



Canadian Broadcast Standards Council
Conseil canadien des normes de la radiotélévision

1997 / 1998 Annual Report

“Encouraging Excellence in Broadcasting”

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Message From The National Chair

As my Message has noted for several years, decisions continue to be the most important single activity of the Canadian Broadcast Standards Council. They are, at the end of the day, the flesh on the broadcaster Codes. They provide the Regional Council members' collective detailed opinion on the content issues they are asked to review every year. They constitute the perspective of these thoughtful, diligent, dedicated Canadians on the extent and the boundaries of broadcast speech.

Of note this year is the substantial number of decisions released by the CBSC, an improvement to streamline decision-making in straightforward cases, and enhancements to our web site. I am also pleased to report on the continuing expansion of our member base, key international and domestic contacts and the contributions of our small but effective staff. Finally, I close with some observations on the implementation of broadcast standards in this extraordinary year.

Extraordinary Levels of Activity

In a normal year, the Canadian Broadcast Standards Council opens about 250-275 files. 1997-98 was not normal. Spearheaded by the large number of complaints relating to *The Howard Stern Show* on CHOM-FM in Montreal and CILQ-FM in Toronto and *J.E.* and *J.E. en direct*, TVA's public affairs shows originating in Montreal, the CBSC opened 1,281 files (representing complaints filed individually or by petition from 2,463 individuals), of which 946 related to those two programs. Even if one excises the *Stern* and *J.E.* figures, there was an increase in "other" files of 26% over a typical year. In addition to the correspondence generated by the record number of complaints, supporters of the Stern Show both before and in the aftermath of the two decisions in the CHOM and CILQ files (which are discussed at greater length within), themselves generated considerable correspondence, all of which was responded to by the Council's staff.

Even taking into account the obvious skewing of statistics as a result of the large number of complaints relating to (essentially) two programs alone, the majority of complaints continue to be resolved at the level of broadcaster and complainant discourse.

New Efficiencies in Responding to Complaints

Due to the huge increases in both complaints and decisions, the Council has looked to new methods to help speed up its processes. One of these was adopted at the National Executive Meeting in October and put into effect this year.

Where a complainant raises an issue on which the CBSC has a clear position in its large decision base, the National Secretariat has been empowered to reject the request for a Regional Council adjudication. It has used the mechanism twice in this fiscal year and has, in each case, provided reasons for its decision. At the end of the fiscal year, more matters of this kind were under consideration and I fully expect that the process will assist the Council in speeding up its handling of matters submitted for adjudication. Needless to say, any complaints which are simply viewed to be frivolous, vexatious or harassing will also be dealt with summarily.

Although the National Secretariat will examine *all* matters submitted for potential adjudication of its own volition, any broadcaster will be entitled to request such treatment for a particular complaint which it considers meets any of the above criteria.

CBSC on the Web

While the 1995-96 Annual Report introduced the CBSC web site, the site only became operational in 1996-97. In the current fiscal year, web site "hits" more than *tripled* over last year. On average, the CBSC's English and French web sites had more than 49,000 "hits" per month. While this figure principally

consists of Canadian visitors, in a typical month persons from more than 40 countries stop by. A total of 83 countries were represented in this year and, overall, in the 22 months since the web site has been open, statistics show that the identifiable "hits" have come from 90 countries. We noted last year that an average of 67.5 megabytes of information were transferred to web site visitors in an average month. That figure has almost quintupled this year, rising to nearly 330 megabytes per month.

The greatest importance of the web site is that it has rendered the CBSC's activities both transparent and accessible. It contains the details of our history, an explanation of how we function on a day-to-day basis, the names and brief biographies of our Regional Council members, a list of all of our conventional broadcast and specialty service members, links to all of their web sites and so on. It also includes the texts of the four broadcaster Codes we administer, related CBSC decision excerpts, full decision texts, all current and past press releases, the current and past Annual Reports (from that for 1994-95), the texts of all legal and regulatory documents which relate to our self-regulatory process, and links to all broadcaster, government, self-regulatory, communications policy and other relevant web sites in Canada, the United States and around the world.

The web site has also maximized the efficiency of the CBSC's small but effective staff. It has enabled us to provide a more effective dissemination of our decisions with far less effort and at lower cost than the postal option formerly used. Even the facility and economy of response to queries about Codes, current and past decisions, related CRTC Public Notices, the composition of Regional Councils, and other such matters are greatly aided by the Secretariat's ability to point to the web site as the caller's best option for access to such details. It is hardly necessary to add that, as the CBSC becomes better known, the web site gives it the ability to provide a broader public with the details of its operations without any concomitant need to increase its own infrastructure on that account.

All this information also aids those members of the public who wish to make complaints. The web site includes an easy-to-access and easy-to-use template for that purpose. While the substantial increase in complaints and files opened this year does not appear to be related to that facility, a growing percentage of the complaints are received via e-mail.

Enhancing Accessibility to Our Web Site

This year the CBSC released more decisions than ever before. The total of 45 represented over 33% more decisions than the record total of 33 in 1996-97. As always, the reader-friendly version of these decisions can be found in this Annual Report in the section entitled "An Overview of Decisions Released in 1997-98"

Last year was the first in which the Council began to post its decisions to its web site so that they were then instantly accessible to the public, the broadcaster members of the Council, the media, and all interested parties around the world. We began by posting decisions rendered prior to the existence of the web site and continued with every one of the new decisions, gradually adding the remaining older decisions as time and resources permitted. By August 31, 1998, *all* decisions released between June 1993 and the end of this year were fully accessible at <www.cbsc.ca>.

To make it easy for web site visitors to find decisions relating to specific clauses of the various broadcast Codes, we added a section called "Commentary" following each clause for which one or more decisions had been rendered. By clicking on that hyper-linked word, web site visitors can access the relevant excerpts from all CBSC decisions as they relate to each of those Code clauses. We have also added a search engine to the web site so that users can enter a key word or words from *any* location on the web site and immediately have access to all decisions (as well as any other locations on the CBSC web site) in which the selected word or phrase can be found.

The Council also published a hard copy version of the "Commentaries" entitled the *Canadian Broadcast Standards Council Annotated Codes* which can be purchased from the CBSC. The updated CBSC digest

was also published in the biennial McCarthy Tétrault *Canadian Broadcasting Regulatory Handbook*, an outside indication that these decisions have both interest and utility which extends to a broader audience.

Specialty Service Membership in the CBSC

The CBSC was pleased to note the arrival of Vision TV as its first specialty service member in its 1996-97 Annual Report. Our pleasure has multiplied in the current fiscal year by the addition of a host of new specialty members. These include Bravo!, the Comedy Network, CTV News 1, the Discovery Channel, Fairchild Television, History Television, Outdoor Life Network, Prime TV, Showcase Television, TeleToon, and WTN. These new members represent a wide spectrum of Canadian viewing interests.

We fully expect that the 1998-99 fiscal year will bring even more specialty service members into the CBSC's fold and that the Council will create a new National Council to deal with matters arising from what is, after all, a *national* scale of broadcasting by the various specialty service members. While the regional perspective of content may differ from one part of the country to the other, single-feed services cannot fairly be expected to accommodate such potential taste differences. Moreover, the purpose of multiple-feed services, where they exist, is related to issues of time-appropriateness and not to enable program content differentiation.

International and Domestic Contacts

Due in part to the huge decision demand this year, there was less time available for the maintenance of international contacts although we were visited by broadcasting experts and consultants from Germany, the Slovak Republic and the United States. The German visitors represented the Bertelsmann Foundation, whose Annual Symposium *Coordinates for Tomorrow's Communications* I attended last year in Gütersloh, Germany. (The Foundation determined that the Carl Bertelsmann "Innovation and Responsibility in the Information Society" Prize should in 1998 be awarded to the CRTC.) Representatives from the Slovak Republic were looking into Canadian self-regulatory approaches in the broadcast area and we were glad to renew and strengthen our relationship with the UCLA-based Center for Communication Policy.

On the domestic front, I attended the CAB's Annual Convention in Toronto, as well as those of the Atlantic Association of Broadcasters in St. John's and the Ontario Association of Broadcasters in Toronto. As will be discussed at greater length in the body of the Annual Report, talk radio and Howard Stern were subjects of considerable interest. In the result, I participated on a panel entitled *Talk Radio - How far is too far?* at Canadian Music Week 1998 in Toronto and delivered a paper at the Law Society of Upper Canada's biennial conference in Ottawa, *New Developments in Communications Law and Policy: Towards the Millennium*. The panel in question was called *Controversial Programming and Self-Regulation*.

I also participated on a panel entitled *Regulating Media for the Public Good* at the Canadian Communications Association annual meeting as a part of the Learned Societies in Ottawa and, finally, delivered a paper having *nothing* to do with talk shows or open-line radio on a panel at the Radio and Television News Directors Association Annual Convention in St. John's. Called *Enforcing the Code!*, it was the first RTNDA Annual Convention at which the CBSC and the RTNDA had the opportunity to dialogue publicly on the well-established *RTNDA Code of Ethics* which the CBSC has been administering since 1993. I also had the pleasant opportunities of lecturing at Prof. Catherine Murray's Communications class at Simon Fraser University and Prof. Jerry Good's Communications class at Ryerson College.

As the CBSC has become better known, interviews were requested by the written and electronic press in Canada, the United States and abroad from time to time throughout the year but Ann Mainville-Neeson, our Executive Director, did our most electronically energetic interview ever on *Musique-Plus* in Montreal.

