



Canadian Broadcast Standards Council  
Conseil canadien des normes de la radiotélévision

# 2002 / 2003 Annual Report

**“Encouraging Excellence in Broadcasting”**

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## 1. MESSAGE FROM THE NATIONAL CHAIR

The Canadian Broadcast Standards Council (CBSC) has, during the past 12 years of its existence, built its reputation on the fairness and credibility of its decisions.

Step by step and decision by decision, the CBSC has taken the concerns of Canadians and measured the programming about which they have complained against the thoughtfully established standards of Canada's private broadcasters. In those determinations, it has interpreted the broadcast codes and added flesh to the principles they express.

And everyone has come to understand that one of the benefits of such carefully presented decisions is their evergreen character. Their greatest importance is not in the resolution of a disagreement between one audience member and one broadcaster; they rather play an ongoing important role in defining content issues for both private broadcasters and the public with respect to future broadcasts.

### THE LAST WORD

Not surprisingly, not everyone has agreed with all of the CBSC's conclusions and interpretations. When they have not, they have asked the Canadian Radio-television and Telecommunications Commission (CRTC) to reconsider the CBSC Panels' decisions from time to time.

With respect to such "appeals" from CBSC decisions (of either the formal or summary variety), this has actually been an unusual year in the sense that the CRTC has dealt with a particularly large number, namely, four such files, as many as have previously been dealt with in total.

In all of these, the Commission agreed with the substantive conclusions reached by the various CBSC Panels. In the first of the four, which

related to the series *Philly*, the Commission went further, declaring that it "strongly supports the self-regulatory process and has found the CBSC's process to be a valuable and productive forum for resolving complaints." The Commission also made it clear, for the first time, that it "supports this [summary decision] practice, and in fact, has a similar process in place."

The full Commission spoke to the role of the CBSC in its "appeal" of the Council's decision relating to the *Sopranos* first season. It said "Over the years, the Commission has found the CBSC process to be a valuable tool in building bridges between broadcasters and the communities they serve."

In the most recent of the CRTC "appeals", the CBSC decision had been rendered in favour of the complainant, who was still dissatisfied with the result. She apparently believed that CBSC decisions are ineffective. The Commission stood staunchly behind the private broadcasters' process, holding that "fact that the CBSC found a broadcaster in breach is a serious matter" and explaining that Canadian broadcasters would "henceforth be guided by" the principles established in the decision.

### A PRODUCTIVE YEAR

It should also be noted that this has been the most productive year ever for the Council. Last year, I made the point that the 88 decisions (25 of the formal variety and 63 summary types) in that year had matched the record set in the 1998/1999 fiscal year. This year, that figure has been significantly surpassed. The new number is 107, of which 36 are formal decisions and 71 of the summary variety. Moreover, the number of files opened by the CBSC has risen dramatically, by nearly 50%, to 1,555.

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## JOURNALISTIC INDEPENDENCE CODE

I reported last year that the CBSC had been engaged in the creation of a set of standards in response to the invitation of the CRTC (in its decisions relating to Quebecor/TVA, CanWest Global Television and CTV Network) to develop a code responding to the cross-media ownership concerns of the Commission. With the agreement of the broadcasters involved, the *Journalistic Independence Code* was submitted to the CRTC for its review. We await their reaction.

## POSITIVE PORTRAYAL OF ETHNOCULTURAL GROUPS

As reported last year, the successful application by Rogers Broadcasting for a second multilingual television station in the Toronto area, now known as OMNI.2, has provided the CBSC with the sum of \$1 million spread equally over the 6-year term of the new license. The purpose of the funding is two-fold, first, to enhance the portrayal of ethnocultural groups and, second, to provide access to the CBSC's self-regulatory process to all Canadians.

Knowing that many Canadians benefit from life in Canada while still finding their principal source of comfort in a language other than English or French, the CBSC has set out to provide their communities with explanations about the codes it administers in their native languages. As a part of the Second Innoversity Conference in May, the Council announced the availability of its brochure in Arabic, Chinese, Dari, Hindi, Innuinaqtun, Inuktitut, Italian, Pashtu, Portuguese, Punjabi, Somali, Spanish and Ukrainian.

There will be more language versions of the brochure this coming year, as the CBSC's ethnocultural net extends yet more broadly into the Canadian community. We will also be revamping our web site to reflect the additional languages and seeking other access initiatives.

## BROADCASTER MEMBERSHIP

There are very few private broadcasters in Canada which are not members of the CBSC. At the end of the fiscal year, there were 535 radio, conventional television and specialty service members of the CBSC. With such a great portion of the private broadcaster community already in membership, increases are, of course, proportionately smaller from year to year. We hope that community and college stations will see the benefit of joining the CBSC in the next fiscal year.

## THE WEB SITE

As always, the CBSC's web site is its most efficient method of providing information to Canadians and the world. Both seem to wish to take full advantage of that opportunity on an increasingly frequent basis. We now log over 200,000 information requests per month, which is a better than one-third increase over last year's totals. We anticipate material changes in the web site this coming year to make it a yet friendlier, more useful and more accessible tool.

## CBSC OUTREACH

This past year, I addressed the National Capital Association of Communications Lawyers and the Communications Policy class at the University of Ottawa. With the Executive Director, I also spoke at the British Columbia Institute of Technology and did the CBSC's annual presentation to the Commissioners and staff of the CRTC. I also reported to the Annual Meetings of the Associations of Broadcasters of British Columbia, and the Western and Atlantic Regions. I have also continued my participation on the Board of Directors of the AV Preservation Trust and as Special Advisor to the Board of Directors of the Academy of Canadian Cinema and Television.

## ACKNOWLEDGMENTS

The success of the Council depends on its staff and volunteers. Without them, there can be no

results. With them, everything seems possible. Late in this fiscal year, Teisha Gaylard, our valued Broadcast Analyst, left the Council to go on to higher academic achievements. Nicole Lafrance, our Complaints Officer, went on maternity leave. Christine Chu filled Nicole's role with panache. Then, in a burst of change late in the year, we were joined by Dina Salha as Broadcast Analyst, Deana Connelly as Complaints Officer, and Burhaan Warsame as the CBSC Ethnocultural Outreach Project Officer. To them all and, as always, Ann Mainville-Neeson, the CBSC's Executive Director, techie and lawyer wrapped into one, go my great appreciation.

To the volunteer Adjudicators, both from the industry side and the public go additional gratitude. The time and effort they put into the decision-taking process are undaunted. The fact that, when they enter adjudication mode, they shed their professional, corporate and personal predilections in order to render the best decisions they can with the sole serious goal of taking care of the public interest is impressive. We all owe them a debt of considerable gratitude.

Ultimately, it cannot be forgotten, the entire self-regulatory system works because Canada's private broadcasters and their collective voice, the Canadian Association of Broadcasters, insist that it will. They throw their support behind the Council because they live in and care about the communities to which they broadcast, because they believe in the principles and standards that they themselves have created, because they *know* that the CBSC decisions, rendered by equal numbers of broadcasters and members of the public are balanced and fair, because they share the values.

It's an excellent system, a strong system and a credible system, dependent on the input of the staff and the volunteers and, as the final component, the buy-in of the broadcasters. Thanks to you all.

RONALD I. COHEN  
National Chair

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## 2. ETHNOCULTURAL OUTREACH PROJECT

The announcement of the CRTC decision licensing a second Rogers Toronto multilingual ethnic television station (now known as OMNI.2) that gave rise to the significant benefit for this project was made April 8, 2002. It provided that

The funding [totalling \$1 million over the course of the six-year licence term] will underwrite the provision of information brochures in third languages that will explain portrayal issues and the codes administered by the CBSC, as well as provide additional resources for the CBSC to handle complaints regarding the portrayal of ethnocultural groups in radio and television programming.

By the end of the 2001-02 fiscal year, there was as yet little to say regarding the putting into effect of the project. The CBSC was very much into the planning of what would be the foundation of the next six years in the life of the project. Now, at the end of the 2002-03 fiscal year, we are well underway.

The first step was the determination of the strategy. That, of course, suggested itself in paragraph 52 of the CRTC decision (2002-82). The information brochure would be the first step.

It was determined that the existing CBSC brochure, which was, in its presentation, diversity-oriented, should not change its appearance. At the same time, we determined that the comfortable approach of the brochure explaining CBSC processes should be supplemented by the actual provisions of the Codes that the CBSC uses on a daily basis.

After preparing the text of the document, the next step was to determine the languages in which we would publish the brochure. That was decided on the basis of linguistic community agglomerations in the major and medium-sized urban areas, supplemented by the acknowledgment that certain newer, albeit smaller, linguistic communities might not yet have adapted as readily to English or French. We also considered whether the short-listed

languages were being broadcast in Canada, although we readily acknowledged that it was equally important to let our ethnocultural communities know what their audience entitlements were, even if they were struggling slightly to watch programs in English or French. The chosen languages were, after all, meant to convey information about standards and viewing and listening expectations, which do not change from language to language.

The initial group of languages, what the CBSC came to call the "Round One" languages, grouped 15 African, Asian, Middle Eastern, Eastern and Western European, and indigenous Canadian languages. They included Arabic, Chinese, Dari, Greek, Hindi, Innuinaqtun, Inuktitut, Italian, Pashtu, Portuguese, Punjabi, Somali, Spanish, Tamil and Ukrainian.

The announcement of the brochures was made via a press release in 17 languages on May 23, 2003 at the Second Innoversity Conference in Toronto. At that time, 12 of the brochures were available; production issues delayed the remaining 3 brochures until after the end of the fiscal year.

In order to ensure the most effective roll-out and distribution of the brochures, we hired Burhaan Warsame, editor of the Somali-Canadian magazine *Gacal*, and *Somali Voice*, the Somali-Canadian community newspaper, to be Project Manager. At the time of writing this Annual Report (after the end of the fiscal year), the roll-out is well underway. Without wishing to preempt the news for the 2003-04 fiscal year, suffice it to say that an expansive database has been developed, including ethnocultural publications, ethnocultural radio and television stations, ethno-specific associations, multicultural umbrella organizations, organizations serving immigrants, aboriginal groups, government agencies, colleges and university clubs, legal aid clinics and embassies. Thousands of copies of the various brochures have now been distributed to

interested organizations, associations and individuals. The feedback has been very positive.

Planning has also begun for the "Round Two" languages, which will be underway in the 2003-04 fiscal year.

The Secretariat has not noticed any appreciable increase in complaints in third languages or about third language programming in the past fiscal year but the distribution of brochures had not yet taken place on a broad basis.

It almost goes without saying that, in addition to the initial financing of the project, the CBSC has had the ongoing benefit of input from OMNI Television and their team of full and part-timers on everything from language choices to grammatical and spelling issues. The CBSC has also been able to rely on professional translators and other independent readers for the vetting of those translations. There is far more to the translation of foreign and indigenous languages than meets the eye.



### 3. DECISIONS RELEASED IN 2002/2003

A record number of decisions were released this year: 107 decisions in total, consisting of 71 Summary Decisions and 36 Panel Decisions. Last year, when the CBSC released a total of 88 Decisions (25 Panel Decisions and 63 Summary Decisions), it tied the then existing record which had been set in the 1998/1999.

Reported below are the summarized facts and conclusions relating to the 36 Decisions of the various Adjudicating Panels of the CBSC released in 2002/2003. Summary Decisions are not reported in this Annual Report (other than statistically) since they raise no new issue which has not been previously dealt with by an Adjudicating Panel.

