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## APPENDIX

### CBSC Decision 12/13-1516 Discovery re *The Devils Ride* promotional spot

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#### The Complaint

The CBSC received the following complaint via its webform on May 7, 2013:

Television or Radio Station: Discovery Channel

Name of the program or the on-air person: Commercials for *The Devils Ride* and other commercials

Date of Program: Numerous dates, including Oct 13, 2013 [sic]

Time of Program: Numerous times, including 3:45 pm Pacific Time

Comments:

During family viewing time with my 10-year old, we often watch interesting and informative programs, such as *How It's Made* and *Daily Planet*. I trust these programs to be suitable for the whole family.

Suddenly, during one of these family oriented programs, a commercial will appear that is graphically violent and definitely not suitable for family viewing.

In this case, a commercial for the program *The Devils Ride* appeared and had a gang member state he was going to exterminate the other gang, and then showed footage of a gang member actually torturing another man by burning him with a blowtorch, while he was screaming in pain. This was very disturbing to my child.

This was then followed a few minutes later by another commercial for *Django Unchained* which also had violent imagery and threats.

We have cut down our viewing of this channel and I now find I must closely monitor my child's viewing of this channel, which is too bad because it does otherwise have a lot of valuable educational benefits for children.

The CBSC wrote back to the complainants, informing them that they would need to provide the correct date of broadcast since "October 13, 2013" was clearly an error as that date has not yet occurred. The complainants wrote back on May 12:

We are sorry about that.

Yes, you are correct – the date we meant was April 13 at 3:45 pm.

The commercial also continued to air for at least a week after that, in case the 28 day timeframe has now elapsed.

Thank you for the correction.

The CBSC then informed the complainants that the 28-day logger file retention period had elapsed for the April 13 broadcast date, but if they provided a more recent date of the commercials/promos, the CBSC could pursue their complaint. The complainants wrote back on May 13:

Thank you for your help with this.

A more recent showing of this violent commercial for *The Devils Ride* was on April 18, at about 3:45 pm. It also aired on April 19, and repeatedly in this afternoon time slot throughout that week of April 22-26. There were 2 versions of the commercial, one of them the original length which was the commercial we are concerned with, and a shorter cut version which was not as intensely violent.

We are sure that Discovery Channel would be able to make the footage of this commercial available to you.

Thank you for your help,

The CBSC accepted this information and agreed to pursue the complaint. The CBSC asked Discovery Channel to provide at least one instance of the long-version promotional spot that aired on one of the dates identified above by the complainants.

## **Broadcaster Response**

Discovery responded to the complainants on May 31:

Thank you for your letter, which we received through the Canadian Broadcast Standards Council (CBSC), concerning violent commercials during family oriented programs.

We appreciate your concern with the content in the on-air promo you noted, for the program *Devils Ride*. Upon review, we agree that the images used in this on-air promo were not appropriate for daytime viewing. This on-air promo will not air again.

The other concern you noted was with the *Django Unchained* commercials for the theatrical release of the film *Django Unchained*. All advertisements airing on Discovery are screened and approved by the Telecaster Services Division of the Television Bureau of Canada. This voluntary, self-governing organization issues commercial clearance for broadcasters and confirms that all commercials it screens have met CRTC regulations and industry codes, and are suitable for viewing.

The Telecaster Services Division suggests that advertisements depicting mature subject matter and/or disturbing scenes air post-9 pm from the point of origin of the broadcaster's

signal. Discovery followed Telecaster's recommendations and aired the advertisements for *Django Unchained* that were classified as adult in the post-9 pm time period. The *Django Unchained* commercials that were classified as PG did air over the 24-hour period. Discovery is a national broadcaster, with a single feed that originates in the Eastern time zone. Discovery does make every effort to accommodate the numerous time zones across Canada, where possible.

Discovery is committed to maintaining the highest standards in both our programming and commercial content by meeting our conditions of licence set by the CRTC and the CBSC's industry codes. We did not intend to upset our viewers by airing the advertisement for *Django Unchained* and the on-air promo for *Devils Ride*; and we do regret that you and your family were offended.

Discovery is a member in good standing of the Canadian Broadcast Standards Council and follows the Council's guidelines.

Thank you once again for taking the time to write to us with your concerns and bringing this matter to our attention. We will keep your thoughts in mind when making future programming decisions.

## **Additional Correspondence**

The complainants submitted their Ruling Request on June 7 with the following note:

I appreciate the broadcaster responding to our complaint about violent promos and ads during family viewing times.

However, I believe that the response is not sufficient, given that this is an ongoing problem that, as the broadcaster has admitted, will likely occur again in the future.

I would like to address a few points relating to the broadcaster's response.

- (1) The technology does exist to allow time-shifting of violent ads. The Telecaster Services Division recommends placing violent ads after 9:00 pm to limit their exposure to children. Surely the technology could be implemented to time shift these ads so that we do not have to view them at 6:00 pm (prime family viewing time) here in British Columbia. There are over 10 million people in Canada who live in provinces located west of Ontario who are currently being excluded from the protection given by this policy. This means that a very significant proportion – over 30 percent of the Canadian population – are not receiving the protection that was envisioned in this policy.
- (2) If the broadcaster thinks that the technology does not exist to time shift (or if they feel it is too bothersome for them to implement) then we would propose the following: for the protection of those 10 million Canadians who are not currently being served by the intended 9:00 pm policy, then the broadcaster should act conservatively. This would mean not showing very violent content until after 12:00 am Eastern time, which would translate to 9:00 pm Pacific time. This would mean that a level playing field would be achieved, and that "all" Canadians would benefit from the policies that were

designed to protect them. The current policy seems "Toronto-centric" and ignores the needs of millions of other Canadian families.

- (3) This has not been the first instance of violent promos slipping past the vetting process. I complained directly to this broadcaster approximately 2 years ago about a similar issue. I think that if the panel reviews the footage of *The Devils Ride* promo that is available on the logger tapes they may be shocked. On the 2nd, extended version of this demo, a gang member is shown actually torturing a man by burning him with a blowtorch in the abdominal or groin area while the man screams in pain. This is being shown to children during after-school viewing time, and shows again a systemic lack of accuracy during the vetting process of the broadcaster. Can this accuracy not be improved?

We were advised by the CRTC that the first step in their complaint procedure involves our request for a ruling by the CBSC (since this broadcaster is a member of the council), so we are asking you to please look at our complaint from the perspective of the millions of Canadian families who are not currently being served by the current implementation of the policies.

On a personal note, we would like to add that although our child felt very disturbed by these images, he is encouraged to believe that some change may be possible.

We believe, in addition, that the Broadcaster may benefit from these changes. The very slight loss of potential revenue from substituting "all-ages" ads for "adult-oriented" ads is a very minor liability. A much larger potential loss for the Broadcaster would be for disenchanted families to start withdrawing their viewership during family viewing hours.

This is something that we almost did, and this would be unfortunate, because the value of the educational programming available is, we think, invaluable for our children.

Thank you for your consideration of this issue.