Infrastructural Change

The position of Executive Director was vacated when British Columbia lawyer Jennifer Monaghan returned to Vancouver. Despite this significant loss to the Council midway through the fiscal year, we were fortunate to obtain the services of Ann Mainville-Neeson, a trilingual Ontario lawyer who came to us from the CRTC's legal staff. The key roles played by Jennifer and Ann at the Executive Director level and by Lucie Vincent, our Executive Assistant, enabled the Council to cope efficiently with the huge demand created by the extraordinary number of complaints generated this year.

Broadcast Standards

Whenever a commercially successful program runs up against the standards which have been adopted by Canadian broadcasters, a bally-hoo results. This was no different in the case of the *Howard Stern Show*. As is *always* the case, broadcasters stand behind their principles, often with innovative solutions. Thirty days following the first Stern-related decision, CHOM-FM put in place an additional producer, legal advice regarding Code-related content issues, and digital time shift recording equipment which enabled them to edit out offending portions of the show, seamlessly and on the fly. CILQ-FM adopted the same solutions very shortly thereafter. To the extent that this U.S. show was broadcast in Canada, it basically did so in a Canadian incarnation. I believe that this was the first time that any broadcasters of the show insisted that a version respected a set of *their* standards. This has been a remarkably positive result of the Canadian private broadcasters' self-regulatory mechanism. In the end, CHUM Limited, parent company of CHOM-FM, chose to withdraw the radio show from the Montreal station in late August 1998.

Classification System for Violence on Television

In Public Notice CRTC 1996-36, the CRTC determined that an essential component of its Violence Policy would be a rating or classification system for television programming which ultimately could be used in conjunction with V-chip technology by viewers and parents to screen out programming considered undesirable for their families. As an interim measure, broadcasters agreed to display rating levels as on-screen icons in order to provide useful information to potential viewers and parents. In its Public Notice 1997-80, the CRTC reiterated that "the CBSC should act as a clearinghouse for ratings information and as an arbitrator in disputes regarding the classification of television programs." The Council was also asked to report on its activities in the classification area and, via its Annual Report, "to keep the Commission and the public apprised of the industry's progress in implementing the classification system."

Broadcasters have been displaying the ratings as on-screen icons since September 1997. Our assumption is that the classification system is working very effectively. In fact, the CBSC has had too few complaints regarding classification to provide even a statistical summary of such complaints for this fiscal year. In 1997/98, the CBSC received, whether directly or via the CRTC, a total of only four complaints relating to the classification system, only three of which related to the actual rating of the program. Two complainants considered the rating too low while a Teletoon viewer considered a rating of 18+ as too high for the program in question. The fourth complaint related to length of time the on-screen icon is displayed. No Regional Council decision was requested regarding two of the complaints; a decision was taken regarding another, but dealing principally with other issues raised in the complaint; and the last complaint is currently under consideration by the CBSC Secretariat. No action has yet been demanded by the broadcasters regarding the clearinghouse function and no steps have yet been taken by the CBSC in that respect.

Acknowledgments

The work of the Council would not, of course, be possible without the support of the private broadcasters and specialty services which, to their enormous credit, provide both the standards and the funding which are the Council's foundation. To their even greater credit, they provide the moral support *essential* to the self-regulatory process. If they did not agree to adhere to the standards and the CBSC's decisions, that process would be of no value. To the extent that they do so, and often in innovative ways and against straightforward bottom line issues, they set a considerable example, both in Canada and beyond.

Nor would the work of the Council be possible without the dedication of the Secretariat and the 30 volunteer members of the Regional Councils across the country. Whether public members or industry representatives, Regional Council members selflessly devote considerable time to the review of the files and tapes of the programs they are called upon to consider, and then objectively assemble to render decisions relating to those programs. It is a mark of some significance that the reasoning which they do together has resulted in 117 unanimous decisions in the 118 matters considered over the years, whether for or against the broadcasters. I am grateful for the contribution they have made to the evolution of the codified standards of Canada's private broadcasters and specialty services.

RONALD I. COHEN
National Chair

2. Overview of Decisions Released in 97/98

ETHICS AND HUMAN RIGHTS

Broadcasting ethics cover a wide variety of matters. Most prominent, however, is the "human rights" provision of the CAB *Code of Ethics* which deals with the discriminatory treatment of identifiable groups in society. This year, the CBSC released decisions relating to the discriminatory treatment of gays and lesbians, the French and French-Canadians, women, Newfoundlanders ("Newfies") and "blonds", often having to draw the line between humour and offensiveness.

Broadcasting ethics also include issues involving "improper comment" and, in this context, the CBSC dealt with questions of blasphemy, foul language and the suitability of broadcast material for children.

The Howard Stern Show: A flood of complaints from Canadians

With *The Howard Stern Show*, the CBSC faced the most demanding adjudication process in its history. In 1997-98, the CBSC released two decisions relating to *The Howard Stern Show*.

Round 1: Stern debuts in Canada to immediate protest

The Howard Stern Show, a morning talk show produced in New York City, made its debut on Canadian airwaves on September 2, 1997, on CHOM-FM in Montreal and CILQ-FM in Toronto, with comments directed to the program's new international audience. Stern explained how difficult it was to have the show broadcast in Canada.

All hell has broken loose. ... particularly in Montreal, where the French-speaking people are out of their minds. They are insulted, you know, they're a bunch of peckerheads. In Montreal, the French, the English-speaking people are fine, they're like us. The French are jack-offs.

...

There is something about the French language that turns you into a pussy-assed jack-off. I swear to God.

One listener stated: "Never have I heard of anyone saying so many things to incite anger and division in a population".

Stern also made abusive remarks about identifiable groups on the basis of their race, gender or sexual orientation. In the first few weeks of broadcast in Canada, his comments targeted Japanese, gays, Poles, Sikhs, blacks and Arabs, among others. For example, he referred to Sikh taxi drivers by saying "smack the guy on the back of his turban" and commented on blacks by saying that "you must be black because you have two kids and you're not married".

Complainants were also concerned about Stern's treatment of women. In addition to terms such as "pieces of ass", "horny cow", "dumb broads", "dikes" and "sluts", his conversation with female guests was frequently based on their physical attributes and sexual practices. With female callers, he regularly avoided the subject of the call, asking instead for details about their bust size, weight and sexual proclivities. During one show featuring the Spice Girls, Stern described the singers as "little pieces of ass" and stated that he didn't care about their music--that he just wanted "to get in their pants". He went on to comment about "girl power", asking them if they were a "bunch of dikes".

During several other programs, Stern also made sexist comments with distinctly violent overtones. During one show, he described a sexual fantasy involving actress Kim Basinger:

Oh, I just wanna take that piece of ass body, put tape over her mouth, and do things to her. And have her lay by my pool in a bikini and have her come out and service me. ... And then like, I reach in, I yank out her vocal chords and then she just orally satisfies me by the pool. Oh, she's totally a mute Kim. And she's totally nude.

...

Oh. And then I break her legs and position them in the back of her head so that she's sitting, and they're permanently fixed like that. We let them knit and mend.

In a letter of complaint, one listener had this to say about Stern's sexist comments:

I tuned in for the first time last week and couldn't believe what I was hearing: a grown man verbally abusing a woman on the airwaves. He called her a slut, a whore, a bitch, and made degrading remarks about her body and body functions. What disturbed me the most was the extent of the hatred that he hurled at this woman. Each word he spit forth was full of violence and contempt: like a rape. ...

Please, someone tell me, what is going on here? Have we lost our minds? Since when did "free speech" come to mean "freedom to hate"? If I spit in your face, is my freedom to do so more important than your freedom to live safe from that kind of hatred? And make no mistake--Howard Stern is a spitter. His venom sprayed all over me, and it's hard to rub off.

Many complaints related to questions of taste. Stern was accused of being offensive, vulgar, adolescent, rude, unsuitable, outrageous, sick and tasteless. One listener described Stern as "a person who toilet mouths his listeners daily with every possible low life lingo and profanity". The complainant was clear on how this might affect Canadians:

In fact, it normalizes and mainstreams the vulgar, profane and disgusting, giving a foothold to this American jock within Canada's cultural norms.

Listeners also complained that the content of *The Howard Stern Show* was not appropriate for an early-morning broadcast. Stern himself had made comments about his show not being appropriate for children. When asked during a Montreal press conference if he allows his own children to listen to the show, he said:

Would you let your kids listen to this show? Do you think I'm proud of this? No, listen, my kids are young kids. This show is not appropriate for an 11-year-old. I'm a parent and, as a responsible parent, I wouldn't let my kid listen to the show.

One complainant stated: "Early, drive to work, a.m. radio is not 2 a.m. 'for adults only' air time".

The General Manager at CHOM-FM responded to the complaints by explaining how the station was concerned about Stern's "uninformed remarks" that were "perceived to be offensive and insulting to a large segment of our audience and to Canadians as a whole". He added that the remarks did not reflect the "views or opinions of the management or personnel of CHOM-FM or of its parent company, CHUM Limited".

Many Montreal radio listeners find his particular approach to humour amusing and entertaining and acceptable to their tastes. Early audience surveys confirm this and reflect his position as an established North American entertainment star. The Howard Stern Show was added to the CHOM-FM schedule with the knowledge that Montreal listeners who are not amused or entertained by such radio programs, have

many other listening options. CHOM-FM regularly airs listener advisories informing its audience that some listeners may find the material in the program offensive.

The General Manager of Toronto's CILQ-FM responded by acknowledging that the station recognized the show was "not for everyone's taste", but arguing in the show's support that it was a parody of "those people in society who really do hold intolerant views".