The summaries are divided into three large categories, Ethics and Human Rights, Adult Fare and Journalistic Ethics. While we have attempted to place the summary of each decision under the appropriate category, there are a few Decisions which deal with issues relating to both human rights and adult fare (mainly coarse language). These Decisions are only summarized once and are placed under whichever category seems most appropriate, given the nature of the concerns expressed by the complainant in the case.

#### ETHICS AND HUMAN RIGHTS

Human rights continued to top the list of concerns requiring adjudication this year, as it has in previous years. A total of 13 Decisions (36% of the total Panel decisions in 2002/2003) dealt with the broadly characterized issue of discrimination, which includes promoting or glamorizing violence against a protected group. Last year, 6 of the 25 Panel Decisions (24%) dealt with such matters.

Also this year, the CBSC was

called upon to deal with concerns related to the alleged advocacy by a host of a talk-show of socially unacceptable behaviour.

#### Discrimination

Clause 2 of the *CAB Code of Ethics* provides that "broadcasters shall ensure that their programming contains no abusive or unduly discriminatory material or comment which is based on matters of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status or physical or mental disability." This year, the various adjudicating Panels of the CBSC were faced with some very interesting fact situations to which they had to apply this general provision.

#### Accentuating Stereotypes

Two morning show hosts tested the limits of ethnically pointed humour when they called up an ethnic broadcaster as a stunt. Hosts Scruff Connors and John Derringer of MOJO Radio in Toronto called a Chinese-language station allegedly to offer their services as Afghan radio hosts and got the station's voice-mail message, part of which was in Cantonese. When Derringer asked Connors what the message was saying, Connors affected a Chinese accent and performed a mock translation of the phone message, in which he suggested that it was describing "the lunch special" and listed a series of Chinese culinary dishes. The stunt ended with the hosts also imitating Swedish, German and French accents.

*"ethnically-pointed humour can often be [...] regrettable examples of what may result from, but is defensible under, the principle of freedom of expression"*

In its decision, see *CFYI-AM re Scruff Connors and John Derringer Morning Show* (CBSC Decision 01/02-0279, June 7, 2002), the Ontario Regional Panel examined a complaint that this stunt had discriminated against people of Chinese origin. While the

Panel agreed that the attempt at humour was in very poor taste, it did not find a breach of any codified standard. The Panel stated that that such instances of ethnically-pointed humour can often be "childish, ignorant, bullying, appallingly tasteless, and, in the Canadian broadcasting environment, regrettable examples of what may result from, but is defensible under, the principle of freedom of expression."

### ***Promoting Vulgarly?***

Another Toronto station made use of a foreign language in the case which led to the decision in *CISS-FM re an Italian-language promotional spot* (CBSC Decision 02/03-0180, May 2, 2003). In that case, the broadcaster aired comments of an alleged "fan" of the station which were made in Italian. These comments were used as a late afternoon promo for the station. In telling listeners why KISS 92.5 was his favourite station, "Mike" referred to competing stations as "*stazioni di merda* [shit stations]" and said that those stations should "*prender un martello e ficasselo nel culo* [take a hammer and shove it up their arse]." The CBSC received complaints from listeners who felt that the language was inappropriate and that the promo was offensive to Italians.

In addressing the concerns expressed regarding the representation of Italians, the Panel noted that there were no cultural connections or negative generalizations about a group in the promo. In the absence of this, the Panel stated, the mere use of a foreign language, even when the words spoken are coarse and offensive, does not amount to abusive comment.

The Ontario Regional Panel also examined the complaint under the radio broadcasting clause of the same Code which requires that broadcasters not air

any unduly coarse or offensive language. The Panel concluded that the coarse words (equivalent to "shit" and "arse" in English) used in this particular context were not in breach of the Code for several reasons. First, on the basis of an earlier CBSC decision, it found that the coarse word was not applied "intentionally and in a derogatory way." It agreed with the broadcaster's explanation that "the segment was meant to be humorous and light-hearted" and that, while the promo took "aim at two competitive stations, it [did] so on a tongue-in-cheek, not a barbed, basis. The gibes [were] friendly, not vituperative." Second, since the spot was in a foreign language, the Panel noted that

the actual meaning of the words spoken will have been missed by the vast majority of the audience. While this would not serve as an absolute defence to words that would otherwise fall afoul of the Codes, these words do not and the Panel is at least comforted by the fact that fewer people will have been offended by the coarseness of the language.

The Panel also noted "the urban setting" as a third reason for finding that the words used were not unduly coarse and offensive.

### ***Botched Attempt at Self-denigrating Humour***

By contrast, in *CKTB-AM re an episode of the Phil Hendrie Show* (CBSC Decision 02/03-0383, May 2, 2003), the Ontario Regional Panel dealt with the issue of ethnic epithets in the context of a parody-style talk radio program and found that the comments made were unduly discriminatory. In the episode reviewed by the Panel, host Phil Hendrie commented on the news that an Italian scientist had cloned a human baby. His short commentary used certain undesirable stereotypical epithets to describe both the doctor in question and

*"That elements of the population have succeeded in creating a number of catchwords, nicknames or appellations intended to apply to identifiable groups (frequently minorities distinguished by their ethnicity, nationality, religion or skin colour) is not one of society's notable achievements."*

the baby. Then, following additional discussion of other topics and a commercial break, the host came back to the issue, reiterated some of the epithets and stated that he had not intended any offence in his use of the unpleasant terms. He suggested that Italians who were upset about their portrayal as gangsters in the media should sue the Mafia for creating this stereotype. In examining a complaint that the commentary had discriminated against Italians, the Ontario Panel noted that "[i]f, as suggested by the broadcaster, the host was 'attempting to show his disgust with the doctor's actions, not making social comment on his ethnic background,' there can be no doubt but that he failed miserably."

That elements of the population have succeeded in creating a number of catchwords, nicknames or appellations intended to apply to identifiable groups (frequently minorities distinguished by their ethnicity, nationality, religion or skin colour) is not one of society's notable achievements. While there may be some such terms that are positive and admiring in their nature, many, perhaps most, and certainly all of those at issue here, are not. They tend to be epithetic, denigrating, even derisive in nature. Generally consisting of a single word, they are frequently meant to evoke disparaging reactions with respect to the targeted groups they "define". At worst, they are ugly and nasty. At best they are condescending, a shorthand reference by the user to others who do not have the "right stuff".

The Panel also did not accept Hendrie's contention that he intended "no offence", observing that

[h]e said this, though, in the breath following his affirmation that he had used the challenged terms. He did not recognize their impropriety. He did not attempt to withdraw them as utterances in error. To the contrary, he repeated them and *confirmed* that he had done so, emphasizing this fact by the addition of the words "of course" to explain his on-air choice.

### ***Them's Fightin' Words***

The Ontario Regional Panel also found a breach of the Human Rights Clause in its decision *CKTB re the John Michael Show (Middle East Commentary)* (CBSC Decision 01/02-0651, June 7, 2002). In that case, a St. Catharines open-line radio talk show dealt with the topic of the conflict between the Israelis and the Palestinians. During the broadcast, the host John Michael, favouring the Israeli side, expressed his view that the Middle East situation could not be resolved by verbal negotiations and that military force was necessary. While the Panel supported the right of the host to take a position and express his political viewpoints on the matter, it did not consider that some of Michael's other comments could be justified on that basis; phrases such as "go to town with the biggest tanks, the biggest guns, the biggest of everything you got and blow the Palestinians, Yasser Arafat included, to kingdom come" and that the Israelis should "kill everyone who is not their friend." The Panel found that the recommendation of indiscriminate killing was an improper and unfair comment contrary to Clause 6(3) of the *CAB Code of Ethics* and stated that "to propose such a recourse against all persons of a nationality solely on the base of their sharing that background has no place on Canadian airwaves."

The Panel also found a breach of the Human Rights provision for Michael's abusive and unduly discriminatory comments against Palestinians. The Panel considered that "John Michael's blanket condemnation of all Palestinians as hating persons of the Jewish faith and wishing to drive Israel out of existence [was] excessive," and that "to tar *all Palestinians* with a brush of hatred constitutes, in the view of the Ontario Panel, an unduly discriminatory comment based on their national or ethnic origin."

### ***Subliminally Unsophisticated***

The case concerning the talkshow *Loveline* is very different from the John Michael Show but

the two are related by virtue of the fact that both broadcasts appeared to listeners to advocate genocide. In *CHMJ-AM re a segment on Loveline* (CBSC Decision 02/03-0459, July 22, 2003), the broadcast in question was a sex/relationships/banter talk-show. The complaint stemmed from dialogue with a caller, "Lorraine", a telephone sex operator, who was seeking advice on how to make her callers stay on the phone longer (she earned nothing from calls less than 7 minutes). In a humorous manner, the hosts suggested that she slip "subliminal" words (such as "Holocaust", "Vietnam", and "cancer") into her dialogue with the callers in order to dampen their ardour and prolong the calls. The caller failed to understand what the hosts were suggesting and, in fact, had never heard of the Holocaust. The hosts made fun of the female caller's ignorance of this important historical event and, in so doing, went so far as to say things such as "burn those Jews" and "gas 'em in the shower, baby." One listener complained to CBSC that this broadcast was offensive, racist and ridiculed the Holocaust experience.

While the British Columbia Regional Panel did not find that the show had discriminated against Jews, *i.e.* the Panel did not consider that the comments had been intended to advocate violence toward the Jewish population or to denigrate or insult Jews, it did find that the "humorous constructs erected here on the base of great tragedy," namely, the Holocaust in this instance, constituted improper comments. The Panel stated that it

understands the intended humour in the ludicrous concept of the sexual purveyor 'subliminally' mouthing such words in the midst of her erotic discourse. It also understands the mockable inanity of the intellectually hapless Lorraine. When, however, the hosts progressed to the level 'Yeah, yeah, burn those Jews. Gas' em in the shower, baby,' they exceeded any reasonable level of propriety.

### ***Sporting Schizophrenia?***

Disability was also the ground for other insulting comments this year. In this case, though, a distinction was drawn between comments *about* or *directed towards* disabled individuals and those comments which merely use the label of the disability against persons who are not known to suffer from the disability in question.

In *CHNL-AM re a Sports Commentary* (CBSC Decision 02/03-0054, January 14, 2003), the BC Regional Panel dealt with remarks made during a sports commentary by Neil Macrae broadcast on CHNL-AM (Kamloops), during which the commentator used the word "schizophrenic" to insult a former hockey player (now an NHL General Manager). While the Panel expressed its concern that the word had been used in the commentary, going so far as to call the opinion piece "on the edge", it concluded that the comment was not abusive or unduly discriminatory vis-à-vis individuals with the disease. The Panel stated:

The sports commentator did not target the disabled group. He attributed to an individual *outside* that group some of the disabling characteristics of the group. Like the term "retard" used in the first two Stern decisions cited above, the word "schizophrenic" or "schizo" has unfortunately come to be used as a colloquial insult, carrying a meaning interchangeable with, as Macrae suggests in his commentary, "weirdo" and other derogatory nouns, adjectives and characterizations. He has, after all, used the term in circumstances in which his intention was to be derogatory and pejorative vis-à-vis his target. It concerns the Panel that this misuse of the term could contribute to the desensitization of the public with respect to the disease, on the one hand, and could bring discomfiture or possibly even a sense of shame to the afflicted, on the other hand. The Panel wishes that the broadcaster had avoided the use of the term. It hopes that sensitivity and taste will prevail so as to avoid its careless re-use in the future.

