional Council

Paul H. Schurman chairs the Atlantic Regional Council and continues to serve as a broadcaster member. Formerly President and General Manager of CJRW Radio in Summerside, Mr. Schurman was President of the Atlantic Association of Broadcasters. He was named to the Order of Canada and the P.E.I. Sports Hall of Fame.

Zoe Rideout is Vice-Chair of the Atlantic Regional Council. Active in a number of community volunteer groups, Ms. Rideout serves as President of the Greater Moncton Association of Community Living and is the chair of the Greater Moncton "We Care for Kids" telethon. She co-chaired the 1992 Task Force on Universal Suffrage.

Carolyn Thomas is a public member on the Regional Council. She has worked for the Nova Scotia Human Rights Commission since 1973 and is the Chairperson of the Provincial Advisory Committee for Race Relations. Among her former and present memberships are the Interdepartmental Committee on the Status of Women, and the Black Professional Women's Group of Nova Scotia.

Roger Augustine also represents the public on the Atlantic Regional Council. Chief of the Eel Ground Indian Band and President of the New Brunswick-Prince Edward Island First Nations, Mr. Augustine was appointed in 1993 to a federal Royal Commission studying Indian land claims. He also serves on the Atlantic Regional Policy Congress of First Nation Chiefs and the Bank of Montreal's Aboriginal Business Circle.

Kaye MacAulay continues as a broadcaster member of the Regional Council. She is continuity writer and traffic director at CFSC in Stephenville, and was also a co-host of an afternoon program at the station, where she has worked since 1971.

Carol McDade is past Chair of the Atlantic Regional Council, and is currently a broadcaster member of the Regional Council. Ms. McDade is Assistant News Director at MITV in Halifax. Prior to joining MITV, she was a writer, producer and co-anchor of ASN's late edition newscast; she has also worked in radio in Halifax and Sydney.

Quebec Regional Council

Jocelyn Deschênes is Chair of the Quebec Regional Council. Currently Director of External Productions at Télé-Métropole, Mr. Deschênes was a film producer at Communications Claude Héroux International. He holds degrees in Film Studies, Art History and Comparative Literature. He has served on the Board of Directors of the Festival des grandes écoles de cinéma and of MusicAction.

Hélène Montigny is Vice-Chair of the Quebec Regional Council. She was previously Chair of the Regional Council. Ms. Montigny, a lawyer, works for the Department of Human Resources, and has worked as a freelance program analyst at Télé-Métropole.

Pierre Audet continues as a public member on the Quebec Regional Council. He is President of Montreal advertising agency FOUG Réseau DMB&B. He has also worked as Creative Director and Senior Vice-President of the BCP advertising agency. He is also a sessional lecturer on social marketing at a number of universities.

Fabrice Brasier is a broadcaster representative on the Regional Council. He is Director of Public Affairs at Télé-Métropole and is a member of the Fédération professionnelle des journalistes du Québec. Mr. Brasier holds a Master's degree in Political Science (International Relations) from the Université du Québec à Montréal and a degree in advanced political studies from the Université de Nancy II.

Yvon Chouinard also represents the broadcasting industry on the Regional Council. A past Director of the Canadian Association of Broadcasters (CAB), Mr. Chouinard has served as a Director of the Radio Marketing Bureau, BBM, MusicAction and the Association canadienne de la radio et de la télévision de langue française. He is the Executive Vice-President of Power Broadcasting Inc./Diffusion Power Inc.

Ontario Regional Council

Marianne Barrie has chaired the Ontario Regional Council since 1992 and was its Vice-Chair from 1990 to 1992. She is President of Brookside Investments Ltd. in St. Thomas, and was a part-time Commissioner at the Canadian Radio-television and Telecommunications Commission (CRTC). There, she chaired the Task Force on Sex-Role Stereotyping in the Broadcast Media. Ms. Barrie was also a charter public member of the Ontario Press Council.

