



LESSON PLAN

Level: Grades 11 to 12
About the Author: MediaSmarts

Broadcasting Codes

Overview

To introduce students to the organizations, codes and guidelines that govern the broadcasting industry in Canada and to familiarize them with the regulatory process that exists to deal with complaints and issues within the industry.

Learning Outcomes

Students demonstrate:

- an understanding of the roles of the Canadian Association of Broadcasters (CAB), the Canadian Radio-television and Telecommunications Commission (CRTC), and the Canadian Broadcast Standards Council (CBSC) in the Canadian broadcasting industry
- an understanding of the codes and guidelines that govern the Canadian broadcasting industry
- an awareness of the procedures that have been established to receive and resolve consumers' complaints
- an understanding of how audience negotiates meaning

Preparation and Materials

The following handouts support this unit:

- *The Players*
- *The CBSC Complaints Process*
- *CAB Voluntary Code Regarding Violence in Television Programming*
- *Canadian Association of Broadcasters Code of Ethics*
- *Sex Role Portrayal Code for Television and Radio Programming*
- *Radio and Television News Directors Association of Canada Code of Ethics*

You Be The Judge case studies:

- *Case Study Assignment Sheet*
- *CFMT-TV re The Simpsons Case Study*
CFMT-TV re The Simpsons Verdict



- CITY-TV re *Fashion Television* Case Study
CITY-TV re *Fashion Television* Verdict
- CIHF-TV re an Episode of *Millennium* Case Study
CIHF-TV re an Episode of *Millennium* Verdict
- CJOH-TV re *White Men Can't Jump* Case Study
CJOH-TV re *White Men Can't Jump* Verdict
- CTV re *Canada AM* (Airborne Hazing) Case Study
CTV re *Canada AM* (Airborne Hazing) Verdict

Source: [Canadian Broadcast Standards Council](#)

The Lesson

Day 1

Writing their answers on the blackboard, ask your students:

- what are your favourite television programs?
- what are your parent's favourite television programs?
- what do you think of the shows that your parents watch?
- what do they think of the shows that you watch?

Guided Discussion: An important element in media literacy is the concept of *Audience*. A room full of people can watch the same program, but how we interpret what we see depends on our individual backgrounds and attitudes. Think of your own homes. Shows that you find enjoyable, your parents might find offensive and shows that your parents enjoy, you might find boring. Every day, millions of Canadians — many from very different cultures and backgrounds with different perspectives — watch and listen to the programs that are offered on radio and TV. Not everyone is going to like what they see. People are entitled to their own opinions, but there are times when personal opinion becomes a matter of personal rights.

Ask your students:

- what do you think of the programs that your parents watch?
- generally, what do your parents think about the programs you watch?
- are there a program you enjoy that really offends your parents? Why?
- has there ever been a television program that has offended you? Why?
- what did you do about it? (*If one of your students has registered a formal complaint, use his or her experience to lead into the lesson. If none of your students has ever launched a formal complaint, ask your class, "What can you do about material that you find offensive on TV or radio?"*)

Canada is unique in its regulation of the Canadian broadcasting industry because it uses *voluntary* codes and guidelines. To ensure standards of quality and fairness, the Canadian Association of Broadcasters (CAB) has developed broadcasting codes as guidelines for radio and television stations across Canada. Although private



broadcasters are self regulating, they must adhere to the *Violence Code*, the *Sex-role Portrayal Code* and the *Broadcast Code for Advertising to Children* as a condition of licence. But who decides what the rules are, and how they should be interpreted? Let's look at the players in Canada's broadcasting industry. (*Distribute and discuss The Players handout.*)

Now that we understand the three main players, let's take a look at the complaints process. (*Distribute and discuss The CBSC Complaints Process handout.*)

Day 2

Guided Discussion: Last class we identified the agencies responsible for broadcasting in Canada and reviewed the complaints process. Today, we are going to review the codes and guidelines that determine the "rules" that the industry must observe when airing programs in Canada.

These codes and guidelines are surprisingly recent, they are:

- *The Canadian Association of Broadcasters (CAB) Voluntary Code Regarding Violence in Television Programming* (1993)
- *The Canadian Association of Broadcasters Sex-role Portrayal Code* for Television and Radio Programming (1990)
- *Radio and Television News Directors Association Code of Ethics* (1986)
- *The Canadian Association of Broadcasters (CAB) Ethics Code* (1988)

Distribute copies of these codes to students to review during this class. Students are to summarize the main points of each of these codes in their workbooks. *Remind students that an understanding of these codes is essential for the coming class assignment.*

Days 3 and 4

- As a class, review and discuss the students' summaries of broadcasting codes.
- **Group Assignments**

Divide the class into five groups.

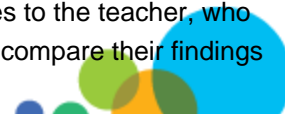
- distribute one *case study* to each group.
- distribute Case Study Assignment Sheet to each group.

Groups will have two classes to complete this portion of the assignment.

Note: If you wish to replace any of these case studies, the Canadian Broadcast Standards Council Website includes a wide variety of decisions.

Day 5

At the beginning of class, each group will submit a copy of their decision and its supporting codes to the teacher, who will then give the group the CBSC's actual verdict. Groups will be given the rest of this period to compare their findings to the CBSC's, and to prepare for their presentation.



Day 6

Each group will present to the class:

- a summary of the complaint
- their decision and relevant sections of the codes
- a summary of the actual CBSC decision and supporting code information

After each presentation, the teacher will ask students if they can think of any other codes that might be relevant to this case study.

Evaluation

Group marks will be awarded on the basis of the group's Decision Sheet and presentation.



The Players in Canada's Broadcasting Industry

Canadian Radio-Television and Telecommunications Commission (CRTC)

The Canadian Radio-television and Telecommunications Commission (CRTC) is the federal government agency which regulates and supervises all sectors of the Canadian telecommunications and broadcasting system, including AM and FM radio, traditional television broadcasting, cable, and pay and specialty services.

The CRTC grants, amends and renews broadcast licences, monitors the performance of licensees (TV cable companies, cable and radio stations) and establishes broadcasting regulation and policy. The CRTC works closely with the industry the development of broadcasting standards regarding violent content, gender portrayal, cultural/minority rights, advertising and programs aimed at children.

The Canadian Association of Broadcasters (CAB)

The Canadian Association of Broadcasters (CAB) represents the majority of privately-owned, advertising-supported television and radio stations across Canada. It represents nearly 402 radio stations, 78 television stations and one network. The CAB keeps members abreast of changing technologies and new services, offers advice on technical, regulatory and advertising issues, works to improve the financial health of the industry, and presents the industry's position to governments, regulators and consumers. The CAB was founded in 1926.

The Canadian Broadcast Standards Council (CBSC)

The Canadian Broadcast Standards Council (CBSC) is an independent council created by the Canadian Association of Broadcasters (CAB) in 1990 to respond to public complaints about radio and television programming. The CBSC administers the voluntary broadcasting codes developed by the industry and informs broadcasters of trends in complaints. When complaints are lodged, the CBSC acts as the "middle-man" between the public and the broadcasting industry. For example, if a complaint is settled at the CBSC level, then it doesn't go on record at the station level. When problems cannot be resolved by the CBSC, the CRTC makes the final decisions - which will remain on record at the station level.

The CBSC has three principal objectives:

- to assist in the application of specific voluntary broadcast standards developed by the CAB.
- to provide a recourse for members of the public regarding application of these standards.
- to inform broadcasters of emerging societal trends (including developments in the codes and their administration) and suggest ways to deal with them.



Canadian Broadcast Standards Council (CBSC): Complaints Process

How to complain to the CBSC

- Make your complaint about a given program as soon as possible. Regulations require broadcasters to keep tapes of their telecasts or radio programs for four weeks only.
- Clearly state your concerns in writing. Include the name, date and time of the program. Be sure to name all the stations on which the offending program appears.

To register your complaint, write to:

Canadian Broadcast Standards Council (CBSC)

P.O. Box 3265, Station D

Ottawa, Ontario K1P 6H8

Tel: (613) 233-4607 Fax: (613) 233-4826

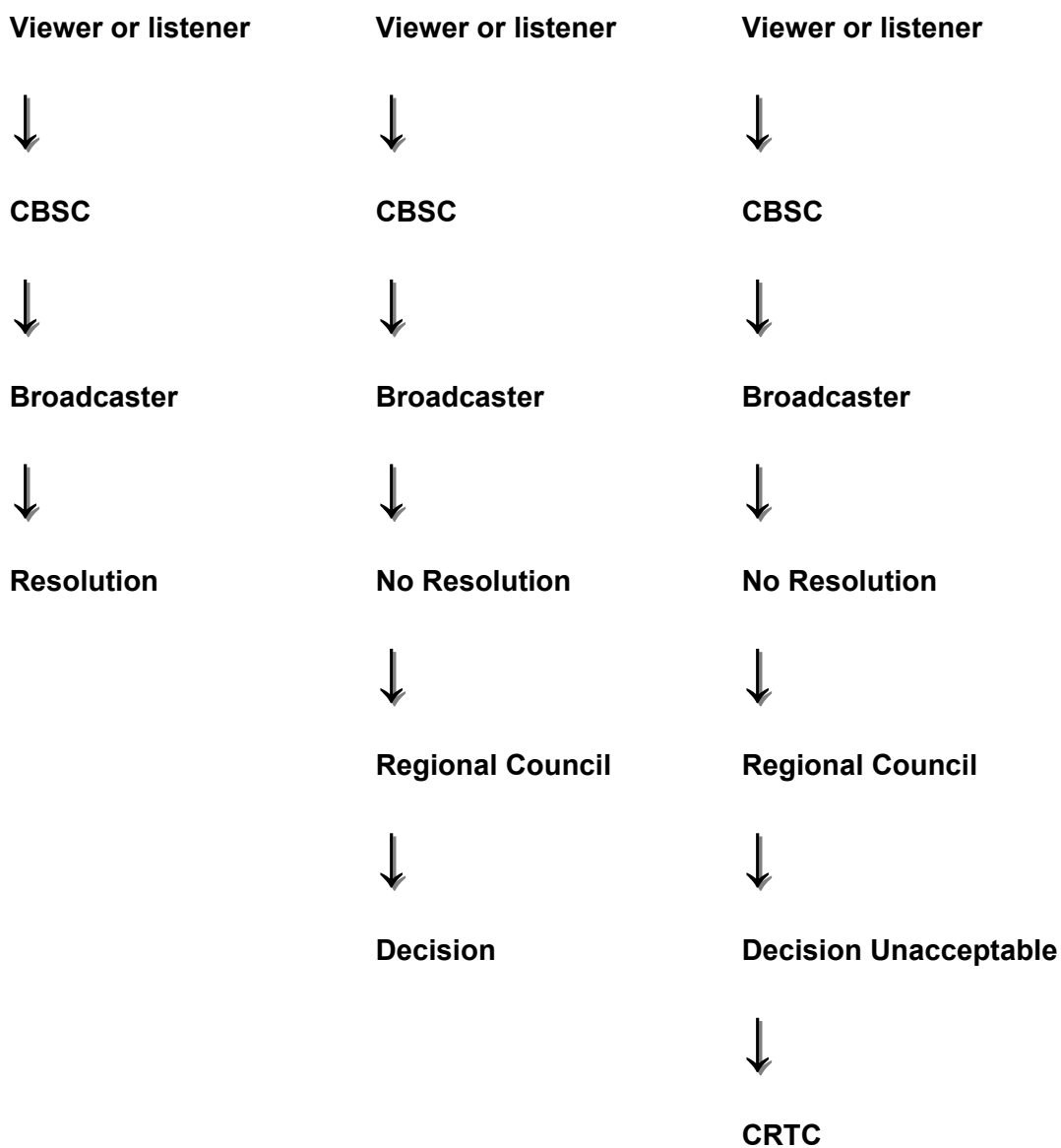
The CBSC also provides a complaints page on their website, at: <http://www.cbsc.ca/english/complaint/>.