### ***Is This What Women Want?***

Discriminatory and irresponsible comments touched women as well this year, as exemplified by the case of comments made by a radio host which stated (allegedly sarcastically) that "[translation] some women need a slap in the face." In CKRS-AM *re an episode of Champagne pour tout le monde* (CBSC Decision 01/02-0104+, May 9, 2002), two morning show hosts in Chicoutimi bantered on the news items of the day, one of which was that a famous singer had separated from her husband after a history of physical abuse. Louis Champagne responded that the singer "liked to be beaten" and repeatedly insisted that "some women need a slap in the face." While the broadcaster explained, in response to a complaint, that the host was using sarcasm to denounce violence, the Quebec Panel rejected this proffered justification and found the broadcaster in breach of both the *CAB Code of Ethics* and the *CAB Violence Code*:

[A]sserting that "a smack in the face is a good thing, eh?" and, undaunted by his co-host's attempt to exit the dialogue, his repetition that "She needs a smack in the face; there are those [women] who need that" is outrageous. The argument that the host did not intend to say this, or that he was being provocative, engaging or sarcastic, holds no water. There is simply no justification for supporting the idea of wife-beating on the airwaves. In the terms used by the CRTC in its CKVU-TV decision, it is not debatable.

The Panel also stated that "[f]reedom of expression is not a broad enough concept for Canada's private broadcasters to include such dangerous comments."

### ***If a Woman Wrestler Gets in the Ring ...***

In another case where violence against women was the issue of concern, namely, *TSN re WWF Monday Night Raw* (CBSC Decision 01/02-0660, September 13, 2002), the CBSC National Specialty Service found that a vicious "attack" on a woman did not fall afoul of the codified

standards. The concern stemmed from a segment of WWF Wrestling which showed a tag team beating up on their female valet/manager after her interference in their match resulted in their disqualification. The tag team members pulled the woman by the hair and threw her into a table. Throughout the attack, the ringside announcers made comments such as "this isn't right for a man to hit a woman like that," and "like her or not, she did not deserve that." The complainant felt that the scene sent an inappropriate message to potential children viewers.

The National Specialty Services Panel examined the segment under Article 7 of the *CAB Violence Code*, which states that "broadcasters shall not telecast programming which sanctions, promotes or glamorizes any aspect of violence against women." It found no breach, explaining

there is violence present; however, that content is most assuredly *not* condoned. While the wrestlers unquestionably celebrate their "accomplishments" vis-à-vis Stacy, the position of the scripted ringside commentators is clear. They disapprove. They repeatedly express the opinion that the attack is excessive and unjustified with statements such as "she did not deserve that" and "it isn't right for a man to hit a woman like that." It is also significant that they express these reactions while the attack is *in progress*; thus leaving viewers with the unequivocal message that such violence against women is *not* acceptable. The actual beating up of Stacy may be tasteless and terrible role modelling but the scene is not in violation of Article 7.0 of the *CAB Violence Code*.

### ***Getting the Word In***

Also this year, religious groups did not escape from questionable comments and satire. Polite and serious discussion on a Sunday morning talk-show in Vancouver was momentarily disrupted when a caller managed to get on air and tell the religious representative who was a guest on the show to "f\*\*\* off". The issue that was being discussed was whether Catholic priests should be given the right to marry or live

with partners (whether on a heterosexual or homosexual basis). The discussion went on for quite some time in a balanced and fair fashion with the host making it clear to his listeners that the discussion would not be turned into an "anti-Catholic tirade". One caller, though, was allowed to make a brief but very offensive statement, apparently due to a malfunction of the station's editing equipment. The host's reaction was simply to shrug and move on.

In its decision, see *CKNW-AM re Warren on the Weekend* (CBSC Decision 01/02-0721, January 14, 2003), the BC Regional Panel found that the single nasty comment did not negate the otherwise balanced discussion on this controversial issue. It observed that the call was "an isolated phenomenon and not in the least reflective of the tone of the program, which did not *in any other sense* promote bad feeling [...] against the Roman Catholic community." The Panel did, however, conclude that the broadcaster should have been more successful in editing out the f-word at that time of day, or, at the very least, if the equipment had malfunctioned, the program host should have commented on the inappropriateness of the word. CKNW-AM was therefore found in breach of the *CAB Code of Ethics* provision prohibiting unduly coarse language.

### ***Her Words: Coarse Critique***

In a somewhat similar case involving the use of a derivative of the F-word in commenting on the Catholic Church, the National Specialty Services Panel found that the single use of the offensive word in the context of a televised documentary on feminism was neither unduly discriminatory nor did it breach the rules concerning unduly coarse language, even if aired prior to the Watershed.

In its decision, *W Network re My Feminism* (CBSC Decision 01/02-1120, February 28, 2003), the National Specialty Services Panel examined the documentary film "My Feminism", which consisted essentially of interviews with prominent feminists of various cultures and nationalities on various issues touching the movement. In responding to a query on the role

of the Catholic Church in her country, Ireland, one interviewee stated, "no, of course I don't believe in a religion which can mind-f\*\*k people to that kind of extent." A viewer complained that this comment was not balanced with comments about other religions and that the use of coarse language was inappropriate.

In finding no breach, the Panel observed that the documentary included one woman's assertion that there are sexist traditions in "Catholicism, Hinduism, Islam [and] Judaism"; it also provided information that a feminist writer had been condemned to death by Islamic fundamentalists. Other interviewees had positive things to say about Catholicism and religion, including one who acknowledged her respect for women who were able to maintain their Catholic faith. The Panel concluded that the Irish interviewee's opinion on the Church was in any event well-balanced by other remarks about religion.

With respect to the isolated use of the f-word derivative, the Panel concluded that, despite the program's 7:00 pm time slot, the word was acceptable in this unscripted context. The views of the interviewees in this documentary were key to its credibility and purpose.

The film is not merely dependent on the interviewees, it *is* the interviewees. And their choice of words is *theirs*, not that of a screenwriter looking for a dramatic jolt or an effect. The words spoken represent the reaction of each individual to the questions put to her. The intensity and emotion of each response is reflected in the words used and the tone of their delivery. The seriousness of the broadcast vehicle, the non-gratuitous use of coarse language, its infrequent presence, the contextual relevance and importance of such words, and the likely lack of appeal to a younger audience will all be factors taken into consideration by a CBSC Panel assessing offensive words in a documentary film.

### ***Controversy Begets Satire***

In *CTV re an episode of Open Mike with Mike Bullard* (CBSC Decision 01/02-0783+, January 15, 2003), the National Convention Television

Panel dealt with satirical skits which included allusions to the accusations of paedophilia which have plagued the Catholic priesthood. The CBSC received a number of complaints from viewers, including one from the Catholic Civil Rights League (CCRL), which was concerned that the program unjustly stereotyped Catholic priests and constituted abusive or unduly discriminatory comment against an identifiable group. The Panel found no breach of that clause. It considered that, despite the discomfort of "the individuals or groups on the receiving end of the satirical commentary," the program had been nothing more than satire on "matters of public interest [which] are subject to becoming fodder for the pen, keyboard or microphone of the social commentator or satirist." As to the accusation by complainants that the reaction would have been different had the comments been directed toward other ethnic or religious groups, the Panel strongly disagreed. After citing other earlier CBSC Panel decisions in support of that contention, it said "The issue is, after all, not the *identity of the group* but rather the nature of the comments made. Those which are light, rather than heavy, tickling rather than bludgeoning, will, even if distasteful to some (or many), pass muster." In this case, they found the treatment of the issue to be "sufficiently gently satirical (and related to a very publicly debated controversy) to be acceptable."

### ***Did the Devil Make Him Say It?***

The conflict between the entitlement to present "religious messages" and the right of other groups to be free from abusive comment was brought to light again this year in *Vision TV re an episode of Power Today* (CBSC Decision 01/02-0617, September 13, 2002). In that case, a complaint was made against the preachings of TV evangelist R.W. Schambach on his weekly show broadcast by specialty service Vision TV. In the episode reviewed by the National Specialty Services Panel, Reverend Schambach stated that he wished to "free" people who were "oppressed or possessed" by the devil and that "You don't have to go out into the world to find homosexual devils" and that "homosexuality is not another lifestyle. It's demon possession."

The National Specialty Services Panel found the comments to be demonizing gays and lesbians and thus in breach of the Human Rights Clause in the *CAB Code of Ethics*

The Panel explained that, although the Code allows for people to state their religious beliefs on the air, "whatever recognition is provided for religious programming in Canada, there is an underlying expectation that principles of tolerance and harmony will prevail" and that "intolerant comment can find no salvation by wrapping itself in religious garb."

The Panel characterized the comments made by the evangelist in question as

hostile and vitriolic [...]. He refers to "homosexual devils", a "demon spirit"; in the context of the episode, he isolates and vilifies homosexuals. Moreover, in his evangelical style, he whips up the sentiments of his studio audience against gays and lesbians. The intolerance and bitterness that drip from his lips are extreme; they constitute abusive and unduly discriminatory comment; they have no place on Canadian airwaves, much less in the generally positive and tolerant broadcast environment of the multi-faith and multicultural Vision TV.

### **Controversial Issues**

Apart from issues involving the Human Rights Clause, the CBSC also dealt this year with the effect a broadcast might have on the behaviour of its listeners.

### **Discussing Drunk Driving with a Twist**

In *CHMJ-AM re Tom Leykis Show (Drunk Driving)* (CBSC Decision 02/03-0423, July 22, 2003), a complainant was offended by a talk show which he alleged promoted drinking and driving. The program was the *Tom Leykis Show* which was at the time imported from Los Angeles by MOJO Radio in Vancouver. Leykis apparently made it an annual tradition to devote one show to the issue of drunk driving and asked listeners who were "boozin' and are now now cruisin'" to

call the show. The host explained at the start of the show that the purpose of the segment was "to prove that despite all of the public service announcements and all of the warnings about driving drunk [...] many people are still doing it right now." During the hour, the host took calls from a number of people who said they were driving drunk. He also took calls from people who disapproved of drunk driving. The host stated that "we are ambivalent in our society about punishing drunk driving. [...] We keep saying that we're doin' something about it and we don't. Bottom line."

The BC Regional Panel examined the complaint under Clause 6 of the *CAB Code of Ethics*, which requires the "full, fair and proper presentation of news, opinion, comment and editorial". The Panel considered that "this broadcast sought to criticize 'societal ambivalence' on the issue of drinking and driving" and concluded that

[t]he critical issue is the impression left by that annual episode of the Leykis show. The CHMJ broadcast was a legitimate way of treating the issue and within the boundaries supported by the principle of freedom of expression. It goes without saying that the Panel's determination takes into account the fact that the advocates of drinking and driving were not given an uncontested or unchallenged platform from which to broadcast their views. Had the presentation been unbalanced in that way, this decision would almost certainly have been different. Accordingly, there is no breach of Clause 6 of the *Code of Ethics* here.

## ADULT FARE

What is broadly called "Adult Fare", *i.e.* programming which, due to coarse language, sexual explicitness or violent content, should be reserved for adult audiences, also continued to be a very popular source of concern for Canadians this year. Eight Decisions dealt with radio content in this category while another 10 Decisions dealt with similar television content.

## You Heard It on the Radio

Again this year, the CBSC dealt with coarse language content in songs on the radio and, for the first time, dealt with the issue of coarse language in the French-language context. The more prevalent concern, though, relates to sexual content at times when children might be listening.

### Filtering the "F-word"

In *CFNY-FM re the song "Cubically contained" by the Headstones* (CBSC Decision 01/02-0456, June 7, 2002), the Ontario Regional Panel found that the broadcast at 8:10 pm of the challenged song, containing the f-word, was in breach of the *CAB Code of Ethics*.