Al MacKay is Vice-Chair of the Ontario Regional Council. Currently Vice-President and Station Manager of Ottawa's CJOH-TV, Mr. MacKay has worked for the CTV National News and for radio stations in Toronto and Hamilton. He also taught broadcast journalism at Carleton University and at Algonquin College. Mr. MacKay is a member of the CAB's Joint Societal Issues and Trends Committee and the CAB Television Board.

Taanta Gupta joined the Ontario Regional Council as a public representative this year. Prior to joining the Ontario Council, Ms. Gupta served on the B.C. Regional Council. Ms. Gupta is currently the Public Relations Manager at Cantel. She was the Executive Director of the Rick Hansen Fellow Programme at the University of British Columbia, and has worked as General Manager of the Satellite Radio Network. She has also worked as a news reporter on Parliament Hill and as News Director for CKWX/CKKS-FM in Vancouver.

Robert Stanbury, also a public member of the Regional Council, is a lawyer with the Hamilton firm of Inch, Easterbrook and Shaker. A former Vice-Chairman of the Board of Directors (Employers) of the Worker's Compensation Board, Mr. Stanbury was a Member of Parliament (1965-1977) and held the positions of Minister of Communications and Minister of National Revenue. He has served on the Hamilton Foundation, the Art Gallery of Hamilton, and the Institute of Corporate Directors.

Paul Fockler represents broadcasters on the Ontario Regional Council. He began his career in broadcasting in 1955 in Toronto; he later became an owner and operator of several northern Ontario radio stations. Currently, Mr. Fockler works in Regulatory Affairs for Shaw Radio in Barrier. A past President of the Central Canada Broadcasters Association, Mr. Fockler volunteers on several clubs, including the United Way.

Madeline Ziniak joined the Regional Council this year as a broadcaster representative. She is Vice-President and Executive Producer at CFMT-TV in Toronto and serves on the CAB's Joint Societal Issues

and Trends Committee. In addition, Ms. Ziniak participates on committees of the Canadian Advertising Foundation and the Canadian Ethnic Journalists' and Writers' Club.

Susan Fish retired this year from her position as a public member on the Ontario Regional Council. She serves on the Ontario Municipal Board and serves on the Board of Harbourfront Corp., the Metro Action Committee on Public Violence Against Women and Children, and Casey House. Ms. Fish was also an MPP, where from 1983-85 she was Minister of Citizenship and Culture, and in 1985 she was Minister of the Environment.

Don Luzzi also retired from his position as a broadcaster representative on the Ontario Regional Council. He is President of Toronto radio stations CILQ-FM and CHOG, and of Hamilton stations CHML and CJXY-FM. He has also worked for Rogers Radio and Standard Broadcasting, and has held Board positions with the Radio Bureau of Canada (now the Radio Marketing Bureau) and BBM. He has served as a volunteer with the United Way, the Hamilton District Chamber of Commerce, and Opera Hamilton.

Prairie Regional Council

Sally Hall chairs the Prairie Regional Council and is its past Vice-Chair. A strong consumer advocate and representative of the public interest, Ms. Hall was President of the Consumers' Association of Canada in Manitoba and Alberta, and served four terms as National President. She is also a volunteer public representative on a variety of civic, provincial and national board and committees.

Dwaine Dietrich is Vice-Chair of the Regional Council and has served as its Chair. He is President of Monarch Broadcasting Ltd. and has worked as General Manager of CHAT-TV and CHAT-AM in Medicine Hat. He was also Sales Manager at CFCN in Lethbridge and Market Research Director at CFCN-TV in Calgary.

Carol Armit continues as a public representative on the Prairie Regional Council. She is an independent media consultant with offices in Winnipeg and Regina. A past President of the Winnipeg Press Club, Ms. Armit was a reporter for the Winnipeg Free Press and the Ottawa Journal, and worked at CJOB Radio in Winnipeg.

David C. Ward (Kiviat) also continues as a public representative on the Regional Council. A lawyer practising in Edmonton, Mr. Ward was recognized in 1981 as Canada's first Inuit law school graduate, and in 1983 as Canada's first Inuit lawyer. He also served as an Alderman in Edmonton. Mr. Ward was a pro bono legal counsel for the Edmonton Multicultural Caucus.