Howard Stern has made it clear on a

number of occasions that he is a comedian and entertainer by trade and reputation. He has also made it clear that his material should not be treated as the social or political commentary of a politician or journalist. He is not a news/trained journalist or talk host dealing with the issues of the day in a traditional open line style of talk programming.

Many complainants were not satisfied with these responses and asked the CBSC to refer the matter to the appropriate Regional Councils for review.

The joint decision of the Ontario and Quebec Regional Councils: the first of its kind

As complaints were received relating to both the Toronto and Montreal broadcasts of the show, both the Quebec and Ontario Regional Councils were mandated to review complaints about *The Howard Stern Show*. Each Council held its own meeting at which each independently reviewed the broadcasts of the first two weeks of September; in other words, each Council arrived at its own determination without prior knowledge of the outcome of the other's meeting. They considered the complaints under the *CAB Code of Ethics* and *Sex-Role Portrayal Code*.

While the two debates differed somewhat, the Councils' conclusions about the main issues were identical. For this reason, the Quebec and the Ontario Regional Councils decided to issue a joint decision.

On the anti-French and other discriminatory comments

The Councils agreed that such expressions as "peckerheads", "pussy-assed jack-offs", "scumbags", and "pussies" aimed at the French and French-Canadians were clearly abusively discriminating. They weighed the comedic defence raised by Stern and the broadcasters and repeated Stern's argument that his was just "another silly comedy show". The Regional Councils did not find that Stern's statements should be exonerated on the grounds that they were not intended to be taken seriously.

The fact that no-one mistakes him for a head of state does not mean that this gives him the entitlement to say whatever comes into his head and out of his mouth. The Regional Councils cannot comment on whether he might have such a privilege in the United States but, in their view, he cannot expect such a free rein in Canada. There are in this country limitations on what a broadcaster is free to air and the use of abusively discriminatory language such as he used on September 2 clearly surpasses the permissible. Even had his comments been understood as comedic by some elements of his audience, they would be excessive by Canadian standards.

The decision added: "This may be comedy in Stern's WXRK studio; it is not in this country". Special note was made in the decision of the fact that representatives of English and other linguistic groups were equally offended by the comments directed at their fellow Francophone citizens.

For these reasons, the Quebec and Ontario Regional Councils found that CHOM-FM and CILQ-FM violated the *CAB Code of Ethics*. They further agreed that their decision about abusive and discriminatory comments relating to the French and French-Canadians also applied to many of Stern's comments about other identifiable groups.

On bad taste and political comment

On the other hand, the Quebec and Ontario Regional Councils agreed that matters of taste must be regulated by the marketplace by using the on/off switch as a "coping mechanism". As was stated in the decision, "unless comments made by a broadcaster are of a nature to breach provisions of one or more of the Codes, the CBSC will not judge them one way or the other".

Regarding the concerns expressed over Stern's allegedly uninformed political commentary, the Council noted that it is important to differentiate between insults aimed at identifiable groups such as the French and French-Canadians on the one hand, and comments related to the political or historical environment in Canada and in France, on the other hand.

Those comments relating to the state of radio in Canada, the use of English in Quebec, the value of French culture, Canada as an appendage of the United States, the role of the vanquished French in Vichy France, the issues relating to separatism, and so on, are the host's opinions and, unless utterly and irresponsibly uninformed, ... they are his to espouse.

The Councils agreed that, in general, these political and historical comments fall "squarely within the bounds which freedom of expression is meant to protect".

On Sex-Role Portrayal

Stern's treatment of women was found to run afoul of broadcast standards. The Regional Councils agreed that degrading remarks about individual callers, as well as comments reflecting on the "intellectual and emotional equality of women generally", went beyond bad taste and constituted violations of the *Sex-Role Portrayal Code*.

Stern consistently uses degrading and irrelevant commentary in dealing either with guests or callers. The CBSC understands, by his demeanour and laughter, that he and, presumably, Quivers [Robin Quivers, Stern's "sidekick"] and others on his show find such comments amusing. It may well be the case that many in his audience find such comments entertaining. This sort of adolescent humour may work for some in private venues but it is thoroughly in breach of Canadian codified broadcast standards. Women in this country are entitled to the respect which their intellectual, emotional, personal and artistic qualities merit. No more than men. No less than men. But every bit as much as men.

On the suitability of the subject matter for children

While the Councils concluded that some of the comments made on *The Howard Stern Show* would breach the Codes "at any time of the day", they were "greatly concerned" by the time of day at which the show was broadcast. In deliberating this issue, the Councils reviewed the relevance of the watershed hour of 9:00 p.m. They noted that Canadian broadcasters understand that the watershed hour, although created for questions of television violence, also serves as an informal "across-the-board guideline", albeit not a rigid rule, for other programs that may not be suitable for children.

It is a small irony that the host of the Howard Stern Show states that, in his own view, his "show is not appropriate for an 11-year-old. I'm a parent and, as a responsible parent, I wouldn't let my kid listen to the show". In any event, it is the Canadian broadcast standards which apply to this program and the stations which broadcast it and, in the view of the Quebec and Ontario Regional Councils, descriptive opinion and comment ... regarding the sex life of Stern and his wife, details of which were broadcast during hours when children could be expected to be listening to radio is certainly not proper material for Canadian children.

The Councils also had "no hesitation" in concluding that Stern's language is frequently "not at all suitable" for its time slot.

The extent of the CBSC's conclusions

Both Councils also concluded that the systematic approach of the host on the foregoing issues was so similar from day to day that they assumed future episodes would continue to breach the Codes. By so anticipating, the Councils were forced to conclude that, if the broadcasters continued to air the show in the same form, they would "likely place themselves in ongoing violation of the Codes--a situation incompatible with their continued CBSC membership".

Both stations were required to announce the Councils' decision that they had breached provisions of the CAB *Code of Ethics* and *Sex-Role Portrayal Code* during prime time. They were also required, within 30 days, to explain how they would avoid repeating the breaches in the future.

The stations' solutions

In response to the CBSC's demand to explain how they would avoid breaching the codes in the future, both stations issued news releases announcing how they would be in compliance.

In its public release, Montreal's CHOM-FM stated that it would begin to "monitor closely *The Howard Stern Show* as it is broadcast each weekday morning and to take appropriate measures, if necessary, to ensure that it remains in compliance with Canadian broadcast standards". In a private meeting, CHOM-FM representatives advised the CBSC that they were acquiring sophisticated digital time shift recording equipment which would enable the station to review and edit *The Howard Stern Show* within the 8-minute delay between the arrival of the New York feed and the actual Montreal broadcast.

In its news release, CILQ-FM did not commit to complying with the codes administered by the CBSC, referring instead to compliance with the *Broadcasting Act*. In later communication with the CBSC, however, the President of WIC Western International Communications Ltd., CILQ-FM's corporate owner, stated that the station intended "to be in compliance with the Codes of the Council". Details included adding a second producer to the show to "monitor/edit the show to ensure compliance with Canadian broadcast codes and regulations" and the installation of new digital time shift recording equipment (like that being used by CHOM-FM) to expand the original time-delay period from two to eight minutes, and announcing at least three times each morning that the program was being monitored. These changes did not go into full effect until early February.

Round 2: Toronto broadcast continues to bother some listeners

Although the CBSC did not receive any further complaints about CHOM-FM's edited version of the show, it continued to receive complaints about the broadcast on Toronto's CILQ-FM. Pursuant to the complaints, the Ontario Regional Council reviewed some of CILQ-FM's broadcasts of *The Howard Stern Show* during December 1997 and January 1998.

Complainants were concerned about Stern continually describing women based on their "genital organs and their sexual proclivities". For example, one show related to a free breast-implant operation which Stern was offering to the caller with the most "deserving" tale of woe. Stern discussed his entitlement to a reward in return for his offer of a free breast-implant operation.

Howard Stern: A full "C"? We can make that happen. Imagine I gave you your dream?

Unidentified caller: That would be wonderful.

Howard Stern: Are you going to let me feel those things?

As one listener stated in an e-mail, it was "a sense of sadness, rather than anger" that sparked the complaint against the show.

Even though your Council has previously ruled that the show did indeed violate broadcast codes, particularly the gender portrayal codes, it appears that the show is still not being held accountable for its pervasive anti-woman content. Under the guise of base humour, Stern continues to reduce women to sexualized body parts.

...

The message being sent, loud and clear, is that women are valued only for their bodies, especially when they are highly desired by men. These attitudes contribute to the low self-esteem and life-threatening eating disorders of many girls and women...

Listeners were also concerned about Stern advocating violence against women. They complained that language such as "chop her head off" was used during the episodes in question and that rape imagery was also prevalent. For example, in dealing with Mary Hart of *Entertainment Tonight*, whom he had met on a flight from Los Angeles, Stern had this to say:

I should have just ripped her top off, you know. I should have just ripped her top and her bra off and started having sex with her on the plane. And she was like, "Yes, I'm going back to Los Angeles and my son's birthday party". And I mean so happy about life's trivial garbage. I mean, she's so happy.

Complainants once again were concerned about the racist and abusive comments that they heard on *The Howard Stern Show*. The December shows included examples of racist comments directed at blacks and Jews, among others. The following dialogue is an example:

Bruce: I moved to a town that has no blacks and no Jews, believe it or not.

Howard Stern: What's the name of that town? Utopia?

On another show, Stern played and discussed a song called "Nigger Claus". Among other things, he stated that "black Santa Claus tried to rape his wife and steals toys instead of gives toys to the kids". One complainant stated that these comments "clearly demonstrate that Q107 appears to have made absolutely no effort to comply with CAB Codes since the ruling" and that "the station continues to give Stern the ability to broadcast his hateful comments".