In its letter of reply to the complainant, the broadcaster had explained that an edited version of the song was not available. In previous decisions, the CBSC had noted that, where an edited version is available, it should be the preferred choice. In this case, the Ontario Regional Panel went further, stating that "[t]he decision for the broadcaster, when there is no edited version of a song, may, therefore, become, in black and white terms, whether to play or not to play [at all]."

The Panel's decision referred to research in other English-speaking countries, which has shown that the f-word is considered to be among the most offensive.

### Pardon My French

Emphasizing the importance of Regional Panels, the Quebec Regional Panel found no breach with respect to the use of French-language "swear" words in a comedic sketch. The decision in *CKAC-AM re a Comedic Sketch by Michel Beaudry* (CBSC Decision 01/02-0966, December 20, 2002) dealt with a skit in which the host parodied boxing promoter Régis Lévesque. He used colloquial language peppered with such words as "tabernac", "calice" and "hostie". A listener complained that the words used represent sacred objects and should be treated with respect. CKAC-AM argued that the words



have become part of Quebec popular language and that their broadcast did not violate any broadcaster Codes.

Although the CBSC has dealt with English coarse language in the past, this was the first occasion on which a CBSC Panel had been called upon to rule on offensive terms in the French language. In finding no breach of any codified standard, the Panel stated that it did not dispute the religious origin of the words, but noted that in this instance the words "did not in any way target the Catholic religion [...]. [T]hey were merely used as expletives without any intended reference to things religious." The Panel went on to state that, based on a broad social norms test, it agreed with the broadcaster that the words in question have slipped into common and marginally acceptable usage.

### ***Sex and Kids No Joking Matter***

Another comedic sketch came under the scrutiny of the BC Regional Panel not for reasons of foul language but due to the allusion to sex with grade four girls. In *CFMI-FM re Satirical Sketch* (CBSC Decision 01/02-1062, January 14, 2003), the Panel dealt with a satirical sketch made up of short segments of statements made by United States President George W. Bush, all edited together in order to make him look foolish. One line of this tapestry of "speech" referred to giving each member of the military a fourth grade girl. The Panel saw no humour in such sexualization of children. CFMI-FM was found in breach of the codified standard which prohibits such content.

### ***Waking Up Down Under on the Radio***

Where sexually suggestive comments do not involve children, the criteria which will be used by an Adjudicating Panel in determining whether the content was acceptable for broadcast relates to the explicitness of the dialogue. In *CFMI-FM re Brother Jake Morning Show (Wake up Contests)* (CBSC Decision 01/02-0875, January 14, 2003), the BC Regional Panel did not consider two radio contests "unduly sexually explicit" so as to fall afoul of the codified standard.

In April, the *Brother Jake Morning Show* held two contests to win tickets to a hockey game. The first was called "Wake Up Woody" and the second "Wake Up Wendy". Contestants were required to wake up their sleeping partners using innovative sexual techniques while on the telephone with the *Brother Jake Morning Show* crew. A listener complained that both the contests' concept and the actual dialogue that occurred during the stunts was inappropriate at a time when families are preparing to leave for school and work. The Panel concluded that the broadcasts contained

considerable sexual banter that is on the edge but nothing that falls over it. The contest is filled with double entendres and suggestive comments; however, after examining the comments closely, the Panel concludes that there is nothing that is explicit enough to be in breach of the Code provision. The Panel is not convinced that all children would even understand the innuendo; however, even if some might, the Adjudicators are not of the view that the two contests are sufficiently explicit to fall afoul of the Code.

### ***Washing Machines and Other Sex Toys***

By contrast, in *CIRK-FM re K-Rock Morning Show* (CBSC Decision 01/02-0713 &-1113, February 5, 2003), the Prairie Regional Panel examined the sexual content of an Edmonton station morning show and found some of its content to have crossed the boundary into unduly sexually explicit material for radio. While a light discussion of penis shape, a song called "Tits" and a story about a circumcision performed by a barber did not fall into the "undue" category, the Panel did conclude that the host's description of how to masturbate with a washing machine, the joke songs "Dear Penthouse" and "Prison Bitch", as well as a mock commercial for a "Solo Sex" exercise machine, were sexually explicit and thus in violation of the Code. The Panel stated that it "understands the dilemma of broadcasters desirous of providing programming featuring a content and style that they deem appealing and entertaining for their target audience" but concluded that

[b]roadcasters must use their expertise to find the appropriate combination of content that is, on the one hand, amusing to their audience and yet, on the other hand, does not contravene any of the Code provisions which Canada's private broadcasters have themselves collectively established.

### ***Fake Does Not Explicit Make***

In yet another decision relating to a radio contest with a sexual theme, namely *CFRQ-FM re Morning Show ("Faking it" Contest)* (CBSC Decision 01/02-1137, March 7, 2003), the Atlantic Regional Panel did not find that the sounds of faking an orgasm on the air were sufficiently problematic to find the broadcaster in breach.

A Halifax radio station held the contest in honour of the "Second Annual National Orgasm Day" which was apparently being celebrated that day. After providing the statistic that 80% of women fake orgasms, the hosts invited listeners to call in and fake an orgasm on the air. The hosts took three calls, two from men and one from a woman. All of the callers provided a comedic element to their presentations, such as baa-ing like a sheep and using a literal French translation out of context.

In finding that the "faking orgasm" segments broadcast on the morning show were not sexually explicit the Panel made the following comments:

In the present case the Atlantic Panel finds that there was no explicitness involved. In the first place, the term "fake" was used repeatedly. Not only was there no suggestion of reality, but there was also no detail or description of an explicit sexual act. All the callers seemed to be providing their own take on the sexual silliness that characterized the "contest". At worst, the Panel finds that the material may be juvenile, tasteless or inappropriate, but there is nothing about the content that moves it from the inappropriate to the unacceptable. In other words, even if children *might* have been listening (and the station's demographics do not suggest that this might have been the

case), the subject matter would not have presented a problem. The Panel finds no breach of the [...] CAB Code of Ethics here.

### ***Word of the Day***

The explanation of a phrase popularly used to describe a specific sexual activity, however, was definitely considered to be sexually explicit and inappropriate for a morning show. In *CKVX-FM re comments made on the Pepper and Crash Show* (CBSC Decision 02/03-0383, May 2, 2003), the BC Regional Panel dealt with a segment of that Vancouver morning show in which the hosts asked listeners to call to explain the "word of the day" which was "snowballing". Two of those callers provided a precise description of the sexual act and offered their thoughts on the matter. Early in the conversation, though, but after some sexually explicit discussion had already occurred, one of the hosts jokingly provided a short "listener advisory" indicating that the conversation was of an adult nature, so young children should not be listening. One listener complained to the CBSC that she and her 14 year old son had heard the program in the car while driving to school. She wrote that she had tried to change the station, but had been unable to avoid the most explicit part of the discussion. The broadcaster responded, indicating that Xfm's target audience is 18 to 35 year old males and the content may not suit the tastes of all listeners. The station stated that the hosts had attempted to deal with the sexual topic in a light-hearted and humorous way and had advised the audience of the adult nature of the conversation.

Based on previous decisions, the Panel concluded that the "explicit discussions and definition of 'snowballing' that followed it fall unequivocally into the category of unduly sexually explicit content." They said: "The terminology is precise, descriptive, even graphic. It is exactly what the codifiers intended to avoid when they drafted the new provision."

The Panel also observed that the host's "disclaimer" had been "thrown in" only after some explicit remarks had been made and that,

although helpful to audiences, audio advisories are not “a defence for the [radio] broadcaster against the airing of otherwise inappropriate programming.”

### **Vividly Dominant Imagery**

In addition to being found to be sexually explicit, an expression used by a sportscaster to announce one team’s victory over another was found to be inappropriately violent. In *CJAY-FM re a Sports Report* (CBSC Decision 02/03-0234, February 5, 2003), the announcer, in reporting the previous night’s NFL football game score, stated that the “Redskins got bent over and fisted by Philly 37-7.” He followed that statement with “Can you feel that?! Can you, baby?!” A listener complained to the CBSC that the reference to “fisting” was “crude, obscene and disgusting”.

The Prairie Panel examined the complaint and found that the combined effect of sex and violence in the sports report constituted a breach of the radio broadcasting clause of the CAB Code of Ethics, particularly since it was aired at 7:20 am. The Panel made the following comments:

The suggestion that one team “got bent over and fisted” by another is obviously metaphorical, but it nonetheless creates an image of sexual violence. While an intent to convey *dominance* in reporting a sports score is understandable, the linking of such dominance to a sexual scenario in this context is both unnecessary and unjustifiable. The sexual connotation of the statement was further emphasized and exacerbated by the announcer’s succeeding interjections “Can you feel that?! Can you, baby?!”. The Prairie Panel thus considers the qualifying comments to be gratuitous.

[...]

There was no attempt to mask the sexual meaning with double entendres or innuendo. The sexual reference was obvious and would likely have been widely understood by the majority of the station’s listeners.

The Panel also acknowledged “the desire of

broadcasters to find creative, unique and entertaining phrases and analogies,” but noted that the Codes by which private broadcasters have agreed to abide do set limits on the type of sexual

and violent content acceptable on Canadian airwaves.

### **Must See TV**

In the television context, sexual content was also an important concern for Canadians this year. In addition, the Council also dealt with coarse and offensive language and the appropriate use of viewer advisories, among other things.

### **Showing Off the Showgirls**

In *TQS re the movie Les Girls de Las Vegas (Showgirls)* (CBSC Decision 01/02-0478, December 20, 2002), the Quebec Regional Panel determined that the movie, about the erotic dance industry and containing sexual scenes and an allusion to a rape, did not exploit or promote violence against women, but that its sexual nature required that TQS provide viewer advisories throughout the first hour of the broadcast. TQS failed to meet this requirement.

The Panel determined that the movie did not exploit women, since “the subject of the film was an aspect of the sex/eroticism industry which is not in violation of the law. It is to be expected that the film’s content would reflect this.” The Panel also noted that the allusion to the rape was neither gratuitous nor glamorized and was “dramatically relevant to the character development of the principal protagonist.” Such content is not problematic when aired after the “Watershed hour” of 9:00 pm, which TQS did.

TQS was found in breach, however, for its failure to air adequate viewer advisories throughout the movie. Broadcasters are required, when airing programming that contains scenes intended for adult audiences, to include viewer advisories at the beginning, and coming out of each commercial break, during the first hour. TQS aired an appropriate advisory in video and audio

formats at the beginning of the film and once again in a video-only crawl across the bottom of the screen part way through the first hour. This was not considered sufficient to meet the codified requirements.

### **Crowning Television Moment**

The Quebec Regional Panel acknowledged that regional differences exist in Canada generally but especially between the francophone and anglophone audiences. In its decision in *TQS re the movie L'Affaire Thomas Crown (The Thomas Crown Affair)* (CBSC Decision 01/02-0622, December 20, 2002), the Panel noted that other CBSC Panels elsewhere in Canada would likely have considered an 18+ rating more appropriate and required that the movie air post 9 pm.

The broadcast of the feature film *L'Affaire Thomas Crown* (the dubbed French version of the movie *The Thomas Crown Affair*) contained a lengthy love scene between the two main characters which showed bare breasts and buttocks. TQS aired the movie at 7:00 pm and assigned it the rating of 8+. It did not provide any viewer advisories (in keeping with its view that the film was appropriately rated 8+).

In reviewing a complaint that the movie had aired too early and had been rated too low, the Panel concluded that, while the scheduling of the movie was not problematic in Quebec, the movie merited a higher rating and required viewer advisories. The Panel noted that TQS had relied in part on the classification given to the theatrical distribution of the film by the Régie du cinéma du Québec (the Régie had given the movie a "Visa général"). French-language broadcasters use the Régie's classification system but the Panel concluded that they are obliged to rate their own broadcasts based on the more readily accessible television context. The Panel determined that this television broadcast should have been given the higher rating of 13+.

