
APPENDIX B

CBSC Decision 13/14-0071 & -0089 CP24 re an interview with Mike Tyson

The Complaints

14/15-0071

The following complaint was sent to the CRTC on September 11, 2014 and forwarded to the CBSC in due course:

A few days [ago] I had just got back from work for lunch, to watch cp24 with my children Eli (age 10) and my daughter Lisa (age 7). At around 1:52pm on September 10th 2014 there was an interview with a former boxer Mike Tyson on cp24. Since it was cp24 and during regular hour and no parental warning were issued I assumed that cp 24 would be kids friendly. What I watched discusted me [*sic*], and the fact that Canadian television and the crtc allowed this channel to broadcast this smut. Cp24 aired the boxer saying "fuck you" and "you're a rat piece of shit", the profanities went on and on without being cut or censored, my kids heard every word. I tried to explain to them that these words are profane but the Pandora box was opened. Why would the crtc allow such filth to be aired on television during regular hours, no parental warnings? Shut cp24 down and punish them for this, they need to learn.

Thank you for your considerations, please look into this matter,

14/15-0089

The following complaint was sent to the CRTC on September 11, 2014 and forwarded to the CBSC in due course:

Toronto-based television channel "CP24" owned by CTV Media (a division of Bell Media) aired a live interview on Wednesday September 10, 2014 on or around 1:53 pm EDT (UTC-4). This interview contained a discussion between Mike Tyson and his unnamed representative with Nathan Downer (the anchor of the show). During the live interview, Tyson (the guest on the show) used expletives on television, the transcript is as follows:

[13:52:58] (Tyson): It's so interesting that you comment about that night, that's really a piece of [expletive].

[13:53:02] (Downer): Hey, come on.

[13:53:03] (Tyson): (indistinct) [expletive] you (indistinct) piece of [expletive].

[13:53:06] (Downer): You know (indistinct) we're on live TV.

[13:53:08] (Tyson): I don't care, what are you going to do about it?

At this point in time, Downer reasonably should have known to end the interview to protect the general public from the continuation of such obscenity and expletive use on television. Later, Tyson returns to using expletives:

[13:53:41] (Tyson): I don't know...it's more nerve-wracking for me to hear us talk to a rat piece of [expletive] like you.

[13:53:46] (Downer): Come on, Mike.

[13:53:47] (Tyson): No, because you're a piece of [expletive].

[13:53:50] (Downer): Okay, all right, we're going to wrap up this interview. Thank you for coming in.

[13:53:54] (Tyson): [expletive] you.

By the end of the interview, the damage has already been done to all the viewers who were tuning into this show - including young people. This contradicts all the moral principles in our society of respect, with which we try to teach our children so hard to act. There is a reasonable right for the general public to listen to entertainment such as the television without having to bear with unnecessary expletives and obscenities even more so on a professional platform such as a news network. CP24, CTV Media and Bell Media, all collectively and individually, have the responsibility to protect the public. They have the reasonable capability and power to prevent such harm to the public from occurring, including but not limited to, blanking the screen, muting the audio or ending the interview. Even for a live interview, this could be prevented. The negligence of the companies and employees to continue the interview after an instance of expletive use could have been circumvented by muting the audio microphone of Tyson or ending the interview promptly upon the first use of such obscenity. Additionally, although there are provisions in the law to allow the contained and restricted use of expletives and other obscenities between a certain time period, a show airing in the middle of the day is not subject to such exceptions. Live television should be subject to the same regulations with reasonable limits and protection.

Furthermore, footage of this interview occurring has spread onto the Internet via YouTube and other social networks. The video has received upwards of 1.8 million views at the time of submission on September 11, 2014. Copies of the original of the video have spread also with many more people viewing and hearing the blazingly negligent use of expletives and a lack of care provided by the broadcasting organizations involved. The damage has already been done and is multiplying by the second.

Video Excerpt: <https://www.youtube.com/watch?v=FDdSVYmp714>

Broadcaster Responses

14/15-0071

The broadcaster responded to the complainant on October 9, as follows:

October 9, 2014
Mr. [complainant]

RE: CBSC File C14/15-0071

Dear [complainant],

I am responding to your correspondence of September 9, 2014 forwarded to CP24 by the Canadian Broadcast Standards Council (CBSC) in which you express concern about a live interview that aired on CP24. We want you to know that we take your comments about our news programming seriously.

In your email, you indicate your concerns about the profanity expressed by former heavyweight champion boxer Mike Tyson in a live interview on CP24 that occurred on September 9, 2014. As you are aware, CP24 Reporter Nathan Downer was interviewing Mike Tyson, and his promoter.

As I am sure you can appreciate, we are unable to control the behaviour of our guests in a live context. However, we did not expect Mr. Tyson to respond to the CP24 Reporter with profanities during a daytime live interview.