There were also complaints regarding Stern's description of sexual activity with young children. For example, Stern made the following comments regarding a news report on infants with syphilis:

Robin Quivers: In the State of New York, there's an alarming rate of syphilis among babies, Howard.

Howard Stern: Who are they getting it on with?

Robin Quivers: Ah, ah, ah, ah, ah! I don't know. Ah, ah, ah, ah, ah! Could you imagine?

Howard Stern: Yeah, nothing better than a good baby!

Robin Quivers: Ah, ah, ah, ah, ah!

Howard Stern: Yeah, I mean, I don't like to talk about it that much on the air because people think I'm sick. You know what the worst thing about having sex with your sister is?

Robin Quivers: Oh, please!

Howard Stern: Breaking the crib.

The CBSC's 2nd decision regarding *The Howard Stern Show*: more code violations

In reviewing the previous Stern decision's conclusions regarding sexist comments, the Council found that Stern's use of similar abusive or degrading comments about women had continued in the later broadcasts. The Council stated that the show has a "more generalized and pervasive presentation of women which manifests itself from show to show".

If the characterization of women as physical objects was not sufficiently inappropriate, the conversion of their misfortune into sexual playthings for the host is grossly demeaning. The continued expression of that view of women on Canadian airwaves carries with it a cost to all Canadians. At the very least, it contributes to a desensitization of the public to the wrongness of such views. At worst, it encourages the legitimacy of them.

The Council decided that the series of shows manifested a "degrading approach to women" which violated both "the underlying spirit and express provisions" of the *Sex-Role Portrayal Code*. The Council further found that the comments associating women and violence breached the "human rights" provision of the *CAB Code of Ethics*.

The Council also found that some of the commentary included in the episodes in question constituted abusively discriminatory comment based on race, national or ethnic origin, colour and religion, thus violating the *CAB Code of Ethics*.

The Council further noted that reference to sexual acts involving children had become more commonplace on the show since the Council made its first decision. The Council considered that discussions about children participating in sexual acts are "particularly unacceptable". In fact, members noted that the CBSC had never before been asked to assess talk-radio content "of a more serious nature than that involving the participation, real or imagined, of children in sexual acts". They concluded that many program segments violated the *Sex-Role Portrayal Code*, which states clearly that the "sexualization of children through dress or behaviour is not acceptable".

Finally on the issue of the suitability of the subject matter presented in the Stern Show for an early morning broadcast when children could be listening, the Council did acknowledge that, unlike the program's other breaches, the suitability of subject matter for children is a time-related issue. When otherwise-acceptable subjects that are "perhaps not either pleasant or of broad social value" are broadcast in the early morning, they may become improper because of the time at which they are aired. It was found that Stern's explicit descriptions of sexual and violent acts constituted "improper" comment in breach of the *CAB Code of Ethics*.

CILQ-FM was required to announce the Council's decision that it had breached provisions of the *CAB Code of Ethics* and *Sex-Role Portrayal Code* during prime time.

Slow off the mark: Q107's failure to conform to the Codes

Although the CBSC believed that CILQ-FM had "utterly failed in its obligation to put a solution in place" within 30 days of the first decision, the Council noted that the parent company's President and CEO had acknowledged that the station was "too slow off the mark in getting the new systems fully operational" and that this "lateness" had contributed to some of the complaints received after the Council's first decision was released. The Council stated that it "does not believe that the membership of CILQ-FM in the CBSC should be revoked because of the question of a timing failure".

In giving the station another chance, the Council reserved the right to initiate its own determination within 30 days of the second decision to assess "whether the station has succeeded in making this series Code-compliant".

If CILQ-FM is able to air the Stern Show sufficiently edited to comply with the Codes to which it adheres, it will, of course, be able to continue as a member of the Council. If it cannot, the ongoing broadcast of the Stern Show and all other matters which may be the subject of complaints will be dealt with in another forum.

An edited Stern Show: a uniquely Canadian achievement

A coda in the recounting of the Stern decision saga is appropriate in order to point to the solution adopted by the stations to ensure compliance with the standards created by the private broadcasters themselves.

The broadcasters both ordered digital time shift recording equipment which would enable them to receive and store up to eight minutes of the show as it was broadcast out of New York each morning. This delay permitted their additional producer to review the feed to ensure that it conformed to *Canadian* standards. To the extent that it did not, the producer could seamlessly remove the offending material before broadcasting the resulting Canadian version of *The Howard Stern Show*.

The system, when fully implemented, seemed to be very effective. Complaints fell off substantially, to the point that the CBSC received no code-relevant complaints relating to CHOM-FM after December 15, 1997 and only 7 code-relevant complaints relating to CILQ-FM following the CBSC's second Stern decision. The results of the editing can even be quantified. Because the CBSC received Q107's editing logs for the Stern Show from the time of acquisition of the digital time shift recorder, the Council can report concrete results.

For the one-month period between February 23 and March 20, 1998, the logs indicate that the station implemented 77 individual edits (on 17 of the 20 shows in that time period). The cuts ran from a few words in length to entire segments of the show, two of those edits running as long as 20 minutes. And then, on August 27, Q107 removed a segment of one hour 51 minutes in length on the grounds that it would have been in breach of broadcast standards. At the same time, CHOM-FM actually removed *The Howard Stern Show* entirely from the Montreal market.

"Gay bashing" on the airwaves?

This year, the CBSC released four decisions dealing specifically with complaints regarding the treatment of homosexuals on the airwaves. Two of these dealt with comments made in the context of religious programming, one with a news report and another with a humorous parody.

Religious programming a guise for hate?

A viewer from Brampton, Ontario complained about an episode of a religious program, called *Life Today with James Robison*, that aired on CHCH-TV at 5:30 a.m. The viewer stated that the program was "blatantly anti-homosexual" and described the show as "hateful garbage".

The station did not agree with the viewer's assessment of the episode.

James Robison began the program and continued throughout to espouse the view that he was reaching out to those 'in a homosexual lifestyle'. Robison was very direct in stating his beliefs that gays could be

aided if their aim was to no longer be a practising homosexual, and that aid would come in the form of a relationship with God. This is a belief that he, as a minister of a Christian faith, has the right to disseminate.

The complainant requested that the CBSC review the matter. In doing so, the Ontario Regional Council observed that *Life Today* was a program that did not "purport to be objective": by its very nature, it involves the "presentation of opinions and presupposes a moral bias". For this reason, the Council noted that the program "cannot be judged using the criteria of accuracy and fairness that would be applied to news or public affairs programming". The Council stated that, in cases of programs dealing with the expression of opinion, its job was to determine whether these opinions were expressed in an abusively discriminatory way. In this case, the Council noted that "it appears that it was the host's point of view [that monogamous heterosexuality is the "right" lifestyle] with which the complainant took issue". The Council concluded that "the host's statements were expressed as his moral position, presented in a legitimate manner and not at all as hateful commentary".

More anti-homosexual talk in the context of religious programming

In contrast, another complaint led to a much different conclusion on the part of the Prairie Regional Council. A listener wrote to complain about a program called *Weekend*, which aired on CKRD-AM in Red Deer, describing it as "very disturbing and offending". During the program, the station broadcast highlights from three of the daily episodes of the syndicated show *Focus on the Family* from the previous week, dealing with the subject of homosexuality.

The host of the program set the tone of the show by introducing it as follows: "We want to continue our discussion of the homosexual activist movement itself, what it is attempting to do, what its motives are and how it is going about that". A panel of guests discussed the difficulties and conflicts that homosexuals face when they try to leave the homosexual lifestyle, and what they considered to be an apparent conspiracy that the gay movement is mounting against Christianity and the Church. They talked about the "false use of statistics in research" on the part of the gay community, describing it as "one of the greatest weapons that activists use to get the homosexual agenda into the schools", and stating that the research had "very flimsy foundations".

The station's General Manager responded to the complainant by stating that, after listening to the program, he had called the producer of *Focus on the Family* to "explain my concerns", informing the producer that the station carried the program "to enhance our family oriented programming". The General Manager had told them that some of their comments "were contrary to our programming philosophy and most probably the CRTC as well".

The complainant was not satisfied with this response as, in his view, CKRD had "taken no ownership of the offence".

In reviewing the complaint, the Prairie Regional Council referred to the earlier *James Robison* decision (summarized above) in which the Ontario Regional Council had stated that religious programming "cannot be judged using the criteria of accuracy and fairness that would be applied to news or public affairs programming". It sought only to determine whether the opinions expressed in the *Focus on the Family* broadcast were abusively discriminatory. The Council found that the program had "attributed to the gay movement a malevolent, insidious and conspiratorial purpose, a so-called 'agenda'" and that this type of comment constituted abusively discriminatory comment based on sexual orientation. Accordingly, the broadcaster was found to have breached the 'human rights' provision of the CAB *Code of Ethics* and was required to announce this decision during prime time.

Arts Funding for Gay and Lesbian Theatre: "You Paid For It!"

The CBSC received four letters of complaint about a segment entitled "You Paid For It!" that appeared on Edmonton's CITV-TV 6:00 p.m. and 10:00 p.m. newscasts. The segment in question featured a story about public funding for controversial theatrical plays. It showed clips from interviews with people involved in the third annual Loud 'N Queer Festival, a "celebration of gay and lesbian playwrights". It also broadcast comments from a representative of the Canadian Taxpayers Association, who stated that, although Canadians have a right not to be discriminated against, that did not "include a right to throw 30,000 tax dollars away on a ridiculous excuse for theatre".