The Panel also found TQS in breach for not having provided viewer advisories at the beginning of the movie and coming out of each commercial break.

This decision has been "appealed" to the CRTC by the broadcaster.

### **Study of Sexy Subjects**

"A documentary does not cease to be a documentary just because its subject is racy rather than dry." That was the conclusion of the National Specialty Services Panel in its decision *Bravo! re The film Chippendales & the Ladies* (CBSC Decision 01/02- 0379, September 13, 2002).

*"A documentary does not cease to be a documentary just because its subject is racy rather than dry."*

The decision in question dealt with concerns raised over a documentary film about the entertainment troupe of male strippers known as the Chippendales. Although the documentary contained some scenes of provocative dancing and bare buttocks, the Panel noted that there was no frontal nudity. The majority of the film featured interviews with the male strippers and women who attended their shows. The CBSC received a complaint from a viewer who felt that the program was merely "soft-core porn" disguised as a documentary. He was concerned that Bravo! had broadcast the film at 6:00 pm MST (8:00 pm EST) and that its content was degrading to both the strippers and the audience.

With respect to the issue of subject matter, the Panel concluded that the content was not even so "racy" as to relegate its broadcast to the post-Watershed (9:00 pm) time period. The Panel also considered the broadcast under the exploitation clause of the Canadian Association of Broadcasters' (CAB) *Sex-Role Portrayal Code* and explained that the purpose of that provision

is to ensure that there will be no inequality in the form of exploitation or degradation of either gender on the airwaves. This does not mean that the simple depiction of one sex in the absence of the other is the equivalent of

the inequality that would be of concern.  
[...]

In the matter at hand, there is no demeaning, degrading, mocking perspective regarding the male strippers. [...] [The film] explores a phenomenon and "what's in it" for both the dancers and the watchers. It exploits neither side of the stage lights to the expense or detriment of the other.

The Panel did determine that, given the program's early evening time slot, the unsuitability of the subject matter for children required viewer advisories coming out of every commercial break. Since Bravo! had provided only one advisory at the very beginning of the documentary, the Panel concluded that the specialty service did not meet the codified requirements. In coming to this conclusion, the Panel did commend the broadcaster, however, for displaying a 14+ classification icon on the program since documentaries are exempt from the classification requirements.

### ***Coarse Cops***

Coarse language was the issue of concern in *Showcase Television re The Cops* (CBSC Decision 01/02-1137, March 7, 2003). In that case, which concerned a series about urban cops, the CBSC National Specialty Services Panel concluded that the program should air after the Watershed hour of 9 pm and be accompanied by viewer advisories due to the frequent use of coarse language in the program. The CBSC had received a complaint about the program from a viewer who was concerned about the program's 5:00 pm time slot and the lack of viewer advisories, given the recurring presence of the f-word in the program. The Panel noted that "the use of coarse language may well be relevant, in this case constituting an accurate representation of how urban police officers and the individuals with whom they interact would speak," but that that was not the Panel's issue. The Panel's concern was whether such coarse language should be relegated to a post-Watershed time slot and be accompanied by viewer advisories. The Panel concluded that it should. While the broadcast reviewed by the

Panel did not contain any viewer advisories, Showcase stated in its response to the complaint that future broadcasts would include advisories. The Panel commended Showcase for this initiative stating that this pro-active commitment demonstrated "the effectiveness of the broadcaster-complainant dialogue process."

### ***Quashing the Queer Question***

In dealing with concerns over the sexual explicitness of the series *Queer as Folk*, the National Specialty Services Panel made it clear that there is no different standard for judging scenes of homosexual and heterosexual activity.

In *Showcase re an episode of Queer as Folk* (CBSC Decision 01/02-0217, September 13, 2002), the CBSC National Specialty Services Panel determined that the sexually explicit content was not such that it could not be broadcast. The Panel noted that the show was appropriately rated 18+ given the coarse language and the sexual content of the show "which is more than merely suggestive". It also noted that the show was appropriately scheduled after the Watershed of 9 pm.

While the show was accompanied with *some* viewer advisories (coming out of every other commercial break), the Panel was forced to conclude that more were required to meet the codified standards. Where programming contains scenes "intended for an adult audience," as *Queer as Folk* obviously did, viewer advisories must appear at the beginning of the show and coming out of every commercial break. This particular episode of *Queer as Folk* featured an advisory at the beginning alerting viewers to the nudity, sexuality and coarse language. The second advisory, which appeared at the end of the second commercial break, was in audio format only and stated simply "viewer discretion is advised." In addition to finding that the show requires advisories coming out of every commercial break, the Panel ruled that they should have been more detailed in their explanation of the content.

### ***Be Funny But Be Serious***

In its decision *TVA re Je regarde, moi non plus* (CBSC Decision 01/02-0452, December 20, 2002), the Quebec Regional Panel fell short of stating that viewer advisories are no joking matter but it did indicate that the requirements are not to be taken lightly. That case dealt with a late night talk show which included a report about escort services, a description of sex toys and an explanation of different types of orgasms. It also included some racy visual material, such as a comedic drawing of a man with an erect penis and scenes of an orgy. The show aired post-Watershed and did not include a rating (since talkshows are exempt from the requirement that it be rated). A "mock" advisory was aired at the start of the show which stated:

[translation] WARNING: The following program is just for fun. If you want to engage in a serious debate about the exploitation of women's bodies for commercial and monetary purposes, don't waste your time here. Make yourself some chicken soup, put on your flannel robe and go finish the 2,000 piece jigsaw puzzle that you started at Christmas.

This "advisory" was insufficient, as the Panel explained:

Advisories should have been aired at the beginning of the program and following each commercial break. It goes without saying that the humorous "advisory" used at the beginning of the challenged episode is not what the Panel has in mind. This is not to suggest for an instant that the broadcaster is not entitled to include such a light-hearted element in its program but rather to explain that TVA must find a way to include the serious advisory at the times required for the benefit of audience members wishing to make informed viewing choices for themselves and their families.

### ***Incestuous Promotion***

In *Space: TheImaginationStation re Drive-In Classics Promo* (CBSC Decision 01/02-0699, September 13, 2002), the CBSC National

Specialty Services Panel dealt with a promo for a movie to be broadcast on Space's sister station Drive-In Classics. The promo was for the 1968 movie *Vixen* by Russ Meyer and clips were shown depicting sexual activity involving the film's female protagonist and various individuals, including her brother. The CBSC received a complaint from a viewer who was very concerned that this promo had aired in her part of the country at an early hour (although it had been broadcast after 9 pm at the point of origination). The complainant also alleged that this promo promoted incest.

The National Specialty Services Panel examined the complaint under Article 3.2 of the *CAB Voluntary Code on Violence in Television Programming* which requires that promotional material containing scenes intended for adult audiences not be telecast before 9:00 pm. The Panel noted that, although the Code provides that scheduling of *programming* is assessed on the basis of the time zone in which the signal originates, this same exception does not apply to either promotional material or advertising. The Panel agreed with the complainant that the content of this particular promo was clearly adult fare and should not have aired before 9:00 pm in any time zone. The Panel stated:

Apart from anything else, such short spots do not, indeed, cannot by their nature benefit from the informational protections afforded by classification icons and viewer advisories. Broadcasters must, therefore, [...] ensure that promotional spots and advertising conform to the Watershed requirements of the private broadcaster codes, as a function of the *hour at which they will be received* in any time zone in the country, without regard to the hour at which they are broadcast in the time zone of origin.

As to the complainant's concern with the subject matter of the movie promoted in the spot reviewed by the Panel, it stated:

Of all the areas of sexual activity, it would be difficult to name one that is more problematic to broadcast in a time period when children could be expected

to be watching television than incest. It is both overtly sexual (and oriented exclusively toward adults in that sense) and disquieting, threatening and destabilizing for children. Whether there *may* be some carefully written and presented documentary or educational treatment of the subject that *could* be broadcast before the Watershed is not the issue for this Panel currently. Its concern is the strictly commercial and, to use the complainant's term, *luring* purpose of the promo. The spot is clearly adult fare.

### ***Beasty Business***

Another disturbing area of sexual activity which should be relegated to the post-Watershed time frame only is bestiality, as concluded the Quebec Regional Panel in *TQS re two episodes of Sexe et confidences* (CBSC Decision 01/02-329, April 5, 2002).

*Sexe et confidences* is an information program hosted by sexologist Louise-Andrée Saulnier. She discusses sexual topics, conducts interviews with experts on various sex-related issues and takes telephone calls from viewers. She often employs images and video clips to illustrate her subject.

A viewer wrote to the CBSC complaining about two particular episodes which he felt should not have been broadcast in the early afternoon. The first was about bestiality. The episode was rated 18+, but contained no viewer advisories. The host provided information about the practice, such as laws against bestiality and its role in folklore, and also took telephone calls from individuals who described their experiences. The episode featured photographs and other visual images of bestiality. The Quebec Panel decided that the sexually explicit discussion and images in this episode were clearly intended exclusively for adult audiences (as was also suggested by the broadcaster's own rating), thus requiring that the episode air only after the Watershed hour of 9:00 pm. The broadcaster TQS was therefore found in breach on that account.

The topic of the second episode was strip-tease dances. It was rated 16+ and again contained no viewer advisories. Saulnier discussed the history of the seductive ritual and interviewed a film studies professor who spoke about the representation of strip-tease in movies. He showed video clips of strip-tease scenes from various movies. The episode also featured interviews with exotic dancers and strip club clients, accompanied by clips of strip-tease performances. The Quebec Panel did not find that episode's 1:00 pm time-slot problematic since it had decided in the past that scenes of nudity when not paired with sexual activity do not require a post-9:00 pm broadcast.

The Panel found that both episodes required viewer advisories in accordance with the rules for pre-Watershed broadcasts of material "unsuitable for children".

### ***Dating Rating***

*Blind Date* is a reality style of show that follows couples on (as the title suggests) blind dates. Although no actual sexual activity is shown, the program contains significant sexual innuendo and sexually suggestive content. The program also frequently shows men and women in skimpy clothing and couples kissing passionately. Sexual activity is occasionally implied by the video insert of a couple closing a bedroom door and other innuendo.

Complaints were received about the show when Toronto station City-tv scheduled it in a late-afternoon time slot. In its decision in *City TV re Blind Date* (CBSC Decision 02/03-0570 & -0631, May 2, 2003), the Ontario Regional Panel concluded that the broadcaster breached no Code standard by running the program before the Watershed hour of 9:00 pm; however, it determined that the sexual themes in the episodes reviewed necessitated viewer advisories since they were aired in a daytime time slot and were unsuitable for children. The Panel also decided that the program should have been rated 14+ rather than PG. It stated:

The Panel considers that the content is so unsubtle, so driven by the creators' video choices and the wording in the balloons, that, if anything, the program segments serve as a road map or guidance for viewers on the subjects treated. On the issue of sexual references, the Panel notes that a PG-rated program "might have limited and discreet sexual references or content when appropriate to the storyline or theme." The sexual references in *Blind Date* are neither limited nor discreet. In sum, the Panel finds that there is little, if anything, about *Blind Date* which would make it suitable for a PG rating.

### **Overtime Rules**

In *CTV re The Sopranos (Season 2)* (CBSC Decision 01/02-0104+, May 9, 2002), the National Conventional Television Panel dealt with the second season of the series which it had examined the year before.