What happens when you complain:

- When a viewer or listener complains to the Canadian Broadcast Standards Council (CBSC), the complaint is forwarded to the broadcasters concerned. Broadcasters are encouraged to resolve the grievance directly with the complainant. Most of the time matters are settled this way.
- If the broadcaster's response fails to satisfy the complainant, he/she may sign the "Ruling Request" form sent by the CBSC. By signing this form, the complainant asks the CBSC to refer the complaint to a Regional Panel.
- The CBSC will send the complaint letter, the broadcaster's response and a tape of the program to the appropriate Regional Panel. At its next meeting, the Panel will decide whether the broadcaster has contravened any of the Codes and whether the broadcaster's response was satisfactory. The CBSC will provide the complainant and the broadcaster with the full text of the decision. The decision is also posted on the CBSC website.
- If the Panel upholds the complaint, the broadcaster must announce the decision on air. If the decision is in the broadcaster's favour, the broadcaster need not air it; however, the CBSC releases all of its decisions to the national media.
- If the Regional Panel decision does not satisfy the complainant, the CRTC becomes the "court of last resort".



Here are summaries of the three processes:



If a complaint is satisfied during the first step of the process, the complaint will not appear on the public record of the broadcaster.



Canadian Association of Broadcasters (CAB): Voluntary Code Regarding Violence in Television Programming

1.1 Canadian broadcasters shall not air programming which:

- contains gratuitous violence in any form*
- sanctions, promotes or glamorizes violence

(**Gratuitous* means material which does not play an integral role in developing the plot, character or theme of the material as a whole.)

2.0 Children's Programming (Children refers to persons under 12 years of age)

2.1 As provided below, programming for children requires particular caution in the depiction of violence; very little violence, either physical, verbal or emotional shall be portrayed in children's programming.

2.2 In children's programming portrayed by real-life characters, violence shall only be portrayed when it is essential to the development of character and plot.

2.3 Animated programming for children, while accepted as a stylized form of storytelling which can contain non-realistic violence, shall not have violence as its central theme, and shall not invite dangerous imitation.

2.4 Programming for children shall deal carefully with themes which could threaten their sense of security, when portraying for example; domestic conflict, the death of parents or close relatives; the death or injury of their pets; street crime, or; the use of drugs.

2.5 Programming for children shall deal carefully with themes which could invite children to imitate acts which they see on screen, such as the use of plastic bags as toys, use of matches, the use of dangerous household products as playthings, or dangerous physical acts such as climbing apartment balconies or rooftops.

2.6 Programming for children shall not contain realistic scenes of violence which create the impression that violence is the preferred way, or the only method to resolve conflict between individuals.

2.7 Programming for children shall not contain realistic scenes of violence which minimize or gloss over the effects of violent acts. Any realistic depictions of violence shall portray, in human terms, the consequences of that violence to its victims and its perpetrators.

2.8 Programming for children shall not contain frightening or otherwise excessive special effects not required by the storyline.

3.0 Scheduling

3.1 Programming

3.1.1 Programming which contains scenes of violence intended for adult audiences shall not be telecast before the late evening viewing period, defined as 9 pm to 6 am.

3.1.2 Accepting that there are older children watching television after 9 pm, broadcasters shall adhere to the provisions



of article 5.1 below (viewer advisories), enabling parents to make an informed decision as to the suitability of the programming for their family members.

3.1.3 In order to provide viewers with the benefit of Canadian program classification and viewer advisories not available on foreign distant signals, broadcasters who have CRTC-permitted substitution rights over programming which is imported into their markets before the late evening viewing period, may employ substitution, notwithstanding article 3.1.1.

3.1.4 Broadcasters shall exercise discretion in employing substitution in accordance with article 3.1.3 and shall at no time avail themselves of substitution rights over programming which contains gratuitous violence in any form or which sanctions, promotes or glamorizes violence.

3.1.5 Broadcasters shall take special precautions to advise viewers of the content of programming intended for adult audiences which is telecast before 9 pm in accordance with article 3.1.3.

(Note: To accommodate the reality of time zone differences, and Canadian distant signal importation, these guidelines shall be applied to the time zone in which the signal originates.)

3.2 Promotional material which contains scenes of violence intended for adult audiences shall not be telecast before 9 pm.

3.3 Advertisements which contain scenes of violence intended for adult audiences, such as those for theatrically presented feature films, shall not be telecast before 9 pm.

4.0 Classification System

4.1 Canadian broadcasters are in the process of co-operatively developing with other segments of the industry a viewer-friendly classification system, which will provide guidelines on content and the intended audience for programming.

Once complete, the classification system shall complement this Voluntary Code. As it is recognized that a classification system will have a bearing on program scheduling, the provisions of article 3.0 above shall be reviewed at that time.

5.0 Viewer Advisories

5.1 To assist consumers in making their viewing choices, broadcasters shall provide a viewer advisory, at the beginning of, and during the first hour of programming telecast in late evening hours which contains scenes of violence intended for adult audiences.

5.2 Broadcasters shall provide a viewer advisory at the beginning of, and during programming telecast outside of late evening hours, which contains scenes of violence not suitable for children.

5.3 Suggested language for suitable viewer advisories is outlined in Appendix A.

6.0 News & Public Affairs Programming

6.1 Broadcasters shall use appropriate editorial judgment in the reporting of, and the pictorial representation of violence, aggression or destruction within their news and public affairs programming.

6.2 Caution shall be used in the selection of, and repetition of, video which depicts violence.

6.3 Broadcasters shall advise viewers in advance of showing scenes of extraordinary violence, or graphic reporting on



delicate subject matter such as sexual assault or court action related to sexual crimes, particularly during afternoon or early evening newscasts and updates when children could be viewing.

6.4 Broadcasters shall employ discretion in the use of explicit or graphic language related to stories of destruction, accidents or sexual violence, which could disturb children and their families.

6.5 Broadcasters shall exercise particular judgment during live coverage of domestic terrorist events or civil disorders, to ensure news coverage does not become a factor in inciting additional violence.

6.6 While broadcasters shall not exaggerate or exploit situations of aggression, conflict or confrontation, equal care shall be taken not to sanitize the reality of the human condition.

6.7 Broadcasters shall refer to *The Code of Ethics of the Radio-Television News Directors Association of Canada (RTNDA)* for guidance regarding broadcast journalism in general.

7.0 Violence Against Women

7.1 Broadcasters shall not telecast programming which sanctions, promotes or glamourizes any aspect of violence against women.

7.2 Broadcasters shall ensure that women are not depicted as victims of violence unless the violence is integral to the story being told. Broadcasters shall be particularly sensitive not to perpetuate the link between women in a sexual context and women as victims of violence.

7.3 Broadcasters shall refer to the Canadian Association of Broadcasters' code on Sex Role Portrayal for guidance regarding the portrayal of women in general.

8.0 Violence Against Specific Groups

8.1 Broadcasters shall not telecast programming which sanctions, promotes or glamourizes violence based on race, national or ethnic origin, colour, religion, gender, sexual orientation, age, or mental or physical disability.

9.0 Violence Against Animals

9.1 Broadcasters shall not telecast programming which sanctions, promotes or glamourizes violence against animals.

9.2 Broadcasters shall not be restricted in the telecast of legally sanctioned activities associated with animals. In such telecasts, judgment shall be used in the selection of video and associated audio, particularly if the telecast is broadcast outside of late evening hours.

10.0 Violence in Sports Programming

10.1 Broadcasters shall not promote or exploit violent action which is outside the sanctioned activity of the sport in question.

10.2 In sports programming which involves animals, broadcasters shall refer to Section 9.0 of this Voluntary Code.



Canadian Association of Broadcasters: Code of Ethics

Background

The purpose of this Code of Ethics is to document the realization by proprietors and managers of broadcasting stations, that, as an integral part in the media of communications of this nation, their first responsibility is to the radio listeners and television viewers of Canada for the dissemination of information and news, the supply of a variety of entertainment programming to meet the various tastes of listeners, and the necessity for ethical business standards in dealing with advertisers and their agencies.

It is recognized that the most valuable asset of a broadcaster is public respect which must be earned and can be maintained only by adherence to the highest possible standards of public service and integrity.

The electronic form of publication known as private commercial broadcasting is a highly competitive business devoted to provision of service to the public in all its interests — business, political, recreational, informational, cultural and educational —for profit.

Revenues from advertising make possible non-government broadcasting and make all types of programmes available to the Canadian people including news, information, education, and entertainment. Each broadcaster is responsible for the programming of the licensed station. This responsibility can only be met by bringing influence to bear upon all who have a hand in the production of programs including networks, sponsors, producers of live and recorded programs, advertising agencies and talent agencies.

Clause 1 - General Programming

Recognizing the varied tastes of the public, it shall be the responsibility of the broadcasting industry to so program its various stations that as far as possible, all groups of listeners and viewers shall have from these, some part of the programming devoted to their special likes and desires.

Clause 2 - Human Rights

Recognizing that every person has a right to full and equal recognition and to enjoy certain fundamental rights and freedoms, broadcasters shall endeavour to ensure, to the best of their ability, that their programming contains no abusive or discriminatory material or comment which is based on matters of race, national or ethnic origin, colour, religion, age, sex, marital status or physical or mental handicap.

Clause 3 - Children's Programs

Recognizing that programs designed specifically for children reach impressionable minds and influence social attitudes and aptitudes, it shall be the responsibility of member stations to provide the closest possible supervision in the selection and control of material, characterizations and plot. Nothing in the foregoing shall mean that the vigour and vitality common to children's imaginations and love of adventure should be removed. It does mean that programs should be based upon sound social concepts and presented with a superior degree of craftsmanship; that these programs should reflect the moral and ethical standards of contemporary Canadian society and encourage pro-social behaviour and attitudes. The member stations should encourage parents to select from the richness of broadcasting fare, the best programs to be brought to the attention of their children.



Clause 4 - Community Activities

It shall be the responsibility of each member station to serve to the utmost of its ability the interests of its particular community and to identify itself actively with worthwhile community activities.

Clause 5 - Education

While recognizing that all programs possess by their very nature, some educational value, member stations will do all in their power to make specific educational efforts as useful and entertaining as possible. To that end, they will continue to use their time and facilities and to cooperate with appropriate educational groups in an attempt to augment the educational and cultural influences of school, institutions of higher learning, the home and other institutions devoted to education and culture.

When practical, advantage should be taken of opportunities to consult such institutions on what suitable material is available and how it may best be presented. Where practical, factual material for public enlightenment should be included by stations, networks, advertisers and their agencies.

Clause 6 - News

It shall be the responsibility of member stations to ensure that news shall be represented with accuracy and without bias. The member station shall satisfy itself that the arrangements made for obtaining news ensure this result. It shall also ensure that news broadcasts are not editorial. News shall not be selected for the purpose of furthering or hindering either side of any controversial public issue, nor shall it be designed by the beliefs or opinions or desires of the station management, the editor or others engaged in its preparation or delivery. The fundamental purpose of news dissemination in a democracy is to enable people to know what is happening, and to understand events so that they may form their own conclusions.

Therefore, nothing in the foregoing shall be understood as preventing news broadcasters from analyzing and elucidating news so long as such analysis or comment is clearly labelled as such and kept distinct from regular news presentations. Member stations will, insofar as practical, endeavour to provide editorial opinion which shall be clearly labelled as such and kept entirely distinct from regular broadcasts of news or analysis and opinion.

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of the broadcast publisher.

Clause 7 - Controversial Public Issues

Recognizing in a democracy the necessity of presenting all sides of a public issue, it shall be the responsibility of member stations to treat fairly, all subjects of a controversial nature. Time shall be allotted with due regard to all the other elements of balanced program schedules, and to the degree of public interest in the questions presented. Recognizing that healthy controversy is essential to the maintenance of democratic institutions, the broadcast publisher will endeavour to encourage presentation of news and opinion on any controversy that contains an element of the public interest.



Clause 8 - Advertising

Recognizing the service that commercial sponsors render to listeners and viewers in making known to them the goods and services available in their communities and realizing that the story of such goods and services goes into the intimacy of the home, it shall be the responsibility of member stations and their sales representatives to work with advertisers and agencies in improving the technique of telling the advertising story so that these shall be in good taste, simple, truthful and believable, and shall not offend what is generally accepted as the prevailing standard of good taste.

Advertising is to be made most effective not only by the use of an appropriate selling message but by earning the most favourable reaction of the public to the sponsor by providing the best possible programming. Nothing in the foregoing shall prevent the dramatization of the use, value or attractiveness of products and services. While appropriate legislation protects the public from false and exaggerated claims for drugs, proprietaries and foods, it shall be the responsibility of member stations and their sales representatives to work with the advertisers of these products and the advertising agencies to ensure that their value and use are told in words that are not offensive. Recognizing also, that advertising appeals or commentaries by any advertiser that cast reflection upon the operation of a competitor or other industry or business, are destructive of public confidence, it shall be the responsibility of member stations, so far as it lies within their power, to prevent such advertising appeals or commentaries being broadcast by their stations.