In one letter, a complainant claimed that the news item had "disparaged arts funding and the gay and lesbian community". Another viewer said the station got its story through "misrepresentation, lying, distorting the facts, and [was] fuelling public prejudice against the gay and lesbian community". The Art Director of the theatre sponsoring the Festival, who had been interviewed for the news segment, claimed that the interviews for the news item "were granted under false pretences" and that the interview material was "presented out of context".

ITV's Executive Vice-President and General Manager responded to the complaints by stating that it had not intended to "fuel public prejudice against the gay and lesbian community". The letter also went on to say:

Whether we like it or not, the Canadian Taxpayers Association speaks for a segment of the population on the issue of funding for the arts. The story was as much a platform for your Theatre and your views as it was for the Canadian Taxpayers Association.

In reviewing the matter, the Prairie Regional Council noted that the 'human rights' provision in the CAB *Code of Ethics* does not prohibit broadcasters from *referring* to matters of race, national or ethnic origin, colour, religion, age, sex, marital status, physical or mental handicap or sexual orientation, as long as such references are pertinent. The Council recognized that a story must have "an abusive or hateful element" before it can be found in breach of the *Code of Ethics*. In this case, Council members agreed that the reporter's references to the Loud 'N Queer Festival did not breach the CAB *Code of Ethics* since they were relevant to the story and not based on homophobic views.

Concerning the complainants' allegation of false pretences used to secure interviews, the Council noted that the reporter had disclosed the fact "that *she was indeed a reporter*" and that the video footage was not "taken surreptitiously". It appeared to the Council that the allegation of false pretences was based on the fact that the reporter "did not divulge the *focus* of her story" when asking for interviews. In this regard, the Council found it opportune to note that:

in its view, the reporter was under no obligation to divulge the angle she was planning to give to the story she was preparing, even if she did know it prior to seeking the interviews. Indeed, the Council recognizes that during the interview stage, reporters may not always have an absolutely fixed preconceived notion of the story that is developing and, even where they do, requiring the divulgence of the angle of the story to interviewees may unfairly hinder the information-gathering process.

Insofar as the issue of presenting interview footage "out of context" was concerned, the Council decided that no distortion had occurred, stating that "the complainant's allegation stems from her dissatisfaction with the ultimate angle given to the story and not with the manipulation of what was said".

The "Fag Man" leaves listener fuming

A listener complained that a skit aired by CILQ-FM in Toronto, entitled "Bob the Fag Man", was "highly offensive". The skit was broadcast at about 8:30 a.m. as part of the station's morning show; it consisted of the following dialogue:

Announcer: This program is funded by the British Arts Foundation.

Bob: Hello and welcome to Fag Talk, the program where we talk about fags, or as they are called in America, cigarettes. I'm your host, Bob the Fag Man and we'll actually be holding your calls today because I'd like to talk about sort of a sensitive topic for fag lovers--when your fag loses its cherry. So now...

Announcer: Fag Talk is experiencing technical difficulties, please stand by.

[Background music for several seconds]

Announcer: We now return you to Fag Talk, already in progress.

Bob: ... and you got that fag all nice and hot again and ready to give a good suck. Well that will do it for us today here on Fag Talk. But do join us again when we talk about fags, or as they are called in America, cigarettes.

The listener complained that the discussion about British cigarettes used stereotypical language to mock homosexual men, stating that the term "fag" is "frequently used in a derogatory and demeaning sense to refer to persons of a particular sexual orientation, namely, gay or homosexual men".

The Ontario Regional Council considered the complaint under the CAB *Code of Ethics*. The Council noted that the skit was intended as a parody. In concluding that the term "fag" was not "*abusively* discriminatory" toward gay men, the Council stated:

While possibly an unflattering term, it does not, in the Council's view, rank with certain racial or ethnic epithets (which it does not wish to repeat here), particularly since members of the gay community use the word themselves from time to time in a non-discriminatory fashion. At worst, "fag" could be considered to be in poor taste, a matter on which the CBSC does not rule.

Jokes and discrimination

As in the case of the "Fag Man" parody discussed above, the CBSC's various Regional Councils have often had to rule on the acceptability of humour made at the expense of particular groups in society. Time and again, the CBSC has determined that such humour must be *abusively* discriminatory to be considered in breach of broadcast codes. This year, decisions dealt with blasphemous jokes, political puns and humour targeted against Newfoundlanders and blonds.

Can God have "a big ego problem"?

A viewer in Toronto complained that a one-hour special on The Comedy Network, entitled *Bill Maher: Stuff That Struck Me Funny*, included "blasphemous jokes" which violated "all rules of decency and common sense".

During the show, Maher covered a wide range of subjects, including the following subjects:

See, I don't understand why now the Catholics can drink wine in Church but the Rastafarians, they have to go to court so they can smoke their marijuana. I mean, everybody wants to be a little fucked up when you talk to God. He's a scary guy. You wanna be a little fucked up. And, He looks better. ...

...

... What is the Book of Job? It's about a man who gets to talk to God, he says, "God, can you take away pain and misery?" and God says [guffaw] "No, of course not. If I took away misery no one would talk to me. Get this guy, 'take away misery'. But I'll give you drugs. And that'll help a little". I'm paraphrasing God. Those were not were not His exact words. But that is God's basic point.

Because, let's face it. God has a big ego problem. You know, we always have to worship: "Oh you're the greatest, we're shit. You're up there. We're down here. You know everything, we're big fuck-ups". You know, secure people don't need to hear that all the time. That's why I believe in Dr. Kevorkian. 'Cause, suicide is like our way of saying to God "You can't fire me. I quit".

The Comedy Network's Vice President of Programming responded to the viewer's stating that the specialty service had, from the beginning, set out to present programming that was "adult, irreverent and alternative to much of the mainstream comedy", which made the station's programming "more risqué and controversial".

The viewer was unsatisfied with this response, stating that "using God's name in vain is no laughing matter".

The CBSC's Ontario Regional Council considered the complaint under the CAB *Code of Ethics*, marking the CBSC's first time considering the issue of blasphemy "head on". The Council quoted the dictionary definition of blasphemy "Profane speaking of God or sacred things; impious irreverence"--and concluded that blasphemy alone is not enough to constitute a violation of the CAB *Code of Ethics*. It emphasized that the remarks would have to be "*hateful*, not merely irreverent, ... *abusively discriminatory*, not merely impious or irreligious" to be in breach of the Code. The Council concluded that, when analyzed, none of the jokes "even attain [ed] a level which could be characterized as disdainful, much less hateful".

"Are the Anglophones Disappearing from Quebec?"

A complaint was received regarding a comment made on TVA's fast-paced celebrity comedy game show called *Piment Fort*. The viewer, an Anglophone, stated that she was "shocked to hear the outright racist remarks expressed" in the show. She alleged that "One panellist was asked what his greatest dream was to which he replied 'To see all the Anglos disappear.'"

In reviewing the matter, the Quebec Regional Council noted that "the segment of the program in dispute dealt with *headlines*, not with dreams, wishes or desires".

Moreover, the headline itself would have been translated as "Are the Anglophones Disappearing?", which would presumably have come from a newspaper article dealing with the demographic question, the emigration of Anglophones from the Province of Quebec, or something similar. The complainant's interpretation of that segment of the show seems to miss that point. While the Regional Council considers that the language comprehension issues were undoubtedly in good faith, they may well have altered the complainant's perception of the program.

While the Council was of the view that the complaint stemmed from a misunderstanding of what had been said on the show, the Council did deal with the allegation that the segment was racist. It found that the offending comment was a pun on the 1995 referendum question on sovereignty and that it "was harmless *political* fun, not racist diatribe".

Context: a joke within a joke

A viewer of the sitcom *Ellen*, on Ottawa's CJOH-TV, complained that an episode contained "derogatory references" to Newfoundland and Newfoundlanders. The complaint stemmed from a scene in which a comedian is heard giving the following punch line: "And then the guy from Newfoundland says 'Get away from him, that caribou's spoken for'" to which another character responds: "It's so true. Those Newfies are so stupid".

The Ontario Regional Council concluded that, when the jokes are considered in the context of the storyline--that of "*the buffoonish joke-teller*", the comments were not abusively discriminatory.

What about discrimination on the basis of hair colouring?

A CKNG-FM listener in Edmonton complained of a morning show segment dubbed "Blond Moments" during which listeners were asked to describe foolish mistakes they had made. In the complainant's view, this equated "having Scandinavian ancestors with being stupid". The complainant stated that these "types of generalizations are the very heart of prejudice".

I worry greatly about the ongoing effect this is having on blond children. Little girls are constantly told by the media that they have to grow up to become stupid bimbos, while boys see themselves as laid-back weirdos. I worry that they will give up trying to live the image instead.

Responding to the complainant's letter, the station's Assistant Program Director stated that the announcer had "not intended to be prejudicial or racist" by using the word 'blond' and that "[t]he choice of phrasing may have been inappropriate but the motivation was not malicious".

The Prairie Regional Council disagreed with the complainant's allegation that "Blond Moments" constituted discriminatory comment towards people of Scandinavian origin. Members noted that the announcer did not specifically refer to Scandinavian people. Rather, the Council found that the allegation of discrimination based on national or ethnic origin stemmed from "the *complainant's* inference that persons with light-coloured hair are all of Scandinavian origin". The Council was of the view that, in this case, few other listeners would have drawn the inference between blonds and Scandinavians.

As to whether the broadcast discriminated against *blonds*, the Council stated that, while it had previously gone beyond the specific wording of the human rights provision in order to add sexual orientation as one of the protected grounds enumerated in that provision, it did not consider it appropriate to make a similar extension of the enumerated grounds for hair colour.