In its first decision, the National Conventional Television Panel concluded that the scenes involving nudity, coarse language and violence in the first season were not in breach of the broadcaster codes provided they aired after the "Watershed" hour of 9:00 pm and the episodes featured adequate viewer advisories.

In accordance with the requirements of the *CAB Violence Code*, CTV's broadcast of the program's second season included detailed advisories at the beginning of each episode and coming out of every commercial break. The task of the Panel with respect to the second season, then, was to determine whether any of the content was so different from that of the show in its first season as to amount to a breach of the Codes. The Panel found that it was not. As in the first season episodes, the coarse language and violent acts depicted in the series were found to be relevant to the plot and character development. The one substantive difference noted by the Panel was that some episodes of season 2 showed nudity paired with sexual activity. The Panel concluded, though, that such scenes were not problematic in a post-Watershed environment if accompanied by appropriate viewer advisories.

The Panel did, however, find CTV in breach with respect to the provision of classification icons. The *CAB Violence Code* requires that broadcasters air a classification icon in all dramatic programming which indicates the appropriate rating for the show. This icon is to appear at the beginning of the program and again at the beginning of the second hour for programs which run longer than one hour. *The Sopranos* episodes in season 2 frequently ran longer than the program's one-hour time slot by as much as ten minutes. In fact, one complainant wrote that he had tuned in to the 11:00 pm newscast and was shocked to hear extremely coarse language in *The Sopranos*. The Panel acknowledged that, although "this would have been the case even if the icon had been present, the reality is that it was not. It would at least have constituted modest, but useful, advice to the viewer whatever the nature of the on-screen activity."

### **Bowling for a Good Time**

*Gutterball Alley* is a game show broadcast on the Comedy Network in which contestants have to answer quizzes or perform unusual stunts, frequently with a sexual component to them, in order to win prizes. The CBSC received complaints from viewers who were particularly concerned with one episode which incorporated a performance by the art troupe "Puppetry of the Penis". In that segment, two men wearing only capes manipulated their genitalia to form different shapes and the contestants had to guess what each shape represented. In its review of the broadcast, the National Specialty Service Panel also noted that the f-word was used twice in this episode.

In its decision, *The Comedy Network re an episode of Gutterball Alley* (CBSC Decision 01/02-0450 & 01/02-0481, September 13, 2002), the Panel found no substantive problem with the show itself. The complainants had characterized the program as "degrading" and "disrespectful". It found, however, that, while the show was appropriately scheduled at 9:30 pm, it should have been accompanied by viewer advisories.



The National Specialty Services Panel did not find the program's sexual humour degrading or exploitative under the *CAB Sex-Role Portrayal Code*. The Panel did, however, conclude, that the inclusion of the f-word in the program rendered it "intended for adult audiences", which necessitated viewer advisories coming out of every commercial break. The presence of a single advisory at the beginning of the program that only unspecifically mentioned "mature subject matter" was inadequate. The Panel also noted that, due to the coarse language, the episode should have carried an 18+ rating rather than the 14+ which The Comedy Network had given it. The Specialty Services Panel found no violation on this account, however, because game shows are technically exempt from classification. The Panel in fact commended the broadcaster for providing an icon when one was technically not required.

## JOURNALISTIC ETHICS

Three Panel Decisions this year dealt with journalistic practices. At issue was the right to privacy, accuracy, and bias in news reports.

### ***Caught Like a Deer in Headlights***

The CBSC Ontario Regional Panel dealt with issues of privacy and accuracy in news reporting in *CKVR-TV re a News Report (Penned Hunt)* (CBSC Decision 00/001-0761, June 7, 2002). The Panel examined a news report that focussed on the application by a resident of Coldwater to establish a deer hunting park on his property. It included interviews with various people implicated in the issue, one of whom, the hunt park owner, was taped on his wooded property. The report also showed footage of antlered animals in a pen in an un-wooded area. The CBSC received a complaint from the hunt park owner's neighbour who stated that the deer shown in the report were actually his deer and did not belong to the hunt park. He was concerned that the use of the footage of his animals invaded his privacy and misrepresented both his deer breeding operation and the hunt park. Citing the need for visuals to accompany

the story, the broadcaster explained that there were no deer available for filming at the hunt park location, so they had filmed some at a property down the road.

The Ontario Regional Panel concluded that the broadcast did not violate the complainant's privacy because it was unlikely that the average viewer would have been able to identify the deer as belonging to him. The Panel did, however, find Code violations for the broadcaster's inaccurate presentation of the animals as belonging to the hunt park. The Panel made the following statement:

At no time has the broadcaster made the audience aware that the scenes were shot at two separate properties. The reporter's statement that the woman is opposed to plans for animals to be hunted 'in a fenced-in area' directly overlying the visuals of animals in a penned open field leaves the viewer with the distinct impression that those are in fact the animals to be hunted and that the enclosure is indeed the hunt park terrain.

[...]

The Panel does not consider that the broadcaster was intending to mislead its audience. Nonetheless, [...] it has, in the view of the Panel, done a disservice in its misrepresentation of the nature of the hunt park.

### ***Deconstructing the Detaxers***

The question of bias in reporting was examined in *CTV re a W-Five segment ("NoTax")* (Decision 01/02-0965+, January 15, 2003). The CBSC National Conventional Television Panel reviewed complaints accusing an episode of CTV's public affairs program *W-FIVE* of being biased against an advocacy group which calls itself "detaxers" and wrongfully making their members look like terrorists.

The "No Tax" segment on *W-FIVE* was divided into two parts. The first dealt with the question of the basic posture of the detaxers regarding the obligation to pay state-levied taxes at all. The

second reflected the broadcaster's suggestion that an anti-tax position could lead to a more general anti-government view which can then in turn lead to violence. In the first part, *W-FIVE* explained the detaxers' position to the effect that, based on such ancient precedents as the *Magna Carta*, Canadian citizens are not legally required to pay income tax. The segment included interviews with some of the movement's leaders who elaborated on the views, positions and arguments of the group. It also included interviews with a tax lawyer, the Minister of the Canadian Customs and Revenue Agency, judges and various other experts who took the position that the detaxers were misinterpreting the laws of the land. In the second part, some of the individuals interviewed provided examples of cases in which tax employees and judges had been threatened, allegedly in detax-related matters. One interviewee also noted that anti-tax movements in the United States have been connected to violent activities and that Oklahoma City bomber Timothy McVeigh had started out as an anti-tax adherent.

The National Conventional Television Panel reviewed complaints about the segment and found no breach of the Code. The Panel found the piece balanced since "the detaxers were provided ample opportunity to state their case." It also considered that the program did not need to present every single one of the detaxers' political philosophies in order to be fair.

[T]he broadcaster was under no obligation to provide time for every argument the detaxers wished to raise. Television is not print. Nor is it the Internet. The detaxers may well be able to expound on their arguments in those media that provide fewer, if any, limitations of space or time. On television, on the other hand, they must fit within the constraints of the medium. That being said, they were right to expect that the broadcaster would allow them to put their case. It did and they did. CTV had no further obligation in this respect

The Panel noted that the link presented in the segment between the violence in the U.S. and Canadian detaxers was quite weak, but the

Panel concluded that the segment clearly distinguished the Canadian examples from the American ones. It stated that "the audience members were entirely free to reach their own conclusions regarding the applicability of the American historical examples to the Canadian future."

### ***If It Barks Like a Dog ...***

In *TQS re News Report on Le Grand Journal* (CBSC Decision 01/02-0512, December 20, 2002), the Quebec Regional Panel dealt with a broadcast of the story of a woman who had been sheltering approximately 150 cats and dogs and was being evicted from her property because it was not equipped to accommodate that many animals. An on-site reporter provided details on the situation and updates were provided throughout the broadcast. Interviews with SPCA representatives and the woman herself were included in the report. The program's host, Gilles Proulx, introduced and concluded the reports with his own sound effects of dogs barking and references to the animals as "doggies", "bow-wows", etc. At one point he referred to the woman in question as "a rare animal" and commented on her sarcastic replies to the reporter by saying that she should join a well-known comedy troupe.

The complaint came from the woman, who felt that the news item had been treated inappropriately. The Quebec Regional Panel concluded that the broadcast did not breach any provisions of either the *CAB Code of Ethics* or the Radio Television News Directors Association (RTNDA) *Code of Ethics*. The Panel found that the report was accurate, balanced and fair since it featured interviews from experts and provided an opportunity for the woman to give her side of the story. The Panel did express the concern that Proulx's antics "made both the subject and the complainant look trite and foolish", but did not find the comments sufficiently inappropriate to find a Code violation since, among other things, Proulx does not have the same responsibilities as reporters do.

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### 3. SUMMARY OF COMPLAINTS

#### OVERVIEW

In 2002/2003, 1,873 persons lodged formal complaints with the CBSC. Some of these did so by signing a petition for which only one file was opened. The total number of files opened by the CBSC in 2002/2003 was 1,554. This number is significant not only because it is a record number, surpassing the high from 1997/1998 by close to 300 files, but also because there was no single major concern which accounted for a large number of complaints and files opened (e.g. in fiscal 1997/1998, 500 files were related to the *Howard Stern Show* alone and all dealt with through the release of a single decision; in that same year, another 500 files related to two episodes of *J.E.* and *J.E. en direct* and were dealt with by the release of two decisions).

- Of the 1,554 complaint files opened in fiscal 2002/2003, the CBSC actually handled 1,395 or 89.77%; 57 files were referred to Advertising Standards Canada (ASC), three to the Cable Television Standards Council (CTSC), and 95 to the Canadian Radio-television and Telecommunications Commission (CRTC) (of these 95 files, 83 related to non-member broadcasters and 12 dealt with issues which did not come within the parameters of the Codes administered by the CBSC, such as those relating to Canadian content and simultaneous substitution). Four files were referred to other agencies as they did not relate to broadcasting.
- The CBSC, nonetheless, responded to all the complaints including those sent elsewhere for ultimate resolution. In the case of petitions, however, the CBSC responded to only one appointed spokesperson for each group of signatories.
- This year, the CRTC forwarded 941 complaints to the CBSC (60.5% of the total files opened in 2002/2003). Other agencies forwarded 44 complaints (2.8% of total complaints) while the CBSC received directly 570 complaints (36.7% of the total complaint files opened this year).
- The preferred method of communication of complainants continues to be email. Emailed complaints accounted for 1212 files (78.0% of the total files opened in 2002/2003); snail mail followed with 283 complaints (18.2%), then fax dropping significantly from previous years at 57 (3.7%).
- In addition, as in previous years, the CBSC received a large amount of "general correspondence" from people seeking, for example, general information about the Council and its Codes or contact information for a broadcaster. This year, had such correspondence been classified in the same manner as standard complaints, it would have added a further 152 "files" to the total.

**RADIO AND TELEVISION COMPLAINTS**

Of the 1,395 complaint files handled by the CBSC,

- 459 dealt with radio programming (29.5%);
- 894 dealt with television programming (57.5%);
- 42 dealt with general concerns about broadcasting or could not otherwise be categorized (2.7%).

**ADJUDICATING PANELS**

Of the 1,395 complaint files handled by the CBSC in 2002/2003,

- the majority came from the Ontario Region (23% of all complaints handled by the CBSC);
- but this majority was followed very closely by complaints coming from Quebec (21.6%).