Broadcasters subscribing to the Code of Ethics and Clause 8 approve adherence to the complementary Canadian Code of Advertising Standards, published by the Advertising Advisory Board; the guidelines on sex-role stereotyping published by the Advertising Advisory Board; the Broadcast Code for Advertising to Children, published by the Canadian Association of Broadcasters; and to the Code of Consumer Advertising Practices for Non-Prescription Medicines, as published by the Advertising Advisory Board. The aforementioned codes and guidelines are all subject to endorsement by the Joint Board of the Canadian Association of Broadcasters from time to time.

Clause 9 - Prohibition of Subliminal Devices

Broadcasters must not knowingly broadcast any advertising material or program that makes use of any subliminal technique or device. "Subliminal device" means a technical device that is used to convey or attempt to convey a message to a person by means of images or sounds of very brief duration, or by any other means, without that person being aware that such a device is being used, or being aware of the substance of the message being conveyed or attempted to be conveyed.

Clause 10 - Advertising on AM and FM Radio Broadcasting Stations

(a) Broadcasters recognize that they are responsible for the acceptability of advertising material which they broadcast. All commercials should be in good taste and should conform with applicable laws and regulations.

(b) Broadcasters should adhere strictly to the provisions of all industry codes or guidelines relating to advertising, such as those pertaining to children's advertising, feminine hygiene products and the advertising of alcoholic beverages.

(c) Broadcasters should ensure that the time allocated to commercial messages is not excessive at any period during the broadcast day, and particularly during high audience periods. The total quantity of commercial messages broadcast on a given station in one week should not, in any event, exceed 1750 minutes.



(d) Broadcasters should ensure in the scheduling of commercial messages that they are appropriate for the likely listening audience at the time the commercials are scheduled, and that they are both scheduled and inserted in a manner that will not detract from the effectiveness of the programming broadcast by the station.

(e) Broadcasters should ensure that advertising material within a newscast is clearly distinguishable from the news information adjacent to it. To this end, any commercial message broadcast within a newscast should not be read by the newsreader.

(f) Broadcasters should ensure that there is no influence by advertisers, or the perception of such influence, on the reporting of news or public affairs, which must be accurate, balanced, and objective, with fairness and integrity being the paramount considerations governing its reporting.

Clause 11 - Radio Station Contests and Promotions

(a) Broadcasters recognize that whereas station contests and promotions are legitimate and useful methods of attracting audiences, they should be conducted in such a manner that the cost of any such contest or promotion is not excessive, particularly in relation to the station's programming budget.

(b) All station contests and promotions should be conceived and conducted in good taste, and particular care should be taken to ensure that they are not likely to give rise to a public inconvenience or disturbance.

Clause 12 - Television Station Contests and Promotions

(a) Broadcasters recognize that, whereas station contests and promotions are legitimate and useful methods of attracting audiences, they should be conducted in such a manner that the cost of any such contest or promotion is not excessive, particularly in relation to the station's programming budget.

(b) All station contests and promotions should be conceived and conducted in good taste, and particular care should be taken to ensure that they are not likely to give rise to a public inconvenience or disturbance.

Clause 13 - Advertising in Television News Programs

(a) Broadcasters should ensure that advertising material within a newscast is clearly distinguishable from the news information adjacent to it. To this end, any commercial message broadcast within a newscast should not be read by the newsreader.

(b) Broadcasters should ensure that there is no influence by advertisers, or the perception of such influence, on the reporting of news or public affairs, which must be accurate, balanced, and objective, with fairness and integrity being the paramount considerations governing its reporting.

Clause 14 - Treatment of Religious Programs

Broadcasters should endeavour to make available to the community, adequate opportunity for presentation of religious messages and should also endeavour to assist in all ways open to them the furtherance of religious activities in the community. Recognizing the purpose of the religious broadcast to be that of promoting the spiritual harmony and understanding of humanity and that of administering broadly to the varied religious needs of the community, it shall be



the responsibility of each member station to ensure that its religious broadcasts, which reach persons of all creeds and races simultaneously, shall not be used to convey attacks upon another race or religion.

Clause 15 - Sex-Role Stereotyping

Recognizing that stereotyping images can and do cause negative influences, it shall be the responsibility of broadcasters to exhibit, to the best of their ability, a conscious sensitivity to the problems related to sex-role stereotyping, by refraining from exploitation and by the reflection of the intellectual and emotional equality of both sexes in programming.

Clause 16 - Employees

Each member station shall endeavour to secure the highest possible type of employees and people who are qualified for and suitable to the duties for which each is hired. Every attempt shall be made to make service in the broadcasting industry an attractive and permanent career, permitting employees to contribute through their manner of living and personal attainments to the station's prestige in the community. Each employee shall receive in addition to minimum guarantees provided by applicable legislation, fair remuneration and treatment in accordance with the standards prevailing in the particular community at any time. The general intent of this section is realization that any industry is most often judged by the type of employees it attracts, the manner in which they conduct themselves and are able to live, and their opinion of the industry for which they work. Recognizing this as a valuable asset, the broadcaster will do everything possible to maintain and further the best type of staff relations.

Clause 17 - Adherence

(a) All future broadcasting codes which have been endorsed by the Board of Directors and ratified by the membership who subscribe to the Code, at a duly called annual meeting of the Association, shall be incorporated into the Code of Ethics.

(b) Upon adoption of this Code of Ethics by the Association, any member broadcasting station shall be granted appropriate recognition and symbol. It may then make announcement periodically of the fact it is in possession of such certification and be entitled to make appropriate oral and visual use of the Code symbol.

Clause 18 - Composition of the Committee

There shall be a Code of Ethics Committee of five persons, three of whom shall be appointed by the Board of Directors and two elected by the Annual Meeting of the Association for a period not to exceed five years, and appointments may be renewed. Any vacancy in the Committee may be filled for the unexpired term by the Board of Directors. Any vacancy or absence shall not impair the powers of the remaining members of the Code of Ethics Committee to act, provided however, that a quorum of it shall be considered as not less than three persons and such a quorum shall be present before the Code of Ethics Committee is empowered to transact business.



Canadian Association of Broadcasters (CAB): Sex Role Portrayal Code for Television and Radio Programming

It is the intent of this Code that broadcasters shall advance the awareness of, and sensitivity to, the problems related to the negative or inequitable sex-role portrayal of persons. This Code is intended to assist in overcoming systemic discrimination portrayed in broadcast programming, based on gender.

Television and radio programming and commercial messages shall strive to present an equitable representation of women and men in various social and occupational roles, at home and at work outside the home.

It is the responsibility of television and radio broadcasters to ensure that the provisions of the Code are brought to the attention of those persons within their employ entrusted with program development and production, program acquisition decisions, and commercial message production.

General Principles

[a] The objective of equal representation is recognized and the portrayal of women and men shall be comparable to, and reflective of, their actual social and professional achievements, contributions, interests and activities.

[b] In addressing the issue of sex-role portrayal of women and men, broadcasters shall seek to broaden the comparable diversity of roles for all individuals.

[c] Nothing in this Code should be interpreted as censoring the depiction of healthy sexuality. However, broadcasters shall avoid and eliminate the depiction of gratuitous harm toward individuals in a sexual context, as well as the promotion of sexual hatred and degradation.

Neither sex should be subject to degradation from gratuitous acts of violence. Television broadcasters and the public should also refer to the *CAB Voluntary Code Regarding Violence in Television Programming*, which contains a general provision concerning violence against women.

[d] Broadcasters shall be sensitive to the sex-role models provided to children by television and radio programming. In this context, programmers shall make every effort to continue to eliminate negative sex-role portrayals, thereby encouraging the further development of positive and progressive sex-role models. The "sexualization" of children in programming is not acceptable, unless in the context of a dramatic or information program dealing with the issue.

[e] In the scheduling of programs, broadcasters shall evaluate individual programs within the context of their overall program schedule, and within the context of broadcast services available within their market, to ensure a varied approach to programming content.

[f] Assessment of a station's performance in relation to program development, acquisition, and scheduling, should take into account the station's overall schedule and record on the issue of sex-role portrayal. The availability of any program to viewers, from other sources within a broadcaster's coverage area, should also be a recognized factor in assessing program selection.

[g] The Code is to be interpreted in a manner consistent with the Canadian Charter of Rights and Freedoms and the Broadcasting Act.



[h] No Code can reasonably anticipate every circumstance of negative sex-role portrayal. Therefore, the CAB expects such circumstances to be dealt with in the spirit and intent of this Code.

Interpretation

The CAB Sex-Role Guidelines are designed so that any interpretation of sex-role differentiation in television and radio programming is assessed in the dramatic or informational context of a program, feature, character, dialogue, voice-over or visual interpretation; recognizing that balance in presentation within a specific or individual program is not always possible or desirable.

The CAB Sex-Role Guidelines

Definitions

Non-Sexist Language is language that does not exclude one sex or give inequitable treatment on the basis of gender.

Negative or Inequitable Sex-Role Portrayal refers to language, attitudes or representations which tend to associate particular roles, modes of behaviour, characteristics, attributes or products to people on the basis of gender, without taking them into consideration as individuals. Negative or inequitable portrayal of women and men can be both explicit and implied.

Systemic Discrimination refers to action or treatment by organizations or a society which is categorically prejudiced against an individual or another group on the basis of gender, and which denies opportunity and advancement to an individual or group.

Voice-Overs are the audio overlays of dialogue, monologue or conversation in a television program, program segment, commercial, promotion or station break that do not come directly from the mouths of characters appearing on screen. This definition does not apply to portions of a news item, which are part of a stand-alone news report done by an individual correspondent. In radio, voice-over refers to the statement of information in station-produced advertising in which the announcer does not assume a particular character and is essentially anonymous.

1. Changing Interaction

Broadcasters recognize the changing interaction of women and men in today's society. Women and men shall be portrayed, in programming, in a wide range of roles, both traditional and non-traditional, in paid work, social, family and leisure activities.

Guidance: The roles and opportunities for both sexes are becoming more diverse due to such factors as the elimination of female-only and male-only occupations, changing patterns of parenting and lifestyles. Women and girls should be portrayed in a range of roles as diverse as that shown for men and boys. Men should not always be portrayed as the aggressor in personal relationships. Women and men should be portrayed as working together in circumstances where the "power" balance does not always favour the man by virtue of his position or personal attributes.

2. Diversity

[a] Television and radio programming shall portray contemporary family structures with an emphasis on the evolving range and diversity of families.



Guidance: Canadian society has evolved to where there is no single contemporary family structure, but rather a range of family lifestyles and family arrangements which differ across cultures, geographic regions and economic circumstances. The concept of "contemporary family structure" is meant to include a variety of family units such as marriages between persons of different races, single parents, families blended from different marriages and relationships, childless marriages and relationships, couples with adopted children, as well as the circumstances created by divorce and separation.

[b] Television and radio programming shall portray all persons as supporting participants in family, home management and household tasks. Women and men should participate on an equitable basis in organizing such family activities as health care and financial matters, encompassing a wide range of responsibilities and decision-making roles.

Guidance: The interpretation of this provision depends to a large extent on individual experience and beliefs, and is therefore open to discussion. For example, in one family, the sharing in all chores and responsibilities related to family and home may be on a 50:50 basis, while in another, it may mean that one partner contributes as the wage-earner while the other offers an equitable contribution as home manager, performer of domestic tasks and/or caregiver to spouse and children.

[c] Television and radio programming shall respect the principles of intellectual and emotional equality of both sexes and the dignity of all individuals. Television and radio programming should portray women and men as equal beneficiaries of the positive attributes of family or single-person life. Women and men should perform in a range of occupations and function as intellectual and emotional equals in all types of thematic circumstances. This should be the case for both work and leisure activities requiring varying degrees of intellectual competence.

Guidance: Women and men should be portrayed as working toward a comfortable existence through mutual support, both economically and emotionally, and in both public and private spheres. Despite the problems of societal systemic discrimination, television and radio programming should reflect an awareness of the need to avoid and overcome discrimination on the basis of gender.

3. Demographic Spectrum

Television and radio programming shall portray the wide spectrum of Canadian life. Women and men shall be portrayed with fair and equitable demographic diversity taking into account age, civil status, race, ethnocultural origin, physical appearance, sexual orientation, background, religion, occupation, socio-economic condition and leisure activities, while actively pursuing a wide range of interests. Portrayals should also take into account the roles and contributions of the mentally, physically and socially challenged.