"Trash Talk" and Community Standards

This year, the CBSC released two decisions relating to the use of profanity or inappropriate comment on the airwaves, so-called "trash talk". The first brought into play the "prevailing standards test" for advertising material while the second constituted a clear case of misunderstanding.

Can life be a "bitch" on the airwaves?

A listener wrote to complain about Edmonton's CIRK-FM broadcasting an "unprofessional and irresponsible" promotional announcement for T-shirts which used the phrase "Life's a bitch". The complainant explained that, by using profanity on the airwaves, the station was undermining "what I'm trying to teach my children, and I really don't appreciate your station promoting inappropriate language as acceptable".

In its response, the station stated that the phrase "Life's a bitch" had "passed into common accepted usage in many areas of life". The station insisted that the words "conform with community standards, which is the measurement used in these issues".

In reviewing the complaint, the Prairie Regional Council noted that questions of bad taste alone are not enough to result in a breach of the Code. In regard to the "prevailing standards test" which is to be applied to advertising material, the Council determined that the CBSC has to "apply the reasoning and sense of a balanced group of public and industry representatives to the programming under consideration". With this in mind, the Council considered that, in general, a word would have to be more than offensive, crude or vulgar to breach the Code.

This is not to suggest that the CBSC *approves* in any way of offensiveness, crudeness or vulgarity on the airwaves but rather that, in the interest of preserving a broad range of scope for freedom of expression, *such* matters of taste must be left to the marketplace.

The Council found that, in this case, the expression "Life's a bitch", while crude, had fallen into "commonly acceptable usage".

Talk of assassination during a basketball game

A couple who had seen the broadcast of a Toronto Raptors-Sacramento Kings basketball game on CKVR-TV in Barrie, Ontario complained about the sports "trash-talk" that they had heard, specifically about the use of the phrase "Assassinate the Kings" during the game. The viewers complained that the juxtaposition of the words "assassinate" and "King", associated the game with "the assassination of Dr. Martin Luther King, Jr".

In its response, the station stated that the phrase "Assassinate the Kings" was "undoubtedly intended to stimulate interest in the game and, we believe, had no connection whatsoever to the assassination of Dr. Martin Luther King, Jr".

The viewers were not satisfied with this response and the program was referred to the Ontario Regional Council for adjudication.

In reviewing the matter, the Council noted that it always has an advantage over viewers or listeners in that the members "have the logger tapes in hand" when they review the complaint files and make their decisions. It noted that, during the program, the announcer stated that the Raptors fans were crying "Bring down the Monarchy", thereby contextualizing the phrase "Assassinate the Kings". The Council concluded that few people would have made the same association as the complainants and, therefore, found no breach on the part of the broadcaster.

Open-line and other talk shows

This year, the CBSC issued many decisions concerning talk radio, dealing with issues ranging from allegations of bias or misinforming the public to promoting racial hatred and contempt for identifiable groups.

Calling rape victims "psycho-chicks"

A listener wrote to the CRTC to complain about an episode of an open-line radio show, hosted by Shelley Klinck on Toronto's TALK640 CHOG-AM, entitled "Women who falsely accuse men of rape". For this discussion, Klinck was joined by a representative from a men's rights advocacy group called "In Search of Justice". Klinck introduced the evening's topic in the following way:

Men that are falsely accused, falsely accused of rape or sexual assault. Is it even an issue today? Do we believe everybody that tells us that they've been raped or sexually assaulted? ... A lot of men say today that there are a lot of psycho-chicks, that women are vindictive, that if we can find a way to strip a man of all his power, if he dumped us and we didn't like it, if he treated us like crap, then we have the right to say you sexually assaulted me and I'm going to take you to court.

Throughout the segment in question, Klinck stimulated female audience response by asking them if they agreed with these types of statements. Klinck's studio guest often referred to a single statistic which provided that 92% of sexual-assault allegations do not result in convictions. His interpretation of this statistic was that false accusations occur far more frequently than is popularly believed. While most callers supported these views, at least one caller disagreed and was given a chance to voice her perspective.

The complainant, a volunteer on a rape crisis line, stated that the show portrayed women in a "very derogatory" light, referring to them as "psycho-chicks", "liars" and "broads".

This station was remiss in not requiring or providing any balance through opposing views. TALK640 allowed itself to be used as a vehicle for a hostile misogynist message. By doing so, TALK640 participated in ... if not endorsed a skewed insulting view of women.

In its response, the station agreed that some statements could have been considered "controversial", but that there was no evidence to support the charge that the portrayal of women on the show was derogatory.

In reviewing the matter, the Ontario Regional Council observed that the letter of complaint raised two important issues; namely, the derogatory portrayal of women and the lack of balance by not presenting opposing views.

In terms of the first issue, the Council noted that the difference between a comment being abusively discriminatory, on the one hand, and a "vehement expression of opinion and ideas", on the other, is not always easy to discern. In this case, however, members agreed that the debate was kept "well within the boundaries of acceptable comment, far from the nettles of abuse and discrimination".

In terms of the second issue, that of determining whether the broadcaster was fair in its treatment of the controversial issue, the Council pointed out that the format of open-line programs usually has the *potential* of offering an opportunity for balance while recognizing the important role the host and the producer play in ensuring balance. "They wield considerable power in terms both of the choice of callers who get to air and the ability of the on-air host to cut off callers at will".

In this case, the Council was of the view that the host had made a "valiant effort" to achieve a balanced presentation and discussion of the issue of false accusations of sexual assault. For these reasons, the Council found that the program had not violated the *CAB Code of Ethics*.

On Southern Baptists and Mickey Mouse

A listener objected to a commentary made by Lori Love of *The Scott and Lori Show*, which airs on CJXY-FM in Hamilton, Ontario. During one afternoon broadcast, the co-hosts bantered about the decision of a Southern Baptist convention to boycott the Disney Studios for its link with the television series *Ellen*. The hosts said that the convention had approved the boycott because the star of the show was gay, both in real life and as her on-air character. The co-hosts' brief dialogue on this issue was as follows:

Lori: Yes, some Southern Baptists apparently think Mickey Mouse now has a pitchfork and horns.

Scott: Oh my God.

Lori: Yeah, they're voting this week to boycott Walt Disney. All due to Ellen. Insert joke here.

Scott: Oh, man.

Lori: Okay, that's all I need to say. Wackos.

The complainant objected to the host referring to Southern Baptists as "wackos", which the listener said was an expression of "her obvious contempt for both a definable religious group as well as a nationality". The listener also stated that the host's comments were "amateurish and sophomoric".

The Program Director responded to the complainant, saying that Love's comment about "wackos" was not "geared to or about the Baptists as a religious group, but in fact pointed directly at the 'act' of boycotting Disney for their relationship with the 'Ellen' situation".

In its decision, the Ontario Regional Council noted at the outset that, even if the co-host's comments *could* have been characterized as "amateurish and sophomoric", this alone would not have rendered them in breach of any Code. This having been said, the Council held that, if there had been an "anti-Christian" aspect to the comments, they could have constituted a Code breach. Council members concluded, though, that the host had not directed the epithet at the religious group because of anything other than its political position vis-à-vis Disney.

There is, of course, no doubt whatsoever regarding the entitlement of the Southern Baptists to hold and to express its views on controversial matters of a political or publicly controversial nature. The point is only that, if they choose to do so, they render themselves fair game on the public playing field of political controversy. They cannot expect that they have the right to *publicly* express controversial political opinions and to be sheltered by reason of the fact that they are a *religious* group from the resulting fallout from the ideological seeds which they have sown.

In the circumstances, the Council concluded that the show's co-host was "undeniably entitled to differ on such a public issue from anyone else *and to express such a view on the airwaves*".

Connections between Tories, piglets and nasty words

A listener complained about an episode of a late-night, open-line show called *Connections*, which airs on CHOG-AM in Toronto. During the episode in question, the "Days of Action" protest against the Ontario Government's cutbacks was discussed.

The complainant was concerned about the comments of a caller, identified only as "Don from Brampton", who had stated during the spirited discussion that "the reason they don't care about the children of Ontario is because Tories don't have children; they have piglets". In response, the show's host stated: "You're getting very nasty, Don. Those are your words. See, I wouldn't be as nasty".

In a subsequent letter, the complainant stated that the host had allowed the caller to make "hateful, threatening and derogatory statements without being challenged and/or being muted".

The station responded to the complainant by confirming that the caller had expressed "some harsh criticism of Ontario's Progressive Conservative Government and their [*sic*] supporters", but that his comments were "his opinion only".

We don't feel that the host acted inappropriately in this case. He allowed the caller to express his belief and the same courtesy was afforded to other callers to the program.

In its review of the matter, the Ontario Regional Council noted at the outset that broadcasters are responsible for all material aired, including the comments of a caller on an open-line show. The Council was of the view that the broadcaster, through the host of its open-line show, had acted appropriately.

Even though ... political expression holds a very high status in terms of the constitutional guarantee of freedom of expression, the Council believes that the host acted appropriately in dealing with this part of Don's comments both in letting "Don" continue as long as he did (the complainant's criticism) and in cutting him off when he judged the moment apt.

Concerning the caller's comment that "Tories don't have children; they have piglets", the Council decided that the comment was "silly rather than abusive" and did not violate any broadcast standards, especially given mitigation by the host's comment that Don was getting very nasty.

Discussing race as a factor in a shooting

A listener complained of comments made on Ottawa's CFRA-AM during the early-morning show and then on *The Lowell Green Show*. In the complainant's view, CFRA was "fomenting hatred" against the black community.