**Region of Complaint (Adjudicating Panels)**

<b>Adjudicating Panel</b>	<b>Radio</b>	<b>Television</b>	<b>N/A</b>	<b>Total</b>
Atlantic	7	12	0	19
Quebec	186	110	6	302
Ontario	128	190	5	323
Prairie	69	98	2	169
B.C.	61	75	5	141
National Conventional	--	166	--	166
National Specialty Services	--	202	--	203
Non-determined or Not applicable	8	41	24	73
<b>TOTAL</b>	<b>459</b>	<b>894</b>	<b>42</b>	<b>1,395</b>

Notes:

- 1) The vertical "N/A" axis encompasses complaints concerns things other than radio or television programming, such as cable bills or satellite reception.
- 2) The Region of Complaint is determined by the location of the complaint unless the concern relates to matters which must be dealt with by one of the National Panels due to the nature of the broadcaster targeted by the complaint. Many complaints could not be regionally situated this year; this is due in large part to the increase in complaints received by email which provide only the complainant's email address. Where no other clues as to the appropriate region are provided in the complaint, it is categorized as non-determined.

**LANGUAGE OF PROGRAM**

Of the 1,395 complaint files handled by the CBSC,

- 1,064 dealt with English-language programming (76.3%);
- 297 dealt with French-language programming (21.3%)

**SOURCE OF PROGRAM**

Of the 1,395 complaint files handled by the CBSC,

- 843 dealt with Canadian programming (60.4%);
- 299 dealt with foreign programming (21.4%);

**Language of Program**

<b>Language</b>	<b>Radio</b>		<b>Television</b>		<b>N/D or N/A</b>		<b>Total</b>	
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
English	273	59.5%	769	86.0%	22	52.4%	1064	76.3%
French	179	39.0%	113	12.6%	5	11.9%	297	21.3%
Foreign	7	1.5%	9	1.0%	0	0.0%	16	1.1%
Not specified	0	0.0%	3	0.3%	15	35.7%	18	1.3%
<b>TOTAL</b>	<b>459</b>	<b>100%</b>	<b>894</b>	<b>100%</b>	<b>42</b>	<b>100%</b>	<b>1395</b>	<b>100%</b>

**Source of Program**

<b>Source</b>	<b>Radio</b>		<b>Television</b>		<b>N/D or N/A</b>		<b>Total</b>	
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
Canadian	412	89.8%	413	46.2%	18	42.9%	843	60.4%
Foreign	30	6.5%	266	29.8%	3	7.1%	299	21.4%
Undetermined	17	3.7%	215	24.0%	21	50.0%	253	18.1%
<b>TOTAL</b>	<b>459</b>	<b>100%</b>	<b>894</b>	<b>100%</b>	<b>42</b>	<b>100%</b>	<b>1395</b>	<b>100%</b>

## TYPE OF PROGRAM - RADIO

The CBSC classifies the type of programming of its complaints in a non-exclusive manner, *i.e.* allowing for a program to be classified under more than one category. While this provides more pointed information to readers, the total for the number of radio complaints in the chart below, if given, would exceed the actual number

of radio complaints received in 2002/2003.

Of the 459 radio complaints,

- the overwhelming majority (368 files) dealt with informal discourse and open line programming (80.2% of radio complaints).

Type of Program - Radio			
Type of Program	# of Radio Complaints	% of Radio Complaints	% of all Complaints
Advertising	25	5.4%	1.8%
Contests	18	3.9%	1.3%
Comedy	2	0.4%	0.1%
Education	4	0.9%	0.3%
Informercial	3	0.7%	0.2%
Informal Discourse / Open Line	368	80.2%	26.4%
Music	17	3.7%	1.2%
News and Public Affairs	14	3.1%	1.0%
Promos	5	1.1%	0.4%
Public Service Announcement	1	0.2%	0.1%
Religious	2	0.4%	0.1%
Sports	2	0.4%	0.1%
Undetermined	12	2.6%	0.9%
Non-applicable	6	1.3%	0.4%

- Notes:
- (1) While the CBSC's non-exclusive categorization of programming results in some duplication, the percentage of complaints in each category is, nevertheless, calculated on the basis of the actual number of complaint files concerning radio programming (459). Accordingly, if given, the total number of the percentages would, of course, be greater than 100% for the reasons explained above.
  - (2) This percentage is based on the total number of complaint files handled by the CBSC (1,395). Accordingly, if given, the total number of the percentages would, of course, be greater than 100% for the reasons explained above.

## TYPE OF PROGRAM - TELEVISION

As explained in the section immediately preceding this one, dealing with radio complaints, the CBSC classifies the type of programming of its complaints in a non-exclusive manner. You should refer to that explanation to understand the percentages provided in the chart below.

In 2002/2003, advertising was the primary concern on television (19.1% of television complaints). This was followed by the News and Public Affairs and the Education and Documentaries categories.

<b>Type of Program - Television</b>			
<b>Type of Program</b>	<b># of Television Complaints</b>	<b>% of Television Complaints</b>	<b>% of all Complaints</b>
Advertising	171	19.1%	12.3%
Animation	37	4.1%	2.7%
Children's Programming	11	1.2%	0.8%
Comedy	91	10.2%	6.5%
Drama	48	5.4%	3.4%
Education / Documentaries	115	12.9%	8.2%
Fantasy / Science-fiction	10	1.1%	0.7%
Game Show	4	0.4%	0.3%
Informercial	10	1.1%	0.7%
Informal Discourse / Open Line	21	2.3%	1.5%
Movies	66	7.4%	4.7%
Music	17	1.9%	1.2%
News and Public Affairs	121	13.5%	8.7%
Promos	6	0.7%	0.4%
Public Service Announcement	3	0.3%	0.2%
Reality Programming	70	7.8%	5.0%
Religious	32	3.6%	2.3%
Sports	26	2.9%	1.9%
Undetermined	45	5.0%	3.2%
Non-applicable	20	2.2%	1.4%

Note: (3) The percentage of complaints in each category is calculated on the basis of the actual number of complaint files concerning television programming (894). See the corollary note on previous page.

(4) See the corollary note on previous page.

## CODES AND CLAUSES

Often, a complaint will relate to more than one code or clause. Thus, the number of complaints considered under the codes and clauses can be expected to exceed the number of complaints received by the CBSC.

## CAB Code of Ethics

In 2002/2003, 386 complaints handled by the CBSC raised at least one issue to be considered under the *CAB Code of Ethics*. The majority involved the new radio broadcasting provision which deals with coarse language and other types of inappropriate comments.

### ***CAB Code of Ethics***

<b>Clause</b>	<b>Radio #</b>	<b>TV #</b>	<b>Total #</b>
Human Rights	120	174	294
Sex-Role Stereotyping	18	90	108
Children's Programs		17	17
News	3	43	46
Full, Fair and Proper Presentation	78	72	150
Controversial Public Issues	6	16	22
Religious Programming	1	45	46
Radio Broadcasting	274	0	274
Television Broadcasting	0	405	405
Viewer Advisories	0	68	68
Contests and Promotions	6	0	6
Advertising	12	78	90
Prohibition of Subliminal Devices	0	3	3



**CAB Sex-Role Portrayal Code**

157 complaints handled by the CBSC in 2002/2003 raised at least one issue under the *CAB Sex-Role Portrayal Code*. The majority of complaints considered under this Code related to issues of sexual explicitness on television which was alleged to be degrading, mostly, but not exclusively, to women.

**RTNDA Code of (Journalistic) Ethics**

In 2002/2003, 63 complaints handled by the CBSC were considered under the *RTNDA Code of (Journalistic) Ethics*. The majority of these concerns related to television programming and issues of accuracy.

***Sex-Role Portrayal Code***

<b>Clause</b>	<b>Radio #</b>	<b>TV #</b>	<b>Total #</b>
Exploitation	29	134	163
Diversity	1	0	1
Commercial Messages	0	2	2
Changing Interaction	1	0	1
Demographic Spectrum	0	0	0
Non-sexist Language	14	2	16
Visibility and Involvement	0	0	0

***RTNDA Code of (Journalistic) Ethics***

<b>Clause</b>	<b>Radio #</b>	<b>TV #</b>	<b>Total #</b>
Accuracy	9	42	51
Irrelevant Information	1	0	1
Respect for Privacy /Dignity	3	3	6
Distortion	3	1	4
Errors	0	1	1
Balance / Comprehensiveness	0	0	0
Conflict of Interest	1	1	2
Decency and Conduct of Journalists	0	7	7
Interference with Right to Fair Trial	0	0	0
Reporting on Criminal Activities	0	0	0

### **CAB Voluntary Code Regarding Violence in Television Programming**

124 complaints handled by the CBSC in 2002/2003 raised at least one issue to be considered under the *CAB Violence Code*.

### **General Complaints**

In addition, the CBSC handled concerns of a general nature which could not engage its formal complaints resolution process (and thus for which Code provisions were not examined). Some of these complaints raised more than one issue and thus the total at the bottom of the chart below is greater than the actual number of general complaints which was 536 in 2002/2003.

### ***TV Violence Code***

<b>Clause</b>	<b>TV #</b>
Gratuitous or Glamorized Violence	67
Children's Programming	6
Scheduling of Programming	53
Scheduling of Promos & Ads	2
Classification	25
Viewer Advisories	43
News	5
Violence in Sports	40
Violence Against Animals	3
Violence Against Women	3
Violence Against Specific Groups	11

### ***General Complaints***

<b>Issue</b>	<b>Radio &amp; TV #</b>
Advertising	109
Bad Taste	64
Classification / Rating	6
Conflict of Interest	13
Contests	3
Human Rights	156
News and Public Affairs Info	35
Program Selection / Quality	42
Religious Content	29
Violence	86
Watershed / Scheduling	116
Other	79

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## STATUS OF COMPLAINTS AT YEAR END

Of the 1,395 files handled by the CBSC, 855 (61.29%) were "code relevant and specific complaints", meaning that they (a) provided sufficient information concerning the broadcast in question to enable follow-up by the CBSC and (b) related to a code provision administered by the CBSC. The remaining 540 complaints were considered "general"; consequently, these files were closed by the CBSC immediately following its response to the complainant.

Of the 855 "code relevant and specific" complaints, 624 (72.98%) will not require follow up by the CBSC as they were resolved at the level of broadcaster and complainant communication. 54 complaints (6.32%) were either resolved through the release of decisions of the various Panels and the CBSC Secretariat or through the issuance of other Secretariat correspondence. 85 complaints (9.94%) have yet to complete the dialogue process with the broadcaster and 86 complaints are at various stages in the complaints review process, i.e. the complainant has requested a ruling by the CBSC. In the case of six complaints, the complainants have decided to take their complaints to another forum such as the CRTC or the courts.

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## 5. THE CBSC'S ADJUDICATORS

Below is a list of CBSC Adjudicators who have served for some or all of fiscal 2002-2003. A short biography for each of these members during their term may be found on the CBSC's website at [www.cbsc.ca](http://www.cbsc.ca).

Since Adjudicators come and go during the year, it may appear that there is more than one Chair or Vice-Chair, but they are successive, not overlapping. There are five public Adjudicators and five industry Adjudicators on each Panel; however, there remain some vacancies to fill as of the end of the fiscal year.