Guidance: Compared to men, the portrayal of women in television programming has often been more restricted with respect to age, appearance, background, occupation, lifestyle and interests. Additionally, the elderly, the disabled, and native peoples have also been under-represented. Special attention should be paid to increasing the portrayal of ethnic and visible minorities, whose presence constitutes an ever-expanding aspect of Canadian society.

4. Exploitation

Television and radio programming shall refrain from the exploitation of women, men and children. Negative or degrading comments on the role and nature of women, men or children in society shall be avoided. Modes of dress, camera focus on areas of the body and similar modes of portrayal should not be degrading to either sex. The sexualization of children through dress or behaviour is not acceptable.



Guidance: "Sex-ploitation" through dress is one area in which the sexes have traditionally differed, with more women portrayed in scant clothing and alluring postures.

5. Non-Sexist Language

Equality of the sexes must be recognized and reinforced through the proper use of language and terminology. Broadcasters shall employ language of a non-sexist nature in their programming, by avoiding, whenever possible, expressions which relate to only one gender.

Guidance: Sexist language is language that unnecessarily excludes one sex or gives unequal treatment to women and men. Such language may perpetuate attitudes or representations of persons which tend to attribute particular roles and characteristics on the basis of their gender, without taking them into consideration as individuals. Examples of non-sexist language are the use of occupational titles such as "fire fighter" instead of "fireman" and avoiding the exclusive use of masculine words in making general references, e.g. "synthetic" instead of "man-made". Broadcasters should refer to the CAB Guidelines for Non-Sexist Language for further assistance.

6. Balance

Broadcasters shall achieve a realistic balance in the use of women and men as voice-overs and as experts and authorities. In news and public affairs programming, women and men should appear equitably, in a wide range of occupations and decision/policy making roles.

Guidance: Significant positive change toward an eventual goal of equal representation should be demonstrated. The objective should be accomplished in realistic and progressive increments.

7. Visibility and Involvement

Broadcasters shall increase the visibility and involvement of women in broadcasting, both on and off the air.

Guidance: The objective of equal participation by women and men as both performers and policy/decision makers in the industry is recognized. Significant positive change should be demonstrated, e.g. more women in program credits. The objective should be accomplished in realistic and progressive increments, and in a manner consistent with the broadcast industry's responsibilities pursuant to Employment Equity legislation. Initiatives in this area should include women and men who are disabled, as well as persons who are members of ethnic and visible minorities.

8. Program Development and Acquisition

Broadcasters shall exercise sensitivity to and awareness of the problems associated with sex-role portrayal in the development of domestic programming, and in the acquisition of non-Canadian programming for broadcast.

Guidance: In the development of domestic programs, broadcasters shall make station production staff aware of the Code, to ensure that local station programming conforms to the various aspects of sex-role portrayal outlined in the Code.

In the development, financing or acquisition of domestic programs produced by other than station or network staff, broadcasters shall ensure that participating independent producers and syndicators are aware of the Code.



In the acquisition of, or involvement in, non-Canadian programming, broadcasters should make every effort to evaluate program concepts relative to the Code.

9. Commercial Messages

The various aspects of sex-role portrayal dealt with in the appropriate clauses of the Code shall apply to portrayal in commercial messages. Women and men should be portrayed in commercial messages with diversity in age, abilities, physical appearance, ethnic origin, occupation, family structure and household responsibilities.

Guidance: Station staff responsible for the production of locally-created messages shall be advised of the provisions of the Code, to be taken into account in the production of local commercial messages.

In terms of nationally-created commercial messages, broadcasters shall work closely with established organizations, such as the Telecaster Committee and the Canadian Advertising Foundation (CAF), to advocate the provisions of the Code and to co-operate in the ongoing educational process to increase awareness of the Code in the advertising industry.

Non-sexist language shall be used whenever possible. Overt sexual exploitation of either sex and gratuitous violence is to be avoided.

Commercial messages should reflect a balance of women and men as presenters and as voice-overs.



Radio Television News Directors Association of Canada Code of Ethics

Recognizing the importance to a democracy of an informed public, the members of the RTNDA of Canada believe the broadcasting of factual, accurately-reported and timely news and public affairs is vital. To that end, RTNDA members pledge to observe the following Code of Ethics:

Article One

The main purpose of broadcast journalism is to inform the public in an accurate, comprehensive and balanced manner about events of importance.

Article Two

News and public affairs broadcasts will put events into perspective by presenting relevant background information. Factors such as race, creed, nationality or religion will be reported only when relevant. Comment and editorial opinion will be identified as such. Errors will be quickly acknowledged and publicly corrected.

Article Three

Broadcast journalists will not sensationalize news items and will resist pressures, whether from inside or outside the broadcasting industry, to do so. They will in no way distort the news. Broadcast journalists will not edit taped interviews to distort the meaning, intent, or actual words of the interviewee.

Article Four

Broadcast journalists will always display respect for the dignity, privacy and well-being of everyone with whom they deal, and make every effort to ensure that the privacy of public persons is infringed only to the extent necessary to satisfy the public interest and accurately report the news.

Article Five

Broadcast journalists will govern themselves on and off the job in such a way as to avoid conflict of interest, real or apparent.

Article Six

Broadcast journalists will seek to remove any impediments or bans on the use of electronic news gathering equipment at public proceedings, believing that such access is in the public interest. They acknowledge the importance of protection of confidential information and sources.

Article Seven

News directors recognize that informed analysis, comment and editorial opinion on public events and issues is both a right and responsibility that should be delegated only to individuals whose experience and judgement qualify them for it.

Article Eight

Broadcast journalists shall conduct themselves politely, keeping broadcast equipment as unobtrusive as possible. Broadcast journalists will try to prevent their presence from distorting the character or importance of events.



Article Nine

In reporting matters that are or may be before the courts, broadcast journalists will ensure that their reporting does not interfere with the right of an individual to a fair trial.

Article Ten

Reporting of criminal activities, such as hostage-takings, will be done in a fashion that does not knowingly endanger lives, hamper attempts by authorities to conclude the event, offer comfort and support or provide vital information, to the perpetrator(s). RTNDA members will not contact either victim(s) or perpetrator(s) of a criminal activity during the course of the event, with the purpose of conducting an interview for broadcast.

Article Eleven

The RTNDA will seek to enforce this code through its members and encourage all broadcast journalists, whether RTNDA members or not, to observe its spirit. News directors will try whenever possible and within programming format constraints to publicize the existence of the Code of Ethics, and state that their news department adheres to the code. In any such announcement, it should be mentioned that copies of the code can be obtained by writing the RTNDA or the news director at the station.

Revised 1986



You Be the Judge: Group Assignment

Group Assignment

You are members of the Board of Directors of the Canadian Broadcast Standards Council, attending your monthly Regional Council meeting. Today you must resolve the complaint that is before you. When making your decision, you must take the following into consideration:

1. The facts of the case: both the viewer's complaint, and the station's handling of that complaint.
2. Which codes and their subsections the complaint falls under.
3. Factors such as the content of the program, the context of the story, the time of day which the program aired.
4. Any other pertinent issues.

Your decisions must be submitted to the CRTC (your teacher) for final approval on the date we have discussed in class.

Decisions must be type-written, clearly stated and must address all aspects of the complaint.



You Be the Judge: CFMT-TV re: The Simpsons

The Facts of the Case

CFMT-TV aired an episode of *The Simpsons* on December 6, 1994 at 7:30 p.m. which offended a viewer who had watched the program with her four children aged 9 to 14.

In her letter of December 8 to the Canadian Radio-Television and Telecommunications Commission (CRTC), she explained that she had phoned the station on the 7th and was put through to an answering machine, where she left a message. When the station returned her call the following day, she was told that she "had to complain to Fox Broadcasting and was given their address." She was bothered that she had had "to write to Fox in California, United States".

Insofar as the show itself was concerned, she had a great deal to say, some of which is cited here.

The entire theme of the show that night was inappropriate for family viewing, especially children.

The contents consisted of Bart swearing, bringing alcohol to school, sex, sexism towards a female and rock music. It went from bad to worse.

I have been teaching my children the dangers of alcohol. Bart brings in several bottles of alcohol for show and tell.... The teacher acts shocked; then Bart responds by saying, "Don't worry. I brought enough booze for the whole class."....

[T]he owner of a bar interviews a woman for a waitress job. He asked her measurements then volunteers to measure them himself. ... He hires her and sleeps with her (implying sex) before the half hour show is over.

She added that words like "Hell" and "Damn" were used, which were bad examples for children. She also argued that the use of the musical group Aerosmith on the episode was unnecessary.

The letter was forwarded by the CRTC to the Canadian Broadcast Standards Council (CBSC) on December 22 and by the CBSC in turn to the station. The General Manager of the station responded on January 3, 1995. He pointed out that the show was being aired that season on three Canadian stations in the Toronto area and that it "has been on Canadian television for 5 years and runs throughout the U.S. on numerous channels at a variety of viewing times." He then went on to describe the show as "an extremely successful alternative style program" which was not designed as children's programming. The manager argued that the entertainment value derived from its satirical nature is what had compelled audiences to consistently view this series and make it as popular as it is.

The viewer was not satisfied with this response and requested on January 6 that the CBSC refer the matter to the appropriate Regional Council for adjudication. In her second letter, the viewer made some additional points. First, she felt that the show "overstepped the boundaries on sex role portrayal and ethics of the CBSC." Second, she re-stated her concern about having had to write a letter to the Fox Network in the United States in the following terms:

On Dec. 7, 1994, when I phoned CFMT to complain, they told me I had to write to Fox in California. I did write to them but have not received a response yet. I was not given CFMT's address to write to them directly and wrote to the CBSC after numerous phone calls trying to find out who to write to.

The complainant also pointed out that she had written to the CBC, which aired the series in the Toronto area at 5 p.m., namely, at an hour when children might be expected to be watching television after their return from school.

You Be the Judge - How will the CBSC Resolve this Matter?



You Be the Judge: Verdict - CFMT-TV re: The Simpsons

The Verdict

The CBSC's Ontario Regional Council considered the complaint under the *Code of Ethics* and the *Sex Role Portrayal Code* of the Canadian Association of Broadcasters (CAB). Although violence was not at issue here, the Council also referred to the relevant provisions of the *Voluntary Code Regulating Violence* in dealing with the issue of scheduling. The pertinent clauses that related to this complaint, read as follows:

Clause 3, Code of Ethics

Recognizing that programs designed specifically for children reach impressionable minds and influence social attitudes and aptitudes, it shall be the responsibility of member stations to provide the closest possible supervision in the selection and control of material, characterizations and plot. Nothing in the foregoing shall mean that the vigour and vitality common to children's imaginations and love of adventure should be removed. It does mean that programs should be based upon sound social concepts and presented with a superior degree of craftsmanship; that these programs should reflect the moral and ethical standards of contemporary Canadian society and encourage pro-social behaviour and attitudes. The member stations should encourage parents to select from the richness of broadcasting fare, the best programs to be brought to the attention of their children.

Clause 4, Sex-Role Portrayal Code

Television and radio programming shall refrain from the exploitation of women, men and children. Negative or degrading comments on the role and nature of women, men or children in society shall be avoided. Modes of dress, camera focus on areas of the body and similar modes of portrayal should not be degrading to either sex. The sexualization of children through dress or behaviour is not acceptable.

Clause 3.1.5, Voluntary Code Regarding Violence

Broadcasters shall take special precautions to advise viewers of the content of programming intended for adult audiences which is telecast before 9 pm in accordance with article 3.1.3.

Conclusions:

The Regional Council members viewed a tape of the program in question, and reviewed all of the correspondence. For the reasons given below, they unanimously agreed that the program did not violate any of the Codes referred to above. The important issues raised by the viewer's letter are each discussed below.

The Content of the Program: Parents and Children

It was the view of the Council that the complainant had done the right thing in viewing the program with her children. Council assumed that the viewer, having obviously found the program unfit for her home, would likely have discouraged, if not forbidden, the watching of the series in future by some or all of her children. This would represent media literacy in action and would constitute an example to be followed by Canadian parents.



There are, however, circumstances in which programming may be **so** contrary to the standards established in one or more of the Canadian broadcast Codes, that it ought not to air at all. This was the Council's view in 1994, when they dealt with an episode of the *Mighty Morphin Power Rangers* and concluded that the entire series would likely be in breach of the articles of the voluntary violence code, and not just the episode in question.