On the morning after a black man was shot by an Ottawa police officer, the guest host of the early-morning show, Mark Sutcliffe, discussed issues with callers that related to the shooting, including racism and police brutality. During the first 30 minutes of the show, Sutcliffe mistakenly described the wounded man as Jamaican when he was, in fact, St. Lucian. He quickly corrected this error as soon as the correct information was provided to him.

Many callers identified themselves as black and openly discussed their own concerns about reactions to them by police and civilian members of society. There were also callers who sounded, if not racist, at least biased. On several occasions, Sutcliffe reminded his audience that not all the facts were known and that conclusions on some aspects of the case could not therefore be drawn at that time.

The next day, Sutcliffe continued to discuss the subject on the early-morning show. He also raised new facts that had been revealed about the case, as well as the procedures which the police and its Special Investigations Unit would be following. Sutcliffe provided summaries of the state of the discussion and the day's issues relating to the shooting. A guest on the show was Shiv Chopra, the acting President of the National Capital Alliance on Race Relations.

The same day, Lowell Green, the host of CFRA's mid-morning show, dealt with the subject at length. His comments included the following:

There is a perception, and I think there's some validity, that we are letting into this country too many people from other races, particularly blacks, who are causing too many problems, that the blacks are involved in a disproportionate number of crimes in this country. Now, I think it's more than a perception. ... So we see this and we also know that the great majority of blacks are law-abiding, taxpaying, hardworking citizens like everybody else. So it seems to me that the black community has got to address this as well.

The letter of complaint said that many of Sutcliffe's comments were untrue and not "supported by any evidence". The complainant went on to discuss Green's comments, stating that the host "would not let the facts get in the way of his hate-mongering".

The News Director of CFRA responded to the complaint about Sutcliffe by saying that the program tapes had been reviewed and that all the comments the host had made during the program had been either attributed to the newspaper or had been opinion expressed by various callers. In a second letter to the complainant, the News Director addressed the listener's concerns about *The Lowell Green Show*, concluding that to suggest Green had tried to slander and malign the black community was "unfortunate and entirely without justification".

The Ontario Regional Council was of the view that Sutcliffe had "broached a thorny issue with great skill, that he had encouraged the free-flowing expression of views on a matter of public concern, that he had kept remarkable balance in the discussion, despite some unpleasant interventions, and that he had delivered an electronic document of value to the audience". On the issue of the misidentification of the victim as Jamaican, the Council found no broadcaster carelessness; however, it stressed that broadcasters need to be vigilant in distinguishing the terms "black" and "Jamaican".

As for *The Lowell Green Show*, the Council noted that the host had observed that "blacks are involved in a disproportionate number of crimes in this country" but that Green had immediately balanced the statement with the statement that "we also know that the great majority of blacks are law-abiding, taxpaying, hardworking citizens like everybody else". In the Council's view:

Far from fomenting hatred, Lowell Green was trying to say that everyone in our country has a problem which flows from certain perceptions regarding the black community and that the greatest responsibility to ensure that these are corrected lies with the affected community. He was, it seems to the Council, *sympathetic* not antipathetic to the black community.

Maligning a "good reputation" on *The Lowell Green Show*

A well-known political activist in the Ottawa area wrote a letter complaining that the talk-show host of the *Lowell Green Show* on Ottawa's CFRA-AM had maligned his "good reputation as a non-violent activist against political corruption".

According to the complaint, Green made the statements about Mr. Glen Kealey while discussing Kealey's belief in the existence of an international conspiracy to create a "New World Order" and his potential connection to the stand-off by a group of natives at Gustafsen Lake, B.C. In response to the statements,

Kealey sent a fax to Green demanding an opportunity to rebut Green's statements on the air. Green discussed the fax on the air and suggested that Kealey's organization might have been involved in trying to block the show's phone lines the day before. He also mentioned that at least two threats had been made against him.

I'm not saying that any particular group was responsible. But it is worth noting that it was obviously a concerted attempt and the Canadian Institute for Political Integrity, headed by Mr. Kealey, is just across the river here in Hull. So I'm going to try and get a hold of Mr. Kealey this morning. I'm going to see if he will admit that his group was responsible in any way for that and find out just exactly what his role is in this situation on the West Coast.

Later in the show, Green did manage to reach Kealey by phone and asked him if he had had "anything to do with the attempt yesterday to blockade our phone lines". Kealey denied any involvement. Green and Kealey went on to discuss a *Globe & Mail* report that stated Kealey had played a role in the standoff at Gustafsen Lake involving a native group, whom Green described as "a small group of radicals". They also discussed Kealey's beliefs in a New World Order, which Green characterized as "awful kooky".

On the show nine days later, Green continued to discuss and take calls concerning the New World Order. While Green was explicit in his view that this conspiracy theory is "silly", often breaking into a chant of the "Mickey Mouse" song, he did speak extensively to callers who stated they believed in the New World Order.

CFRA's General Manager responded to the complainant by stating that the broadcasts in question "do not in any way, shape or form incite hatred against you or any other person". Rather, the General Manager stated that Green's comments "reflect opinions based on published reports, statements made by you and listener comments" and "may have bordered on strong sarcasm, not hatred".

In reviewing the matter, the Ontario Regional Council found that Green had provided the complainant and other listeners with "ample opportunity" to express their points of view and "did not arbitrarily cut them off or otherwise treat them with disrespect".

The Council notes that the host heeded the complainant's faxed request to be given an opportunity to rebut Green's on-air statements by calling him ... that same day. While the complainant may not have been able to say all that he wanted to say, the Council finds that he was given fair opportunity to rebut Green's statements.

Pesky callers and the finer points of the law

A listener sent a letter to the CRTC alleging that Donnie Graham, co-host of *TalkBack*, a mid-morning open-line show on CJCB-AM in Sydney, Nova Scotia, made "false statements on air" about the law without any authority to do so and that he had "misinformed" listeners about their rights.

During the show in question, a caller discussed with Graham her problems with the Children's Aid Society and Home Care Nova Scotia in detail. Graham allowed her to discuss a meeting she had attended with her social worker and her Regional Councillor, during which she had asked to have her special-needs child returned from foster care. At the meeting, the caller said she had given her social worker verbal authority to discuss the details of her child's case, but the social worker had refused. The host then explained that Nova Scotia law did not allow the social worker to do so, even with her permission. Graham ended the call by offering to "make some phone calls" on the caller's behalf to find out more details.

The complainant, a frequent caller whom the host knew well, called the program later to offer his opinion and help with the subject the caller had raised. Graham chose not to allow the complainant to announce

his group's telephone number on air but offered to provide it to the original caller if she wished to call the host again. The original caller did not contact the host for this information.

The complainant alleged that the host had misled the audience and had a "grudge against [the complainant's] organization and allows his personal feelings to cloud his professional judgement both on and off air".

In response, the station's General Manager explained to the complainant that he had reviewed the program and had heard nothing that contravened the broadcaster's internal guidelines.

The CBSC's Atlantic Regional Council considered the complaint under the CAB *Code of Ethics*. In its review, the Council evaluated the on-air comments of the host. The Council had "no hesitation" in finding that the host was fair and proper, if not sympathetic, in his approach to the caller. As for the broadcaster's right to deny access to the complainant to provide his phone number and the identity of his organization to listeners, the Council also found that the host had been "absolutely fair and proper".

SEX-ROLE PORTRAYAL

Under the *Sex-Role Portrayal Code*, the CBSC has considered complaints regarding the portrayal of men and women in a stereotypical way and the alleged exploitation of sex in theatrical films on television.

Sexual stereotypes

This year, the CBSC released decisions regarding violence against men being portrayed as a "laughing matter", men being shown as the sole perpetrators of domestic violence and men's contributions to Canadian history being ignored. One decision dealt with a complaint about a woman being portrayed as "promiscuous".

Is violence against men amusing?

A viewer in Ottawa wrote to the CRTC to complain about an episode of the situation comedy *Seinfeld* which he had seen on CIII-TV (Global Television). In his letter, the complainant stated that he objected to the episode's "sexist, double standard for relationship violence".

During the episode in question, one of the main characters, Elaine, was dating a man whose ex-girlfriend had stabbed him. Elaine, at first, finds it intriguing to be dating a man who is "stab-worthy" but later discovers that it is his way of ending relationships which apparently causes his girlfriends to react aggressively against him. She decides that she cannot date him again, prompting him to break up with her. His break-up comments lead Elaine, in a final scene in a restaurant, to attack him with a fork.

In the letter of complaint, the viewer stated that the program had portrayed violence against a man as a "laughing matter", describing it as "gratuitous gender abuse, indicating deep seated gender bias in portrayal".

The broadcaster responded to the complaint by explaining that the premise of *Seinfeld* is "to explore life's everyday occurrences that provide humour when viewed from afar". He stated that the subplot in question was "absolutely absurd and in true Seinfeld fashion, any and every subject is subject to ridicule".

The Ontario Regional Council found no breach of broadcast standards. It disagreed with the complainant's comment that the portrayal of a man stabbed by women he was dating was treated as a "laughing matter".

It is the *situation* which has been treated as a laughing matter by a program which traditionally seeks laughing matters for its survival. The writers have created what they considered a humorous scenario based on a most unlikely event, one which the Council considers a nearly ridiculous event.

Can guys still "roll"?