### ***ATLANTIC REGIONAL PANEL***

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Zoe Rideout, Chair, Public Member  
Hilary Montbourquette, Vice-Chair  
(now Chair), Broadcaster  
Member  
Gilbert Clements, Vice Chair, Public  
Member  
Burnley A. (Rocky) Jones, Public  
Member  
Kaye MacAulay, Broadcaster  
Member  
Bob MacEachern, Broadcaster  
Member  
Carol McDade, Broadcaster Member  
Randy McKeen, Broadcaster  
Member  
Toni-Marie Wiseman, Broadcaster  
Member

### ***B.C. REGIONAL PANEL***

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Sally Warren, Chair, Public Member  
Hudson Mack, Vice-Chair,  
Broadcaster Member  
Hiroko Ashworth, Public Member  
Prem Gill, Broadcaster Member  
Gordon Leighton, Broadcaster  
Member  
Mason Loh, Public Member  
Debbie Millette, Broadcaster Member  
Joan Rysavy, Public Member  
Erin Tetrie, Broadcaster Member

### ***ONTARIO REGIONAL PANEL***

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Robert Stanbury, Chair, Public Member  
Madeline Ziniak, Vice-Chair, Broadcaster  
Member  
Jennifer David, Public Member  
Hanny Hassan, Public Member  
Mark Maheu, Broadcaster Member  
Mark Oldfield, Broadcaster Member  
John Pungente, Public Member  
Cynthia Reyes, Public Member

**PRAIRIE REGIONAL PANEL**

Daryl Braun, Chair, Broadcaster  
Member  
Daniel Ish, Vice-Chair Public Member  
Vince Cownden, Broadcaster  
Member  
Dorothy Dobbie, Public Member  
Vic Dubois, Broadcaster Member  
Jennifer Fong, Public Member  
Raya Gallagher, Broadcaster Member

**QUEBEC REGIONAL PANEL**

Guylaine Bachand, Chair, Broadcaster  
Member  
Tara Rajan, Vice-Chair, Public  
Member  
Michèle Audette, Public Member  
Sylvain Chamberland, Broadcaster  
Member  
Bernard Guérin, Broadcaster Member  
Gilles Moisan, Public Member  
Robert Parent, Broadcaster Member  
Peta Tancred, Public Member

**NATIONAL Panels****Public Members**

Ronald I. Cohen, Chair  
Peter O'Neill, Vice-Chair  
Howard Pawley, Vice-  
Chair  
Meg Hogarth  
Catherine Murray  
Fo Niemi

**Specialty Services  
Broadcasters**

Sarah Crawford, Vice-Chair  
Rita Cugini  
Rita Deverell  
Elizabeth Duffy-MacLean

**Conventional Television  
Broadcasters**

Suzanne Gouin, Vice-Chair  
Bob Culbert  
Peggy Hebden  
Edward Holmes  
Joanne Levy

## LIST OF CBSC MEMBERS BY REGION

### Newfoundland

CFCB · CFCV-FM/RB · CFDL-FM/RD · CFGN/RB · CFLC-FM/RB · CFLW · CFNN-FM/RB · CFNW/RB · CFSX · CHCM/RB · CHOZ-FM · CHVO · CJON-TV · CJYQ · CKCM · CKGA/RB · CKIM/RB · CKIX-FM · CKXB/RB · CKXD/RB · CKXG/RB · CKXX-FM · VOCM · VOCM-FM

### P.E.I.

CHTN

### Nova Scotia

CFDR · CFRQ-FM · CIEZ-FM · CIGO-FM · CIHF-TV · CIOO-FM · CJCB-TV · CJCH · CJCH-TV · CJFX · CJLS · CKTY-FM

### New Brunswick

CFXY-FM · CHSJ-FM · CHTD-FM · CHWV · CHWV-FM · CIBX-FM · CIKX-FM/RB · CJCJ-FM · CJMO-FM · CJXL-FM · CKBC · CKCW-TV · CKHJ-FM · CKLT-TV · CKTO-FM

### Quebec

CFAP-TV · CFCF-TV · CFCM-TV · CFDA-FM · CFEL-FM · CFEM-TV · CFER-TV · CFGL-FM · CFGS-TV · CFIX-FM · CFJO-FM · CFJP-TV · CFKM-TV · CFKS-TV · CFLO-FM · CFMB · CFMO-FM · CFQR-FM · CFRS-TV · CFTM-TV · CFVD-FM · CFVM · CFVS-TV · CFZZ-FM · CHAU-TV · CHEM-TV · CHEY-FM · CHGO-FM · CHGO-FM-1/RB · CHGO-FM-2/RB · CHIK-FM · CHLN · CHLT · CHLT-TV · CHOA-FM · CHOE-FM · CHOI-FM · CHOM-FM · CHOT-TV · CHPR-FM · CHRL · CHRM-FM · CHVD · CHVD-FM/RB · CIGB-FM · CIKI-FM · CIMF-FM · CIMO-FM · CINF · CINW · CITE-FM · CITE-FM-1 · CITF-FM · CJAB-FM · CJAD-AM · CJDM-FM · CJFM-FM · CJGO-FM · CJLP/RB · CJMF-FM · CJMM-FM · CJMV-FM · CJNT-TV · CJOI-FM · CJPM-TV · CJRC · CKAC · CKGM · CKLD · CKLS-FM · CKMF-FM · CKMI-TV · CKNU-FM · CKOI-FM · CKRN-TV · CKRS · CKRT-TV · CKSH-TV · CKSM/RB · CKTF-FM · CKTM-TV · CKTV-TV · CKVM · CKYK-FM

### Ontario

CFBG-FM · CFBK-FM · CFCA-FM · CFCL-TV · CFFX · CFGO · CFGX-FM · CFHK-FM · CFJR · CFLG-FM · CFLO-FM-1/RB · CFLY-FM · CFMK-FM · CFMT-TV · CFMX-FM · CFNY-FM · CFPL · CFPL-FM · CFPL-TV · CFRA · CFRB · CFTO-TV · CFTR · CFYI · CHAM · CHAS-FM · CHAY-FM · CHBX-TV · CHCD-FM · CHCH-TV · CHEX-TV · CHEZ-FM · CHFD-TV · CHFI-FM · CHKS-FM · CHKT · CHML · CHMS-FM/RB · CHNB-TV/TS · CHNO-FM · CHRE-FM · CHRO-TV · CHTZ-FM · CHUC · CHUM · CHUM-FM · CHUR-FM · CHVR-FM · CHWI-TV/TS · CHWO · CHYC-FM · CHYK-FM · CHYK/RB · CHYM-FM · CHYR-FM · CICI-TV/TS · CICX-FM · CICZ-FM · CIDC-FM · CIDR-FM · CIGL-FM · CIGM · CIII-TV · CILQ-FM · CIMJ-FM · CIMX-FM · CING-FM · CIOX-FM · CIQB-FM · CIQM-FM · CIRV-FM · CISS-FM · CITO-TV/TS · CITS-TV · CITY-TV · CIWW · CIZN-FM · CJBK · CJBK-TV · CJBQ · CJBX-FM · CJCL · CJCS · CJET-FM · CJEZ-FM · CJIC-TV · CJKX-FM · CJLA-FM/RB · CJLB-FM · CJMJ-FM · CJMR · CJMX-FM · CJNH/RB · CJOH-TV · CJOY · CJPT-FM · CJQM-FM · CJQQ-FM · CJRQ-FM · CJSD-FM · CJSS-FM · CJTN · CJXY-FM · CKAP · CKAP-FM · CKAT · CKBY-FM · CKCB · CKCB-FM · CKCO-TV · CKDK-FM · CKDO · CKFM-FM · CKFX-FM · CKGB · CKGB-FM · CKGE-FM · CKGL · CKKL-FM · CKKW · CKLC · CKLH-FM · CKLW · CKNC-TV · CKNR-FM · CKNX · CKNX-FM · CKNX-TV/TS · CKNY-TV · CKOC · CKPR · CKPR-TV · CKPT · CKQB-FM · CKQM-FM · CKRU · CKSL · CKTB · CKVR-TV · CKWF-FM · CKWS-TV · CKWW

### Manitoba

CFAM · CFAR · CFRY · CFST · CFWM-FM · CHIQ-FM · CHMI-TV · CHSM · CHTM · CILT-FM · CITI-FM · CJAR · CJEL-FM · CJKR-FM · CJOB · CJRB · CKDM · CKJS · CKLQ · CKMM-FM · CKMW · CKND-TV · CKX-FM · CKX-TV · CKXA-FM · CKY · CKY-TV

### Saskatchewan

CFMC-FM · CFMM-FM · CFQC-FM · CFQC-TV · CFRE-TV · CFSK-TV · CFSL · CFWF-FM · CFYM/RB · CHAB · CHMX-FM · CICC-TV/TS · CIMG-FM · CINT · CIPA-TV · CIZL-FM · CJCQ-FM · CJFB-TV · CJGX · CJME · CJNB · CJSL · CJSN/RB · CJWW · CJYM · CKBI · CKBI-TV · CKCK-FM · CKCK-TV · CKOS-TV · CKRM · CKSW

### Alberta

CFAC · CFBR-FM · CFCN-TV · CFCW · CFFR · CFGP-FM · CFMG-FM · CFMY-FM · CFRN · CFRN-TV · CFRV-FM · CFYR/RB · CHBW-FM · CHED · CHFM-FM · CHHK-FM · CHKF-FM · CHLB-FM · CHQR · CHQT · CHRB · CHRK-FM · CHUB · CHUB-FM · CIBQ · CIBW-FM · CICT-TV · CIRK-FM · CISA-TV · CISN-FM · CITL-TV · CITV-TV · CIYR/RB · CIZZ-FM · CJAY-FM · CJCA · CJMT-FM/RB · CJOK-FM · CJPR · CJRX-FM · CJXX-FM · CJYR · CKAL-TV · CKDQ · CKEM-TV · CKER-FM · CKGY · CKHL/RB · CKIK-FM · CKKX-FM · CKLA-FM/RB · CKMX · CKNG-FM · CKRA-FM · CKRD-TV · CKRY-FM · CKSA · CKSA-TV · CKSQ · CKWA · CKYL · CKYX-FM

### British Columbia

CFEK/RB · CFJC · CFJC-TV · CFKC/RB · CFMI-FM · CFOX-FM · CFSR-FM · CFTK · CFTK-TV · CFUN · CHAN-TV · CHBC-TV · CHBZ-FM · CHDR-FM · CHEK-TV · CHKG-FM · CHNL · CHNU-TV · CHOR · CHQM-FM · CHRX-FM · CHSU-FM · CHTK · CHTT-FM · CICF · CIFM-FM · CIGV-FM · CILK-FM · CIQC-FM · CIOR/RB · CISL · CISQ-FM · CIVI-TV · CIVT-TV · CJAT-FM · CJEK/RB · CJEV/RB · CJFW-FM · CJIB-FM · CJJR-FM · CJMG-FM · CJNL · CJNW · CJOR · CJSU-FM · CJVB · CJZN-FM · CKBD · CKBL · CKBZ-FM · CKCR · CKEK · CKGF · CKGR · CKIS/RB · CKKC · CKKN-FM · CKKQ-FM · CKKS-FM · CKLZ-FM · CKMK/RB · CKNL · CKNW · CKOR · CKOV · CKPG · CKQR-FM · CKRV-FM · CKSR-FM · CKTK · CKVU-TV · CKVX-FM · CKWX · CKXR · CKZZ-FM

### National Broadcasters

APTN · Book Television · Bravo! · Canadian Learning Television · CANAL D · CANAL EVASION · Canal Vie · CANAL Z · CMT · Court TV Canada · CP24 · CPAC · CTV Network · CTV Newsnet · Discovery Channel · Fairchild Television · FAMILY CHANNEL · Food Network Canada · Global Television Network · HISTORIA · History Television · Home & Garden Television Canada · Life Network · MenTV · MUSIMAX · MUSIQUEPLUS · Outdoor Life Network · Pridevision TV · Prime TV · PULSE 24 · RDS · Réseau TQS · Réseau TVA · SCREAM · SERIES + · Showcase · Showcase Action · Showcase Diva · Space · Sportsnet · Star! · TALENTVISION · TELETATINO · Teletoon · The Comedy Network · The Documentary Channel · THE SCORE · TreeHouse · TSN · TV5 · Vision TV · VRAK-TV · W Network · YTV