In the case of *The Simpsons*, the Council felt strongly that, despite the fact that the program is animated, it's not necessarily a program that's intended for children to watch unsupervised. Even though the content is presented in a tongue-in-cheek or satirical way, the program contains much material that exemplifies what children **should not** do - such as rudeness to parents, drinking, etc. Because of this, it's a program whose suitability ought to be judged in each home. Since the Council did not consider *The Simpsons* to be "designed specifically for children," in accordance with the provisions of Clause 3 of the *Code of Ethics*, it did not believe that that Code applied to *The Simpsons* episode in question.

The Scheduling Issue

Furthermore, the program was aired by the broadcaster from 7:30-8:00 pm - in a time slot when parents can easily determine the suitability of a program for their own households. Since *The Simpsons*, or at least the episode in question, did not, in the Council's view, fall into the category of "programming intended for adult audiences which is telecast before 9 pm," the Council did not believe that "special precautions to advise viewers of the content" were required. The program at issue here was considered an example of programming in the satirical genre, arguably aimed at older kids, but still a part of the mix of legitimate family fare which could be overseen by responsible parents if appropriate.

Council was of the view that the last sentence of Clause 3 of the *Code of Ethics* applied, namely,

The member stations should encourage parents to select from the richness of broadcasting fare, the best programs to be brought to the attention of their children.

In this case, by offering the program in the 7:30 pm time slot, the broadcaster was providing precisely that opportunity to the general viewing community. In its decision, the Council noted that there had been a tendency, since the introduction of the 9:00 pm "watershed hour," for everyone to treat that moment as the "Great Divide" - that all programming after 9:00 pm falls into the "adults only" category, and that all programming before 9:00 pm falls into the "suitable for everyone, including young children" category. Neither generalization is wholly accurate.

The watershed hour is only *the hour before which no programming containing scenes of violence intended for adult audiences may be shown*. Private broadcasters have voluntarily tended to extend this principle to all programming containing any material intended for adult audiences, even if it's not of a violent nature.

But this doesn't mean that all programs aired before 9 pm are suitable for all members of the family. That would be true of programming intended for children below 12 years of age, which airs in a different time slot, but material broadcast in the early evening falls within that "rich broadcasting fare" mentioned above, and should be vetted by parents as to its suitability in their homes.

Similarly, the Council took no position for or against the suitability of the program for audiences at another hour of the day, such as the 5:00 pm time slot in which the CBC was airing the series in Toronto at the time of this complaint.

In general, the Council does, however, regret the fact that the standards applied carefully by it to private over-the-air broadcasters are not applicable across the entire Canadian broadcasting system for the benefit of all Canadians.



Sex-Role Portrayal

In the portion of the episode in question, Moe, the bartender, is portrayed as a chauvinist, a particularly uncouth chauvinist at that. His dialogue regarding the waitress applicant's measurements is hardly role model material. Then again, much of the behaviour on the program could be characterized in the same way. However, the program does not suggest that this dialogue is suitable, and because of this, Moe's actions don't amount to exploitation. Nor are there negative or degrading comments on the role of the waitress. The fact that they are depicted in the same bed together within the half-hour show is not exploitation either. If anything, the tongue-in-cheek approach makes something of a mockery of Moe's behaviour. No approval is implied.

Overall, the Council concluded, the continued exaggeration of Moe's inappropriate behaviour emphasizes the unacceptable nature of such behaviour. The producers of the show have not made Moe a likeable character and thus, creatively, have not positively reinforced his actions. To the contrary, the program could be seen as reinforcing the rules within the *Sex-Role Portrayal Code* regarding exploitation and degrading statements.

Broadcaster Responsiveness

This was an unusual case in the experience of the Council, as far as the question of broadcaster responsiveness was concerned. In general, Council limits itself to the broadcaster's written response to the viewer's complaint. In this case, Council also considers it appropriate to comment on the viewer's allegations of what happened before the CBSC was involved in the dossier.

First, on the level of the broadcaster's obligation to respond by letter to the viewer, the Council finds that CFMT-TV's letter constituted a sufficient response to the complainant. Consequently, its overall view of this matter is that CFMT-TV had breached neither the Codes nor the standard of responsiveness.

On the other hand, if the viewer's claims about the initial oral response she had from the station are correct, the Council hopes that such actions are not the rule for either this broadcaster or other broadcasters adhering to the various CAB Codes and the principles established in the CBSC Manual. Simply stated, every broadcaster is responsible for all of the material it broadcasts, whatever its source. A broadcaster may, for quite positive reasons, wish to encourage a viewer to also contact the producer of the program, but it should not attempt to side step its own responsibility in that regard on the grounds that it was not the producer of the show at issue.

Canadian broadcasters are also required to direct complainants to Canadian resources, specifically the Canadian Broadcast Standards Council, when they have a problem with material they have aired which they have been unable to resolve directly with the complainant. The Council regrets the frustration which the viewer apparently underwent in attempting to find the correct venue for her complaint within her own country.



You Be the Judge: CITY-TV re Fashion Television

The Facts of the Case

The CITY-TV program *Fashion Television* broadcast December 18, 1994, included several segments. The first and longest, (about 11 minutes), related to the New York designer Isaac Mizrahi. The second, considerably shorter (about 3 minutes), dealt with the launching of a book entitled *Snaps* by a former model, Ellen von Unworth. The third and fourth segments featured designer Anna Molinari and make-up artist Kenneth Aucoin.

A viewer, who had previously complained about *Fashion Television* was particularly troubled by the second segment. In her letter, she referred to her previous complaint and the fact that it had not been upheld by the CBSC. Her letter continued:

Since then I have watched Fashion TV on occasion and upon careful reflection I have come to the conclusion that I cannot let the issue rest. During the year of 1994 I viewed a story on Fashion TV which featured a model who also engaged in pornographic activities. Naked pornographic female images were shown. The nakedness was not restricted to showing the breasts and buttocks, but it included the exposure of the model's vagina. I realize that I cannot write a formal complaint regarding that particular show since the time limit has expired, however, I do wish to write a formal letter of complaint against a recent episode.

On Sunday December 18, 1994 at 6:30 p.m. CITY TV aired a story on "Fashion" which featured a discussion with a photographer whose work was shown on television. Several of the photographer's pictures were presented including:

- 1. Two women standing side by side whose top garments were pulled up to expose their breasts.*
- 2. A woman who wore an outfit whose straps were positioned between her bare breasts. The camera moved slowly from her face down to her chest and focused on her breasts for a few seconds.*
- 3. A woman sprawled in a chair exposing her bare breasts.*
- 4. Two women engaged in a passionate kiss, their bare breasts pressed against one another as they held in an embrace.*
- 5. A topless female.*
- 6. A naked woman whose vagina was shown as well.*

These photographic images are out of context since they are related to the photographer's work rather than what women today are wearing. As well, Fashion TV is shown each Saturday and Sunday on CITY TV at 6:30 p.m. These are prime time family viewing hours and it is highly inappropriate for such sexually explicit material to be shown on television.

CITY-TV's Program Director responded on February 3, 1995 in the following terms:

We cannot agree with your assessment of Fashion Television. FT is one of Canada's most successful syndicated shows appearing all over the world and nominated for numerous awards. It may be your perception that it exploits women but it is certainly not its intent. We report on fashion shows as they happen and we do not equate nudity with pornography. Fashion and photography to our mind are art and we would no more condemn designers and photographers and their stylists than we would any other artist who chooses to represent the human form. FT has never suggested nor do we believe that we should be obsessed by, or controlled by, fashion. We often even make fun of how the fashion world can sometimes take itself too seriously.



FT has run many stories on the power of being a woman and the power that comes from believing in yourself, not just in your physical being. It never has purported that the outside image of clothes and makeup is the most important part of anyone's self worth. We have had on feminists such as Gloria Steinem and Naomi Wolfe discussing this and other topics. Their views on feminism did not seem to clash with their concept of fashion — as confident women who are cognizant of their self worth despite fashion and because of it. We have run stories, for example, on super model Gabrielle Reese who discussed her feelings on being a model, the part it plays in her psyche and the importance of self esteem based on intelligence, education etc. We recently aired a story about photographer and former model Matouchka and how she dealt with her breast cancer and the fashion industry's reaction to her after a mastectomy.

FT is not just about fashion, as you suggest. It is also about style and art and so we report on photography and architecture as part of the show. We believe our audience to be an intelligent one who wants to see more than just fashion as defined by clothing. It would be a disservice to the models and photographers to assume that they are not aware of their roles both in society and on the runway. In the case of the show you cited, the photographer is a woman who used to be a model herself — and by the model's own admission during the story, is someone who makes them feel comfortable and spontaneous. They felt there was a sense of fun as opposed to vulgarity in her work which makes them feel free and feminine. These are artistic expressions of the human form, sexy with a sense of humour, not sexist and may we suggest that most of our urban viewing adult audience believes the same. FT has been on at the same time for 9 years and we have had only a handful of complaints.

The viewer was unsatisfied with this response and requested, on February 23, that the CBSC refer the matter to the appropriate Regional Council for adjudication.

You Be the Judge - How will the CBSC Resolve This Matter?



You Be the Judge: Verdict - CITY-TV re Fashion Television

The Verdict

The CBSC's Ontario Regional Council considered the complaint under the **Sex Role Portrayal Code** of the Canadian Association of Broadcasters (CAB). Clause 4 of that Code reads as follows:

(4) Exploitation

Television and radio programming shall refrain from the exploitation of women, men and children. Negative or degrading comments on the role and nature of women, men or children in society shall be avoided. Modes of dress, camera focus on areas of the body and similar modes of portrayal should not be degrading to either sex. The sexualization of children through dress or behaviour is not acceptable.

Guidance: "Sex-ploitation" through dress is one area in which the sexes have traditionally differed, with more women portrayed in scant clothing and alluring postures.

Conclusion:

The Regional Council members viewed a tape of the program in question and reviewed all of the correspondence. The Council decided that the segment of Fashion Television in question did not breach the Code.

The Content of the Program

The Ontario Regional Council agrees with the complainant that the six photographs by Ellen von Unworth exposed women's breasts in several cases - an embrace between two women in one instance and a full frontal nude exposure in another. The Council does not, however, agree with the complainant's characterization of these as "sexually explicit material" or as "naked pornographic female images." Furthermore, the Council does not consider that the showing of partially clothed or even naked models is equivalent to pornography or sexual explicitness.

Without getting into fine legal definitions, the Regional Council considers it relevant to observe that the *Oxford English Dictionary* defines pornography as "Description of the life, manners, etc., of prostitutes and their patrons; hence, the expression or suggestion of obscene or unchaste subjects in literature or art." There is, in other words, an element of *obscenity* required to elevate mere images to the level of pornography. In a more modern sense, pornography implies *exploitation* of the weak by the strong in an obscene or unhealthy context. Those elements are completely absent in the material complained of.

The show in question is clearly not simply a show which is obliged to remain within the bounds of "what women today are wearing." Fashion is clearly the root of the show, but its offshoots are manifold. The episode which is the subject of this complaint included fashion, the work of a leading make-up artist, and the photographic career of a former model. This appears to be consistent with the content of other shows which, according to CITY-TV's spokesperson, have included interviews with "feminists such as Gloria Steinem and Naomi Wolfe" and dealt with subjects as diverse as "photographer and former model Matouchka and how she dealt with her breast cancer and the fashion industry's reaction to her after a mastectomy." In other words, the series is diverse in its approach to the world of fashion.



It is also clear to the members of the Ontario Regional Council - who have been called upon to evaluate the *Fashion Television* episodes on three occasions - that there is nothing pornographic or exploitative about the series segments which they have viewed. In fact, in a 1994 response, the Council agreed that CITY-TV's *Fashion Television* was entertainment which highlighted the fashion industry in a manner similar to other programming on the same subject and did not feel that it exploited women or presented a negative or degrading portrayal of them.

The Broadcaster's Response

In addition to assessing the relevance of the Codes to the complaint, the CBSC always assesses the responsiveness of the broadcaster to the substance of the complaint. The council felt that the response of CITY-TV's Program Director's was sufficient, and that nothing more was required of the broadcaster.



