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## APPENDIX B

### CBSC Decision 13/14-0242 *E! re Keeping Up with the Kardashians (“We’re Having a Baby”)*

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#### The Complaint

The CBSC received the following complaint via webform on October 23, 2013:

Television Station: E channel - 23 on Cogeco

Name of the program: *Keeping Up With The Kardashians*

Date of Program: October 23, 2013

Time of Program: 4:00 pm

Comments: This afternoon's program consisted of the Kardashians and their friends discussing anal intercourse and how the men could talk their women into "getting in the back door". I didn't watch the whole thing and was lucky my granddaughters were not here after school. The discussion was not a passing comment but centred around this topic.

This type of programming should not be run in the afternoon or early evening (actually shouldn't be run ever).

#### Broadcaster Response

The station responded to the complainant on November 6 with the following:

I am responding to your email, forwarded to E! by the Canadian Broadcast Standards Council (CBSC) on October 29, 2013, in which you express concerns about our show *Keeping Up with the Kardashians*.

Before I address your specific concern, it should be noted that in addition to our own programming policies, E! producers, programmers, editors, and on-air presenters follow the Canadian Association of Broadcasters' (CAB) *Code of Ethics*, *Equitable Portrayal Code for Radio and Television Programming*, and *Violence Code* (collectively, the "CAB Codes") in accordance with our broadcast licence conditions. (If you would like to view the CAB Codes, you may do so at [www.cbcs.ca](http://www.cbcs.ca))

*Keeping Up with the Kardashians* is a reality series focusing on the personal and professional lives of the Kardashian/Jenner family. The show was assigned an AGVOT (Action Group on Violence in Television) 14+ classification code which allows, among other things, for "mature themes" and "scenes of nudity and/or sexual activity with the context of

narrative or theme". Under this classification code, "parents are strongly cautioned to exercise discretion in permitting viewing by pre-teens and early teens without parent/guardian supervision".

As you mention in your email, the episode in question includes discussions about anal sex. It should be noted that the sexual act itself is not explicitly described, nor are the words "anal sex" ever used; rather, the subject is addressed through euphemisms, for example one personality says to another, "You're closing off certain doors. Your doors should all be open."

While we do not feel the discussions were of an explicit nature, we agree that the topic is mature and the episode should have been accompanied by a viewer advisory specifying mature content – we thank you for alerting us to this error, and apologize for any offence this may have caused. Please be assured that steps have been taken to correct the oversight.

E! is a member in good standing of the Canadian Broadcast Standards Council and adheres to the Council's guidelines.

Thank you again for taking the time to contact us. We hope that this response has been helpful.

### **Additional Correspondence**

The complainant filed his Ruling Request on November 6 with the following note:

I do not agree with the response from the Public Relations Department of Bell Media. A warning is not good enough for children to turn off the program. THIS PROGRAM SHOULD NOT BE ON DURING THE DAY.

He also sent a separate note directly to E!:

Hello,

Do you have kids? Have you actually watched the episode?

If using a carrot between thumb and forefinger and discussing whether it is smooth or rough is not explicit enough for you ...

Putting a warning between segments may meet the letter of the regulations, but is useless for a 7-14 year old. This program should not be on during the day, if at all.

Oh, and did you know that parts of the episode are on YouTube?

I have escalated this to the CBSC panel and will be complaining as well to the CRTC, Cogeco, my MP and upstairs to Bell and anyone else that I can research.

P.S. To think I am paying for this as well.