Daryl Braun joined the Prairie Regional Council in 1993/94 as a broadcaster representative, replacing Jim Rusnak. A member of the Radio Television News Directors Association (RTNDA), Mr. Braun has been News Director at Winnipeg's CKRC and CKLU-FM since 1986. He is a former Chairperson for the National Editorial Committee of Broadcast News and is on the Board of the Volunteer Centre of Winnipeg.

Rick Friesen ended his term as a representative of broadcasters on the Regional Council. He has worked in the television industry in Saskatoon, Prince Albert, Calgary and Toronto. He has also served on the Board of the Saskatchewan Motion Picture Industry Association and as President of the Saskatchewan Association of Broadcasters.

British Columbia Regional Council

Alden Diehl continues to chair the B.C. Regional Council. Currently with Shaw Radio, he was Vice-President and General Manager of CKLG/CFOX-FM in Vancouver. Mr. Diehl has worked in the broadcasting industry in Edmonton, Prince Albert, Winnipeg, Ottawa and Windsor. He is Treasurer of the CAB and is the Vice-Chair of the B.C. and Yukon Advertising Standards Council.

Monica Becott is Vice-Chair of the Regional Council. A City Councillor, City of Prince George, Ms. Becott was Chairman of Regional District Fraser Fort George, and served on the Prince George Town Centre Business Association, the B.C. Gaming Commission, and the B.C. Heritage Trust.

Robert Mackay continues as a public representative on the B.C. Regional Council. He is associate counsel with Vancouver law firm Gowling, Strathy and Henderson, and has advertising and marketing experience with Procter and Gamble Canada, McKim/Benton and Bowles Advertising Ltd., and Scott Paper Ltd. Ms. Mackay serves on the B.C. Council of the Advertising Standards Council.

Bryan Edwards represents broadcasters on the Regional Council. Currently President and Chief Executive Officer of the Okanagan Skeena Group in Terrace, Mr. Edwards has been involved in broadcasting since 1969. He is on the CAB Radio Board and is a past President of the B.C. Association of Broadcasters.

Gordon Vizzutti joined the B.C. Regional Council as a broadcaster representative in 1993/94. He is a member of the Radio Television News Directors Association of Canada and is presently News Director at CHBC-TV in Kelowna.

Taanta Gupta ended her term as a public member of the B.C. Regional Council this year and joined the Ontario Regional Council to serve as a public representative.

Appendix C

How To File A Complaint With The CBSC

The CBSC encourages viewers and listeners who have concerns about a broadcaster's programming to contact the broadcaster directly. Most concerns are resolved through this direct dialogue between broadcasters and their audiences. In the event that viewers and listeners wish to contact the CBSC first, the Council will handle the complaint according to the process described below.

The Complaint Letter

The complaint should be filed in writing, giving the name, date and time of the program and the station on which it aired. The letter should be sent within 21 days of the broadcast. The CBSC will respond to the complainant, enclosing an explanatory brochure, and send the complaint to the broadcaster for response.

The Broadcaster's Response

Within 14 days of receiving the letter, the broadcaster will respond. Concerns are generally resolved at this point, but a complainant who is not satisfied by the broadcaster's response may so inform the CBSC.

The Ruling Request

If dissatisfied, the complainant may sign the "Ruling Request" form, which the CBSC sends with its response. By signing this form, the complainant asks the CBSC to have one of its Regional Councils consider the complaint.

The Regional Council Decision

The CBSC will send the complaint letter, the broadcaster's response, and a tape of the program to one of its Regional Councils. At its next meeting, the Council will decide whether the broadcaster has contravened any of the Codes, and whether the broadcaster's response was satisfactory. The CBSC will provide the complainant and the broadcaster with the full text of the decision.

The Release of the Decision

If the Council upholds the complaint, the broadcaster must announce the decision during prime time. If the decision is in the broadcaster's favour, the broadcaster has the option of airing it. The CBSC releases all of its decisions to the national media.