You Be the Judge: CIHF-TV re: an Episode of Millennium

The Facts of the Case

The television series *Millennium* premiered on October 25, 1996 at 10 p.m. on MITV in Nova Scotia and New Brunswick. The episode that elicited the complaint was the first in the new series. It involved a retired lawman with a psychic ability to "see" the occurrence of criminal offences when exposed to elements relating to the crime. (being in the area where the crime occurred or in an area related to the event, being in the presence of the corpse or surviving victim and so on). Although trying to retire with his wife and daughter in a small unidentified American town, the protagonist reluctantly finds himself drawn into the search for the perpetrator of a series of murders and attempted murders. Some of these events are described in the complainant's letter.

The Letter of Complaint

A viewer wrote to the CRTC on October 28, 1996, shortly after the airing of the first episode. That letter was forwarded to the CBSC on November 8. The viewer expressed her "outrage and concern" in the following terms:

I was immediately offended as soon as the show began. The opening scene was in a busy strip club with several big-breasted, scantily-clad strippers gyrating and "performing" for peep-show customers. The bikinis they wore were very small and barely contained their breasts.

While a stripper [who later will be murdered] performs for a customer she says to him: "you like to watch my body" and "Tell me what you want..." The killer, who is ranting about her going to hell, imagines blood running down the walls behind her and down her forehead. Then, flames begin to shoot up all around her. This is very disturbing and VIOLENT imagery - sex and violence. To watch a stripper wiggling around with vibrant, red blood oozing all around her and on her was deeply offensive. This kind of sick, sadistic imagery is unacceptable.

Next scene, we see the killer go cruising for male prostitutes. He picks one up and we later see him pull a limp body out of his car and place it in his trunk. Later, his body is found charred, decapitated and his fingers severed.

The complainant's letter further describes scenes of a similar genre, in which the protagonist "sees" in his mind's eye the replay of murders as they have actually occurred "in graphic detail". The complainant's conclusion: this was gratuitous, sadistic violence.

Also annoying, a "warning" message regarding the content of this show was a SILENT warning - not audible.

My concern is that this show will be watched by countless children because of when it is aired. I believe we all know the largest audience will be youth...

The media must begin to accept responsibility for the material it presents. IT MUST START TO MONITOR ITSELF. Media, in particular American media is inundating children with sex, violence and aggression. This must stop NOW.



The Station's Reply

As is its customary practice, the CBSC forwarded the letter to the broadcaster for reply. In her letter of November 15, MITV's Program Manager wrote:

Your letter requests media responsibility. As you are aware, Canadian broadcasters have voluntarily established a number of self-regulatory organizations, including the CBSC, which monitor and respond to a wide variety of broadcast issues. In addition, as a federally regulated industry, we are required to adhere to federal broadcast regulations.

Your letter indicated that the first episode of the above-noted program contained gratuitous and sadistic violence. The CAB's Voluntary Code Regarding Violence in Television Programming (the "Code") defines gratuitous violence as "material which does not play an integral role in developing the plot, character or theme of the material as a whole." Our interpretation of this episode is that the acts of violence were integral to the plot and were not gratuitous. ...

However, in recognizing the content of the programming, MITV aired a viewer advisory prior to the telecast. The advisory at the start of the episode contained both a video and audio message and was as follows: "Viewer Advisory: Due to some graphic and mature adult content, parental discretion is advised." In addition, MITV aired two further viewer advisories, video only, following the first two commercial breaks. The silent advisory you refer to was one of these additional two advisories.

*... We wish to advise you that MITV deliberately schedules **Millennium** at 10:00 p.m. which is no longer considered to be children's viewing time. ...*

The Program Manager also said that "it is important that producers are made aware of the opinions of the viewers, especially those as strongly felt as yours" and, to that end, she committed to forward a copy of the correspondence to Twentieth Century Fox/Astral Television, the program's producers/distributors.

The viewer was unsatisfied with this response and requested, on December 6, that the CBSC refer the matter to the appropriate Regional Council for adjudication.

You Be the Judge - How will the CBSC Resolve this Matter?



You Be the Judge: Verdict - CIHF-TV re: an Episode of Millennium

The Verdict

The CBSC's Atlantic Regional Council considered the complaint under the *Voluntary Code Regarding Violence in Television Programming* and the *Sex Role Portrayal Code of the Canadian Association of Broadcasters (CAB)*.

Articles 1, 3, 5 and 7 of the *Violence Code* read as follows:

Article 1.0 (Content), *Voluntary Code Regarding Violence in Television Programming*

1.1 Canadian broadcasters shall not air programming which:

- contains gratuitous violence in any form*
- sanctions, promotes or glamorizes violence

(*"Gratuitous" means material which does not play an integral role in developing the plot, character or theme of the material as a whole).

Article 3.0 (Scheduling), *Voluntary Code Regarding Violence in Television Programming*

3.1.1 Programming which contains scenes of violence intended for adult audiences shall not be telecast before the late evening viewing period, defined as 9 p.m. to 6 a.m.

3.1.2 Accepting that there are older children watching television after 9 p.m., broadcasters shall adhere to the provisions of article 5.1 below (viewer advisories), enabling parents to make an informed decision as to the suitability of the programming for their family members.

Article 5.0 (Viewer Advisories), *Voluntary Code regarding Violence in Television Programming*

5.1 To assist consumers in making their viewing choices, broadcasters shall provide a viewer advisory, at the beginning of, and during the first hour of programming telecast in late evening hours which contains scenes of violence intended for adult audiences.

5.3 Suggested language for suitable viewer advisories is outlined in Appendix A.

Article 7.0 (Violence against Women), *Voluntary Code Regarding Violence in Television Programming*

7.1 Broadcasters shall not telecast programming which sanctions, promotes or glamorizes any aspect of violence against women.

7.2 Broadcasters shall ensure that women are not depicted as victims of violence unless the violence is integral to the story being told. Broadcasters shall be particularly sensitive not to perpetuate the link between women in a sexual context and women as victims of violence.

7.3 Broadcasters shall refer to the Canadian Association of Broadcasters' code on Sex Role Portrayal for guidance regarding the portrayal of women in general.



Article 4 of the *Sex Role Portrayal Code* reads as follows:

Exploitation:

Television and radio programming shall refrain from the exploitation of women, men and children. Negative or degrading comments on the role and nature of women, men or children in society shall be avoided. Modes of dress, camera focus on areas of the body and similar modes of portrayal should not be degrading to either sex. The sexualization of children through dress or behaviour is not acceptable.

Guidance: "Sex-ploitation" through dress is one area in which the sexes have traditionally differed, with more women portrayed in scant clothing and alluring postures.

Conclusion:

The Regional Council members viewed a tape of the program in question and reviewed all of the correspondence. The Regional Council decided that the episode of *Millennium* in question did not breach the provisions of either of the CAB Codes.

The Content of the Program

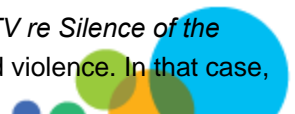
The members of the Atlantic Regional Council found that the content of the episode of *Millennium* which they viewed contained violent elements which, they readily acknowledged, will not be suitable for everyone - indeed not for all of them. But that's not the point of television programming, which is expected to be diverse and directed at different groups and tastes. Freedom of expression in our democracy carries with it the burden that there will be things expressed which not everyone will wish to hear. That being said, freedom is not without its limits. In the area of television programming, a number of those limitations are imposed by the broadcasters' own *Violence* and *Sex Role Portrayal Codes*. Private broadcasters in Canada created those Codes and are generally *bound* by Conditions of Licence to adhere to their provisions.

The Issues of Sex Role Portrayal and Violence against Women

While the complainant's concern was principally addressed toward the issue of violence, she did refer early in her letter to the "opening scene ... in a busy strip club with several big-breasted, scantily-clad strippers gyrating and 'performing' for peep-show customers." Although the Council agreed that the scene was intended to be erotic or titillating, this didn't necessarily mean that the scene was exploitative or degrading. The strip club served as a setting in which a pathological serial killer began a series of homicides which were not fundamentally directed at women. In fact, the killer was portrayed as a homosexual who preyed particularly on men. There was nothing in the depiction either of the killer, or the circumstances of the crimes, which can be said to glorify or glamorize him or them. To the contrary, "sordid" seems a more appropriate term. Consequently, the Council finds no breach of either Article 4 of the *Sex Role Portrayal Code* or of Article 7 of the *Violence Code*.

Gratuitous Violence

The CBSC has dealt with the issue of gratuitous violence on several occasions. It was in *CITY-TV re Silence of the Lambs*, that the CBSC was first called upon to consider the meaning of gratuitous, or glamorized violence. In that case,



the Ontario Regional Council pointed out that according to the code:

Gratuitous violence is "material which does not play an integral role in developing the plot, character or theme of the material as a whole." When a program includes scenes of violence which are unnecessary to the progress of the story, which do not drive the plot forward, which play no role in the development or definition of the characters, and are clearly serving a sensationalistic purpose, that program will be seen to contain gratuitous violence.

Programming which "sanctions, promotes, or glamorizes violence" is - with the possible exception of the meaning of "sanctions" - more straightforward. In this case, the Council interprets this statement by identifying the verb "sanction" as being: to permit authoritatively; to authorize; to encourage by express or implied approval. The Council also defines "promote" as furthering the growth, development, of something, or encouraging the progress of something (such as hatred or violence). When you add the word "glamorize" to "sanction" and "promote," together, all three verbs encourage, if not glorify, the use of violence.

As in the case of *Silence of the Lambs*, the theme of this episode of *Millennium* involves a psychopathic serial killer and the attempts to put an end to his homicidal activities. While violence is central to the tale being recounted, the underlying saga is that of a former law enforcement official with psychic powers who is attempting to restructure his family life away from threats he and his family had suffered in the "backstory" (the time prior to the beginning of the first episode of the series). Such violence, as occurs in the episode, is central to the plot and character of the principal protagonist. Furthermore, the scenes complained of do not generally show the *occurrence* of violent acts, as much as they show the *results* of the violent acts - and that violence is not overplayed. There is also violent *imagery* and effective editing, which give rise to fear, if not terror, on the part of the viewer. These are a part of a genre which is aimed at adult audiences, but which does not necessarily fall afoul of the rules prohibiting gratuitous violence. In the Council's view, this episode of *Millennium* is not in breach of Article 1 of the *Violence Code*.

The Watershed Hour

Not all Canadians may be familiar with the importance of the watershed hour to their viewing choices. As in many other countries, it serves as a programming frontier in Canada. It means that after 9:00 pm, parents should be advised that there is a greater likelihood that programming which may be unsuitable for their young children, or even their older children will be aired. It is the signal to families to be vigilant in determining which programs their children should and should not watch. The watershed hour was set at 9:00 pm because in most homes, the parent or parents will have returned from work and have the opportunity to supervise what their families will watch. (The time established for "watershed" varies from country to country, from 8:30 p.m. in New Zealand to 10:30 p.m. in France. Great Britain, Finland, South Africa and Australia all share the Canadian choice of 9:00 p.m. as the watershed.)

The Atlantic Regional Council believed that the episode of *Millennium* which they viewed contained violent material intended for adult audiences and that, in the circumstances, MITV acted entirely properly in scheduling this program at 10 p.m.

The Council was also conscious of the viewer's observation concerning the erotic material at the beginning of the series and referred to former decisions that noted how many broadcasters used the watershed hour as a guideline for other types of adult-oriented or "racy" material, not just violent content. (In fact, there is no formal restriction on the timing of broadcasting of slightly "racy" material.)



Because of this, the Atlantic Regional Council believed that the type of erotic material which began the episode was properly broadcast by CIHF-TV (MITV) after the 9:00 p.m. watershed hour.

Viewer Advisories

Just because programs are posted after the watershed hour, it doesn't mean that a broadcaster has fulfilled its obligations to its viewers. Even when a program is aired after the 9:00 p.m. viewing hour, it's well recognized that not all children will have gone to bed. Furthermore, there are adults who would not wish to watch programs with violent content. In response to this, the *Violence Code* states that broadcasters must provide viewers with advisories so that they will be informed of the nature of the content in the program they are about to see. Here, too, MITV fulfilled their obligations to the public by airing an advisory at the start of the program and during the two following commercial breaks. There is no obligation that any of the advisories be oral; however, the CBSC considers that MITV acted wisely in making the first advisory both oral and written (the viewer had apparently missed the oral advisory). It enables viewers who may not be paying total attention to the screen at that moment to be aware that they may not find the coming program suitable.