We certainly understand your concerns and sincerely regret that you were offended by this offensive language. That was certainly not our intent. We can assure you that neither CP24 nor any other CTV news properties, condone the use of coarse or inappropriate language during daytime news programming. We at CP24 are well aware of our responsibilities pursuant to Clause 10 of the CAB Code of Ethics as outlined below:

*“Programming which contains sexually explicit material or **coarse or offensive language** intended for adult audiences shall not be telecast before the later viewing period , defined as 9 pm to 6 am”.*(emphasis added)

While the CBSC has traditionally found that the use of the f-word and its derivatives are generally not acceptable for broadcast on television until after the accepted watershed hour of 9 pm, in a recent 2011 decision, the CBSC panel did express “concerns regarding the application of such sweeping limitations on the use of coarse language in a *journalistic context*” and more specifically, in the context of a live news broadcast by CP24. “In such an instance, the Panel considers that a confluence of circumstances may render the use of extremely coarse language justifiable.”

In this case, the CBSC found CP24 not in breach of Clause 10(a) of the CAB Code of Ethics in connection with a live broadcast aired before 9 pm where the f-word was used by parade participants and not by the station itself. CP24 was however found in breach of the same section when it accidentally neglected to remove one instance of the f-word in repeat broadcasts. **CBSC Decision 09/10-1834-CP24 re: 30th Annual Pride Parade, February 11, 2011**

In the aforementioned decision, the CBSC noted an additional mitigating factor to be where the reporter in the context of covering the Toronto Pride parade, “clearly indicates the unacceptability of the language both in his/her words and by the removal of the microphone.” We believe that those same mitigating factors were also present in the circumstances of the interview between Downer and Tyson.

CP24 certainly did not expect that Tyson would decide to attack Downer with obscenities especially since Tyson responded to questions about his association with the Mayor in a civil matter before deciding to indicate his displeasure with Downer and swear at him. Downer made every attempt to diffuse the situation and move the interview along to another topic once the first expletive was used. Downer also clearly indicated that he was not comfortable with the language used and that it was inappropriate, when he said such things as “Hey, come on....You know we’re on live TV.”

Unfortunately despite the efforts by Downer to change the topic of conversation, and Tyson and his promoter’s apparent willingness to answer other questions, Mr. Tyson then unexpectedly continued to express additional profanities. Downer then immediately terminated the interview early to avoid any additional swear words during daytime viewing hours. As well, given the offensive language expressed in the interview, CP24 chose not to repeat this interview or any part of it again in its broadcast.

As such, we believe this live broadcast was in compliance with the Codes administered by the CBSC.

CP24 is a member in good standing of the CBSC and adheres to the Council's Codes and guidelines. Our fundamental purpose as a reputable news organization in a democracy is to enable viewers to know what is happening, and to clarify events so viewers may form their own conclusions. We appreciate you taking the time to contact us. Hoping this explanation goes some way in addressing your concerns.

Sincerely,

Vice-President and General Manager, CP24

14/15-0089

The broadcaster responded to the complainant on October 9, as follows:

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While the CBSC has traditionally found that the use of the f-word and its derivatives are generally not acceptable for broadcast on television until after the accepted watershed hour of 9 pm, in a recent 2011 decision, the CBSC panel did express "concerns regarding the application of such sweeping limitations on the use of coarse language in a *journalistic context*" and more specifically, in the context of a live news broadcast by CP24. "In such an instance, the Panel considers that a confluence of circumstances may render the use of extremely coarse language justifiable."

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We appreciate you taking the time to contact us. Hoping this explanation goes some way in addressing your concerns.

Sincerely,

Vice-President and General Manage, CP24

Additional Correspondence

14/15-0071

The complainant filed his Ruling Request on October 12 with the following email:

Dear [CBSC Communications Coordinator],

I recently received a response from cp24 exactly on the deadline the CBSC provided (October 9th 2014). I’m not satisfied with the response of cp24 and would like to request that the CBCS reviews the broadcast. Unfortunately the link that was provided to request a review does not work and takes me to an error 404 page.

Could you please provide me with a link that works?

All the best.

14/15-0089

The complainant filed his Ruling Request on October 12 with the following email:

I, [complainant], have submitted a complaint to the CANADIAN BROADCAST STANDARDS COUNCIL regarding an interview with Mike Tyson broadcast on CP24 on September 10, 2014.

I am not satisfied with the response I have received from CP24.

I am therefore requesting that my complaint be adjudicated by the appropriate CBSC Panel. I understand the CBSC's method of dealing with complaints by a panel of public and broadcaster representatives.

I also understand that the CBSC's decisions are public documents and that the CBSC policy includes revealing the surname of the complainants upon request by the reporting media. The CBSC will not, however, supply my first name(s) or my address to anyone else other than the broadcaster in question for the sole purpose of responding to my complaint. Total anonymity will be granted by the CBSC to me, when supported by reasonable justification attached to this form.

CBSC File Number: C14/15-0089