The Broadcaster's Response

In addition to assessing the relevance of the Codes to the complaint, the CBSC always assesses the responsiveness of the broadcaster to the substance of the complaint. In this case, the Program Manager responded thoroughly and thoughtfully to each of the points raised by the complainant, thereby fulfilling the station's obligations to the public. Nothing more is required.



You Be the Judge: CJOH-TV re: White Men Can't Jump

The Facts of the Case

CJOH-TV broadcast the feature film *White Men Can't Jump* at 9 pm on November 11, 1994. The film was preceded by an on-screen viewer's advisory which stated:

Tonight's feature deals with mature subject matter and contains some sex and coarse language throughout. Viewer discretion is advised.

There was also an oral advisory given at the start of the film; further advisories were shown at the commercial breaks at 9:15, 9:27 and 9:42.

There is no need for the Canadian Broadcast Standards Council to provide the customary transcript of challenged remarks. A sufficient number of the offending words are cited in the complainant's letter below. Suffice it to say for these purposes that the film is replete with epithets and very coarse street language. There are also two love-making sequences which are not particularly graphic, or even the subject matter of the viewer's complaint.

The Complaint

On November 12, the viewer sent a letter to the broadcaster, complaining about the film and describing some of the language used during the course of the film. He said:

I am absolutely disgusted and shocked that anyone at your station would see fit to air this movie, unedited.

This film carries a Restricted rating, due to extremely foul language, sexual content and nudity. The fact that only a paying population over the age of 17 could see this film on its release makes it even more unbelievable that you would release it, unedited, over free airways. This movie aired at 9:00 pm, prime-time, at an hour when impressionable minds, unable to discriminate, would hear oft-repeated exclamations like "cocksucker," "mother-fucker," "Jesus Christ," "bullshit," "asshole," and, quite literally, an innumerable amount of simple "fuck's" (this only from the first 30 minutes that I chose to observe, dumbfounded).

What has this world come to that I am now required to maintain constant watch over my children, in my own home, on free-access TV? Are those in the industry with the responsibility to make sound decisions, amoral, completely lacking in judgement, or was this simply a terrible mistake left unchecked through numerous levels of management? The argument that a five second disclaimer appearing before each segment makes it permissible for this trash to filter into my home and into the minds of young children is ridiculous. Anyone with an iota of common sense will admit this.

... The fact that this movie was ever considered to air uncensored is a tragic statement on slipping standards and an indication of the overly extended leash that has apparently been afforded to you in the broadcast industry.

The Broadcaster's Reply

The Vice-President and Station Manager of CJOH-TV responded to the viewer on November 25. He said, among other things:



We appreciate your concerns in regards to the language and mature themes of this feature film, and offer our apologies if the content was distasteful to you.

In responding to your letter, we wanted to provide you with some background information on the recent developments of industry codes and standards which played a role in the decision by BBS - Ontario (CJOH TV) to air this film.

Last January, the Canadian Association of Broadcasters adopted a new, CRTC-approved code which dealt primarily with the issue of violence in television programming

When the Code was crafted, broadcasters were cognizant that in addition to concerns on violence, many in our audience also had views on the issues of language, nudity and mature themes in television programming. To that end, the Code's Statement of Principle states in clause 1.2.3:

"that viewers be informed about the content of programming they choose to watch"

That theme is carried through in the Code itself in Section 3, the scheduling provisions, which read as follows:

3.1.1 Programming which contains scenes of violence intended for adult audiences shall not be telecast before the late evening viewing period, defined as 9 pm to 6 am.

3.1.2 Accepting that there are older children watching television after 9 pm, broadcasters shall adhere to the provisions of article 5.1 (Viewer advisories), enabling parents to make an informed decision as to the suitability of the programming for their family members.

BBS Ontario - CJOH TV, along with many other broadcasters, has adopted the provisions of Section 3.1.1 - the establishment of a "watershed hour" for adult programming containing violence - to also apply to the scheduling of programming which may have elements of language, nudity or mature themes.

To that end the decision was made that this film would be telecast after 9 pm, and would carry appropriate advisories, to enable viewers to make an informed decision on whether or not the film would be suitable for them.

The advisory which aired throughout the first hour of the program was as follows:

"Tonight's feature deals with mature subject matter and contains some sex and coarse language throughout. Viewer discretion is advised.

"This advisory, in both audio and video form, was aired before the film began, and at the resumption of the film coming out of commercial breaks during the first hour of the program.

In editing the film for telecast, careful consideration was given to the language elements. It was the view that while use of the coarse language could possibly be offensive to some viewers, it was not gratuitous, in that it suited the nature of the characters and the physical setting of the plot.

Within the context of the overall story, the script reflects the language of the street, and as such is part of the lexicon of that particular reality. To have cut all the coarse language would have impaired the dialogue continuity. That in turn would have been a disservice to the film's creators and, in the end, to those viewers who wish to see films presented in as much of their original theatrical version as possible.



We appreciate that taste is a highly subjective matter. What is humorous to one individual could be insulting to another. The same is true of language, and nudity. That is why we took particular care in the wording and placement of the viewer advisories. We wanted to ensure that members of our audience who might possibly find the content not to their liking would have ample opportunity to make another viewing choice.

We regret that the content of this feature film was unpalatable to you. However we believe that in the scheduling of this movie, and with the provision of the viewer advisories, that we have met the conditions of the various industry codes to which we subscribe, as a member of the Canadian Broadcast Standards Council (CBSC).

The viewer was unsatisfied with this response and requested, on December 27, that the CBSC refer the matter to the appropriate Regional Council for adjudication.

You Be the Judge - How will the CBSC Resolve this Matter?



You Be the Judge: Verdict - CJOH-TV re: White Men Can't Jump

The Verdict

The CBSC's Ontario Regional Council considered the complaint under the *Voluntary Code Relating to Violence in Television Programming of the Canadian Association of Broadcasters* (CAB). Clause 3 of that Code reads as follows:

3.0 Scheduling

3.1 Programming

3.1.1 Programming which contains scenes of violence intended for adult audiences shall not be telecast before the late evening viewing period, defined as 9 pm to 6 am.

3.1.2 Accepting that there are older children watching television after 9 pm, broadcasters shall adhere to the provisions of article 5.1 below (viewer advisories), enabling parents to make an informed decision as to the suitability of the programming for their family members.

5.0 Viewer Advisories

5.1 To assist consumers in making their viewing choices, broadcasters shall provide a viewer advisory, at the beginning of, and during, the first hour of programming telecast in late evening hours which contains scenes of violence intended for adult audiences.

5.2 Broadcasters shall provide a viewer advisory at the beginning of, and during, programming telecast outside of late evening hours, which contains scenes of violence not suitable for children.

5.3 Suggested language for suitable viewer advisories is outlined in Appendix A

Conclusion

The Regional Council members viewed a tape of the film in question and reviewed all of the correspondence. The members consider that the broadcaster was not in breach of the Code.

The Content of the Program

The Council was entirely in agreement with the complainant that the language was coarse, even incessantly so, for at least the first half hour of the film. The Council also agreed that the language used was that of the streets of California, as it was portrayed in the motion picture. The Council referred to a previous decision about this issue, where at that time, the Council ruled:



There is no doubt that the host used the words "damn" and "Goddammit" during the course of his broadcast on the morning in question. It is equally clear that the complainant was offended by the use of those words. The use or misuse of these would, in the view of the Council, fall under Clause 6(3) of the Code of Ethics as an example of the proper or improper presentation of comment or opinion. The Council has also frequently felt it appropriate to look for guidance in determining acceptable standards of broadcaster actions to the Radio Regulations or the Television Broadcasting Regulations. In this case, it is section 3(c) of the Radio Regulations, which refers to language. It provides that "A licensee shall not broadcast ... (c) any obscene or profane language." In its determination of what constitutes "obscene or profane language," Council considered that current broad social norms must be applied. The Council also had to face the fact that some language which may at another time have been broadly considered obscene or profane had now slipped into common and marginally acceptable usage. Terms formerly considered blasphemous or irreligious are today non-religious and inoffensive to the population as a whole (although they might be considered to be in poor taste). In general, the Regional Council concluded that there may be words which ought not to be used in the medium, but whose use could not be raised to the level of profanity or obscenity. While the word "damn" gave the Council no difficulty by current standards, this was a case which fell into that middle ground insofar as the word "Goddammit" was concerned. In their view, the host used the term as an epithetic expression of frustration, but not in an intentionally irreverent, blasphemous or irreligious way.

While it is not the same language that was used in this film, the Council decided that the same principles were applicable, and that it couldn't interfere with the broadcaster's choice to air the film. In this case, the Council adopted the conclusion of the ruling stated above, that "while good taste and judgement might have dictated the non-use of the expression on the public airwaves, it was not a sanctionable usage."

The Watershed Hour

The question of the timing that the film was aired also came into play. The Council referred once again to a previous ruling, where the watershed hour was described in the following manner:

Since this is the Council's first decision dealing in any significant way with the "watershed" hour, it is worth noting what it is and what purpose it serves. In its literal sense, it, of course, denotes the line separating waters flowing into different rivers or river basins. Popularly, the term has been applied to threshold issues but the literal meaning of the word gives the best visual sense of programming falling on one side or the other of a defined line, in this case a time line. Programming seen as suitable for children and families falls on the early side of the line; programming targeted primarily for adults falls on the late side of the line. It should be noted that the definition of that time line varies from country to country, from 8:30 p.m. in New Zealand to 10:30 p.m. in France. (Great Britain, Finland, South Africa and Australia all share the Canadian choice of 9:00 p.m. as the watershed.)

In Canada, the watershed was developed as a principal component of the 1993 Violence Code, establishing the hour before which no violent programming intended for adult audiences would be shown. Despite the establishment of the watershed for that purpose, the Council has reason to believe that broadcasters regularly consider this hour as a rough threshold for other types of adult programming.



This was, in fact, the position taken by the station's Vice-President in his response, and the Council agreed that, provided viewers were alerted to the program content in accordance with the terms of Article 5 of the *Violence Code*, the airing of the film at 9:00 pm did not violate the Code. This was indeed the case here; the viewer advisories were ample.

The Issue of Broadcaster Responsiveness

In addition to its primary responsibility of measuring the complaint against the Code in question, the CBSC Regional Council always evaluates the responsiveness of the broadcaster to the complainant. This requirement to be responsive to audience complaints is a responsibility of membership in the CBSC. In this case, the Regional Council considers that the Vice-President and Station Manager of CJOH-TV sent an extremely thorough, thoughtful and appropriate reply to the complainant. Nothing more is required.



You Be the Judge: CTV re: Canada AM (Airborne Hazing)

The Facts of the Case

On January 19, 1995, during its 7:00 am newscast, *Canada AM* included a segment relating to the hazing practices of the since-disbanded Airborne Regiment of the Canadian Armed Forces.

Canada AM's regular newscaster, Wei Chen, began her reading of the 7:00 am newscast with the Airborne Regiment story. She said:

Good morning, everyone. We begin this morning with another horrifying look at the ugly side of the Canadian military, from a home video that can only be described as a vulgar record of some very repulsive and racist acts. The video was shot in the summer of 1992 during a hazing ceremony for new members of the Canadian Airborne Regiment. You may not want to see this or hear this. It shows drunk soldiers being smeared with human feces, urine and vomit. Again a warning. You will find these pictures shocking and offensive.

The entire news segment was 1:10 seconds long and the video clip used, (which began 33 seconds into the item), was 15 seconds long. The announcer's tone, visual cues and words made it apparent from the end of the first sentence that the news item would be unpleasant. Her explicit warnings were given before the video clip ran. Ironically, it would have been very difficult to determine from the poor quality home video most of what was happening but for Wei Chen's introductory description.

The viewer provided her complaint to the Coalition for Responsible Television on the day of the broadcast. It was only re-submitted by the Coalition to the CBSC two months later, namely, on March 20 and received by the Council on March 29. While this is customarily well beyond the delays during which the broadcaster is required to retain logger tapes and, thus, beyond the time when the CBSC can be expected to deal with a matter, the record-keeping and co-operation of the broadcaster permitted the CBSC to deal with the citizen's complaint.

In the transcript of the complaint, the viewer described her reaction to the news item in the following way:

The scene of the Canadian military eating vomit and the acts of violence against the other members of the armed forces ... and the black man being abused ... I have been gagging. It was far too explicit. This was disgusting. I gagged three times.

The Vice-President of CTV News, Eric Morrison, responded to the complainant on April 28. He stated:

Please believe that I understand your concern and I ask you to accept my assurance that we debated this story thoroughly before playing the tape. It is unfortunate that horrible events, such as the dehumanization and degradation of human beings, occur, but to shy away from the reality and not make the facts available to the public only makes matters worse. CTV does have a policy of warning viewers about upcoming footage that may be disturbing, and this was effected in connection with the hazing video.

Just by way of information, the tape in our possession contained a number of segments that were even more disgusting than those shown on the News; these were omitted out of concern for our viewers' feelings.

The viewer was unsatisfied with this response and requested, on May 5, 1995, that the CBSC refer the matter to the appropriate Regional Council for adjudication. She also sent an accompanying letter addressed to the CBSC in which she commented:



I found Mr. Morrison's response somewhat cavalier at the least. I cannot recall a more disturbing display of "facts" in television news. It was beyond explicit. I am a little alarmed at CTV's apparent option to "censor" what is seen by television viewers. I remain concerned about the victims' privacy. I was appalled by such an exposure. ... I hope I, and my children, can continue to use television for information on local/national/international events.

With her letter to the CBSC, the complainant enclosed a copy of her letter replying to Mr. Morrison's letter, which elaborated on certain aspects of her letter to the CBSC.

Do not the victims have some right to privacy ... I remain very concerned at the exposure of these particular victims, specifically, an Airborne member of "colour." Efforts were not taken to conceal the identities of the victims of this debasement. What about these men's families and communities? ... [Y]ou go beyond what is necessary to convey acts of injustice and I ask you to step back.

In his covering letter of August 16, 1995, enclosing the logger tapes which members of the Ontario Regional Council ultimately viewed as a part of this adjudication, Mr. Morrison pointed out that

we did warn viewers of the disturbing footage, and that even without sanitizing, we were sensitive as to what could be shown on a morning program.

He referred to two clauses of the *Violence Code* and asserted that

in this case CTV maintained the balance between the reality of degradation, cruelty and racism in the Airborne, while not exaggerating the situation, and we did use editorial judgement within the newscasts...

In addition, CTV has a policy, as set out in our Style and Journalistic Policy Manual, which advises us to question whether our coverage is likely to serve any constructive purpose beyond simply engaging the audience's attention, that our news judgement must hinge on what is important, and that there be no place in the news for exploitation or sensationalism. The story on the Airborne Regiment, together with the story about the incidents in Somalia, led to an independent public inquiry and the disbanding of the Regiment. Contrary to what [the complainant] feels, we did not go beyond the threshold of what the facts showed. The racism shown in a division of the Canadian military is something that warranted the discomfort we all felt with the images.

You Be the Judge - How will the CBSC Resolve This Matter?



You Be the Judge: Verdict - CTV re: Canada AM (Airborne Hazing)

The Verdict

The CBSC's Ontario Regional Council considered the complaint under the *Voluntary Code Regarding Violence in Television Programming of the Canadian Association of Broadcasters* (CAB) and the Radio and Television News Directors Association of Canada (RTNDA) *Code of Ethics*. The relevant provisions of those Codes read as follows:

Section 6, *Voluntary Code regarding Violence in Television Programming*

6.1 Broadcasters shall use appropriate editorial judgement in the reporting of, and the pictorial representation of violence, aggression or destruction within their news and public affairs programming.

6.2 Caution shall be used in the selection of, and repetition of, video which depicts violence.

6.3 Broadcasters shall advise viewers in advance of showing scenes of extra-ordinary violence, or graphic reporting on delicate subject matter such as sexual assault or court action related to sexual crimes, particularly during afternoon or early evening newscasts and updates when children could be viewing.

6.6 While broadcasters shall not exaggerate or exploit situations of aggression, conflict or confrontation, equal care shall be taken not to sanitize the reality of the human condition.

Article 3, *RTNDA Code of Ethics*

Broadcast journalists will not sensationalize news items and will resist pressures, whether from inside or outside the broadcasting industry, to do so. They will in no way distort the news. Broadcast journalists will not edit taped interviews to distort the meaning, intent, or actual words of the interviewee.

Article 4, *RTNDA Code of Ethics*

Broadcast journalists will always display respect for the dignity, privacy and well-being of everyone with whom they deal, and make every effort to ensure that the privacy of public persons is infringed only to the extent necessary to satisfy the public interest and accurately report the news.

Conclusion

The Regional Council members viewed a tape of the program in question and reviewed all of the correspondence. The members agreed that the program did not contravene either of the Codes cited above.

News Issues and the *Violence Code*

This was the first occasion that the Council considered the provisions of the News and Public Affairs section of the 1993 *Violence Code*. The Council had, on several occasions, reiterated its belief that there is a balance to be struck between freedom of expression and the constraining provisions of the *Violence Code*.

In the case at hand, the Council, in measuring freedom of expression and the provisions of the Code relating to the broadcasting of news and public affairs programming, had to balance *customary* freedom of expression and *customary* restrictions on that right, because news plays a different role in the lives of the public.



In a democratic society, one of the fundamental rights of individuals is access to the news of the day. It is the cornerstone of the citizens' collective knowledge base and the foundation of their own ability to evaluate public policy and the performance of their governments at all levels. Consequently, broadcasters' reporting of the news is more than a right; it is a responsibility. The introduction to the *RTNDA Code of Ethics* states in its preamble that:

Recognizing the importance to a democracy of an informed public, the members of the RTNDA of Canada believe the broadcasting of factual, accurately reported and timely news and public affairs is vital.

Clause 6(3) of the *CAB Code of Ethics*, in the statement and extension of that principle, also provides:

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of the broadcast publisher.

Thus, if anything, there must be a greater tolerance by society in the reporting of reality than in the creation of dramatic programming for entertainment. It is for this reason that Clause 6.6 of the *Violence Code* explicitly provides that "care shall be taken not to sanitize the reality of the human condition." The Code recognizes that society has a right, if not an obligation to have presented to it the reality of the news, however unpleasant or even intolerable that news may be from time to time.

This does not, however, open the floodgates to every bit of reality which could be defined as news or every bit of every story which ought to be brought to the attention of the Canadian public. Elements of editorial judgement must be exercised on many levels. Since, in the first place, there are innumerable stories competing for the time available in any newscast, a story ought to be reported for reasons "beyond simply engaging the audience's attention," as CTV News' Vice-President said in his letter of August 16. A story broadcast simply to engage the public's attention would likely be characterized as sensationalism, and thus in breach of the *RTNDA Code of Ethics*.

Almost every story that must be told will require editorial judgement as to how it will be told. Nor will every story requiring such judgement ultimately come to the CBSC's attention. Such rare occurrences will generally be those which, in their edited form, still attract viewer attention by reason of their frightening, violent, graphic or other unpleasant characteristics. In each such case, the broadcaster must temper the public's need to know with the measure of how much needs to be known so as not to exceed the bounds provided in the *Violence Code*.

The clauses dealing with this point collectively require editorial judgement "in the reporting of, and the pictorial representation of violence, aggression or destruction" in news stories. Broadcasters must use "caution" in the selection of the video clips depicting violence that they run. They must not "exaggerate or exploit situations of aggression, conflict or confrontation" in such reports and they must be discreet in their "use of explicit or graphic language related to stories of destruction, accidents or sexual violence." Finally, it should be noted that, in circumstances in which the exercise of careful editorial judgement still results in the legitimate need to broadcast "scenes of extraordinary violence, or graphic reporting on delicate subject matter," the broadcaster "shall advise viewers in advance" of the sequence of what is to come. While the public in general must be informed, individual viewers are, of course, entitled to decide what is not palatable for them and their families.

The Content of the Program

How then did CTV's handling of the Airborne incident rate against the foregoing measures?



In the view of the Council, the CTV News Department fulfilled all of its responsibilities. In the first place, it was clear that the story had to be told. With the benefit of hindsight, Canadians know that this story has remained a matter of great institutional importance up to and including the date of this decision and current events indicate that the end of this sorry episode of Canadian military history is not yet in sight. There can thus be no doubt but that CTV's foresight in running the story was entirely justified.

The question is then whether the editorial judgement exercised was appropriate. Members of the Council were aware not only of what material was used by CTV but also, broadly speaking, of how much more video material might have been selected. However unpleasant was the material which was used, there were, Council concluded, much more explicit and lengthier clips which could have been chosen for airing. If anything, members were hard pressed, in viewing and re-viewing the 15 seconds of material, to find bits which were as visually unpleasant as the warning had suggested. In the view of the Council, CTV News, while clearly not sanitizing the report, had not either exaggerated or exploited it as a function of what could have been shown. Members were of the view that CTV had exercised caution, as required by the *Violence Code*.

There was a further question to consider, namely, whether the viewer advisory was required at all and, if so, whether it was appropriate as a function of the hour of the newscast in question. In this connection, the Council considered the wording of Clause 6.3 of the *Violence Code*, which provides for an advisory in advance of the broadcast of scenes of "extraordinary violence, or graphic reporting on delicate subject matter ... particularly during afternoon or early evening newscasts and updates when children could be viewing." In the Council's view, despite the absence of an explicit reference to "morning" in the provision regarding the timing of newscasts, it was the intention of the framers of the Code to include all time periods "when children could be viewing" as requiring advisories. Hence, the 7:00 am newscast would be included in the advisory requirement.

It was, furthermore, the view of the Council that the advisory read by the newscaster constituted an ample warning. It was clear and unambiguous. Viewers were alerted to the fact that what was about to be shown was "a vulgar record" and would be "shocking and offensive." If anything, Council members did not consider that all of the elements described were visually apparent; some may not have been recognized as what they were without the announcer's description.

The Privacy Issue

The complainant also raised a concern regarding the invasion of privacy of the persons shown on the home video, taken by a member (or members) of the Airborne Regiment, and broadcast by CTV. She was concerned that no attempt was made to conceal the identities of the "victims of this debasement."

The Council noted that Article 4 of the *RTNDA Code of Ethics*, in dealing with the issue of privacy, makes specific reference to the privacy of public persons and not to private persons. This is perhaps because there may otherwise be a tendency on the part of citizens to believe that they have a proprietary interest in the lives of persons who have chosen to make themselves, in part, very public. This could not be said to be the same in the case of non-public figures.

The Council also noted that generally, the private lives of individuals are of little or no interest to the public. However, there must be exceptions to this principle or we would never, as a society, be entitled to see news stories on television on the grounds that they may contain footage of an unwilling participant in the event. It would not be realistic, for example, for television station news teams to seek permission from everyone who might be seen on camera at a crime scene, an accident, the picketing of a shop or a legislature, the arrival of a public figure or other events too numerous to describe here.



The point is that the issue is not so much the recording and broadcasting of the image of the individual, as it is the identification of the person. Where the broadcaster provides no information which permits the public at large to identify the individual, such as in this case, the broadcaster has not interfered with that person's right to privacy. The fact that the individual filmed and those close to him may know who he is does not interfere with his right to be free from identification by the public at large.

Circumstances do, moreover, arise from time to time in which the public interest in an event may override the otherwise legitimate interest of individuals to keep their identity and activities free from filmed scrutiny. Even a situation such as the hazing ritual, in which a home video camera rather than a broadcaster's equipment was present, would give rise to this principle. The public had such an abiding interest in learning about the unorthodox and apparently discriminatory practices of the Regiment - whose members had killed Somalis in questionable circumstances, thereby affecting the reputation of the country in its international peace-keeping role - that the private interest of any individuals seen in the film in question would have been overridden by the public's need to know.

Broadcaster Responsiveness

In addition to assessing the relevance of the Codes to the complaint, the CBSC always assesses the responsiveness of the broadcaster to the substance of the complaint. In this case, the broadcaster was extremely co-operative in providing the logger tapes long after the required date. In addition, Mr. Morrison's letter, although brief, was to the point and responded fully to the briefer comments provided in transcript form by the Coalition for Responsible Television.

The Council was unable to agree at all with the complainant's contention that Mr. Morrison was "cavalier" in his reply. That the incident was a "disturbing display" was not CTV's fault. The video record's explicitness was the major evidence of the story. The story's survival depended on the video existence of the "disturbing display." One might argue that, in this case, as in the Rodney King case in the United States, the public interest was served by the recording of the awful events. Their appalling nature might have disappeared from scrutiny had not the record been brought to the attention of the people. The broadcaster's editorial choices were even-handed and its response to the viewer equally fair; the broadcaster cannot always expect to satisfy the viewer who, after all, begins a complaint letter in a negative frame of mind but the broadcaster must be responsive. That was achieved in this case.