A listener of CFRA-AM in Ottawa and a frequent complainant to the CBSC wrote a letter explaining his concerns about a commentary by Brian Henderson, saying it was "a personal affront as well as a blatant violation of your gender policy". The commentary focussed on a comment that actor Jack Nicholson had made while filming a movie. Henderson stated that, when an extra on the movie set had been chatting with Nicholson about the recent birth of Nicholson's son, the star had slapped him on the back and stated: "We guys can still roll, can't we?" Henderson went on to say that "when it comes to biology and baby birthing, apparently he [Nicholson] doesn't have a clue".

The child-rearing process is getting a little more progressive, more of a shared responsibility. But making babies is women's work. And any man who boasts about his part in the process is an idiot. It's like an injection and the length of the needle has nothing to do with it. So I'll be darned if I know why men still puff up and cock-a-doodle-do, look at *me*, I'm a stud, Jack, and I can still roll. Certainly a blow to the male ego to discover that their part in the life-creating process is only about 30 seconds in duration. But it's true.

The complainant stated that the commentator had "built a wild and angry attack on fathers' participation in creating and nurturing kids" on the Jack Nicholson comment, extending it to "all men and fathers".

This is gender hatred and I am offended by his use of the public air waves to demean and belittle fathers in their children and in the eyes of society.

The News Director of the station responded to the complainant by stating that Henderson believes that "some men feel it is men who handle the biggest responsibility in the development of the fetus" and that he had addressed the "pre-birth development of the child" when he commented that some men still believe it is they who make the baby. The News Director went on to say that the complainant had taken the comments "out of context" and had "attempted to twist their meaning to include some kind of broad attack on all men".

The Council agreed with the broadcaster that the complaint took parts of the commentary out of context, distorted other parts, and attempted "to make of the commentary something which it is not". For these reasons, the Council found the complaint to be "utterly without substance".

Are men the only perpetrators of domestic violence?

A viewer wrote to complain about a public service announcement (PSA) for the Family Abuse Crisis Exchange which CTV had aired at 11:00 p.m. In the PSA, the only visuals were a doll house and a doll with bandages. A voice-over explained how, even though the doll's child owner had never been touched, the abuse of the child's mother was itself a source of injury to the child.

The viewer stated that the PSA "accused fathers of beating their wives and implied that this damaged the child, also portrayed as a female". The complainant felt that the PSA had violated the "spirit and the letter" of the CRTC's sex-role portrayal policy. He suggested that TV and radio stations be required to air the PSAs regarding violence against men to "show the other side for balance".

In response, the station stated that it provided free air time for non-profit organizations' PSAs, as long as the PSAs are of national interest, of broadcast quality, and have been approved by the Telecaster Committee. The broadcaster also noted that CTV was well aware of the problem of domestic violence against men, citing a story CTV news had run called "Battered Husbands" and enclosing a videotape of it for the complainant. She also offered to air a PSA for the complainant's support group to "help raise public awareness of this problem".

In its decision, the Ontario Regional Council concluded that, while the PSA depicted the perpetration of domestic violence by a man against a woman, the portrayal did not misrepresent the problem of family violence.

It is accepted by the Council that men are most often, although not always, the perpetrators of abuse. Moreover, since the "power" balance in abusive relationships is more often than not in favour of the man, the Council is satisfied that this PSA was a realistic and justifiable presentation of a societal problem.

Excluding male teachers from *Heritage Minutes*

A viewer complained that a public service announcement (PSA) produced as part of the CRB Foundation-National Film Board Canadian Heritage Project known as *Heritage Minutes* was "an outrage" and contained "gender-based lies". The PSA, entitled "Rural Teacher", depicted a meeting between a young woman who is a teacher in Prince Edward Island and school trustees.

In the letter of complaint, the viewer stated that the PSA falsely represented Canadian history because it mentioned "only women as teachers and implied strongly that Canadians owed their education to young women only".

Global's National Program Director responded to the complaint, stating that he had watched the announcement and that he believed it supported "our efforts of presenting positive and balanced role-models of both genders".

In our view, "Rural Teacher" shows the viewer a possible "slice of life" in 1885, and does not exclude, betray or deny male teachers their credit in the development of Canada's educational system.

Concluding that the broadcaster had not breached the Code, the Ontario Regional Council stated:

These "Heritage Minutes" cover many different socially and culturally significant moments in Canadian history. The Council notes that the PSA in question highlighted the contribution of young *women*, as opposed to young *men*, to the education field; but the Council does not find that, in so doing, the PSA in any way denigrated or devalued the contribution of men.

As an aside, the Council members found it ironic that the complainant did not note the fact that the PSA showed all of the school trustees, "the positions of power in the school", as men.

Should a woman push to be more than *Friends*?

A viewer wrote to the CBSC about an episode of the situation-comedy show *Friends* that was broadcast at 7:00 p.m. on CFSK-TV in Saskatoon. The complainant claimed that she was "horrified at the content of the show referring to the cast's promiscuous behaviour in very blatant terms". In the episode in question, one of the main characters, Phoebe, was seeking relationship advice from another main character, Joey. She was concerned about the reluctance of the man she was dating to have sex with her.

The broadcaster's reply stated that *Friends* is "one of the most popular television programs in our schedule" and that none of the content of the episode in question contravened any "existing broadcast code".

In reviewing the episode, the Prairie Regional Council found no scenes of nudity or sexual contact nor even any explicit descriptions of sexual activity. For this reason, the Council concluded that, while the subject matter of the episode in question could be described as "mature", the references to sexual activity did not amount to "blatant promiscuous behaviour".

It appeared to the Council that the complainant was taking issue with the fact that the episode depicted a *woman* seducing a *man*. The Council found that in this regard, "this episode reinforces the precept of equality" outlined in the *Sex-Role Portrayal Code*.

Whether one does or does not accept that pre-marital sex is appropriate for any family, the Council considers that it is extremely important to accept the idea that broadcasters have a responsibility to ensure that men and women, boys and girls, are presented as equals in society and social situations. Accordingly, the Council considers that the depiction of single life in this episode of *Friends* is laudable rather than sanctionable.

Sex-ploitation

Decisions released in this category dealt with the exploitation of sex on the airwaves through the depiction or description, real or fantastic, of sexual encounters.

Été sensuel: Eroticism on late-night TV

A viewer wrote to complain about the "disgusting" late-night broadcast of an erotic film on Montreal's CFJP-TV. Every Saturday night at 11:30 p.m., Télévision Quatre Saisons (TQS) airs erotic films under the series title *Bleu Nuit*. On the night in question, the station broadcast a movie called *Été sensuel*, which included many scenes of nudity and sexual activity.

In her letter, the complainant questioned whether the station had "the mandate to give the province of Quebec its sexual education". The complainant was also concerned with the rating of "13+" attributed to the film.

While the Quebec Regional Council agreed with the complainant that the film was erotic, it did not find that the film breached the Code since neither women nor men were degraded in the film. The Council noted that the purpose of the *Sex-Role Portrayal Code* is to prevent "negative or inequitable sex-role portrayal of persons" but not "the depiction of healthy sexuality".

On the question of the classification, the Council noted that at the time of the broadcast of *Été sensuel*, there was no formal CRTC requirement for broadcasters to employ a classification system. Consequently, whatever ratings designation was broadcast was a voluntary provision of *additional* information by TQS. The Council also noted that the broadcaster employed the ratings classification for the program which had been made in accordance with the terms of the *Film Classification in Quebec* of the Régie du Cinéma du Québec, which had determined that the rating of "13+" (accompanied by a reference to the presence of erotic scenes in the film) was appropriate.

"Bare-breasted women" in *Animal House*

A viewer of CKX-TV in Brandon, Manitoba, wrote a letter to the CBSC complaining about nudity in the 1978 film *National Lampoon's Animal House*, which the station had aired at 11:00 p.m.

The complainant stated that, during the broadcast, it was "absolutely unnecessary to show several bare breasted women in close-up scenes" and that the station should have edited these scenes out of the movie. She also felt that the advisory had been "vague" in that it had not used the word "nudity" to explain why it was unsuitable for children. The viewer advisory was as follows: "Tonight's Prime Ticket Feature may have scenes containing coarse language, violence and/or adult situations. Viewer discretion is advised".

The broadcaster responded to the complaint by stating that, since the movie was broadcast late in the evening and was assigned a viewer advisory, it was "acceptable" for the time period.

In its decision, the Prairie Regional Council noted that the goal of the *Sex-Role Portrayal Code* relates to the equality of the sexes and not to issues of sexual behaviour. They agreed that *Animal House* treated both sexes equally: "While the portrayal of the women in the film is not overly flattering, it cannot either be said that the portrayal of the men is any better or advantages them in any way".

In terms of the scheduling and the viewer advisories provided, the Council members were "comfortable" with the broadcaster's decision to air *Animal House* at 11:00 p.m., well beyond the watershed hour of 9:00 p.m. They did note, however, that, while the viewer advisory had not breached the Code, it could have been improved by adding the word "nudity", which would have been more informative to the viewer regarding actual program content.

Of Green Dicks and bear attacks

The midnight broadcast of an episode of *Nightstand*, a talk-show parody, on CKVU-TV (UTV) in Vancouver generated a complaint from a viewer. The episode was entitled "A Green Dick" and featured a "tall tale" about the death of a woman during a bear attack. The complainant stated that the program was "insulting, degrading and debasing as well as repulsive and disgusting", and described the story about the woman's death as "sick".

Her father explains how he tied her mother to a tree nude and spread-eagled because they were both horny and wanted to have wild sex. He covered his wife's naked body with honey, then went back to the car when he realized he had forgotten his bull-whip. When he got back, a bear had licked all the honey off her, then had sex with her. So I guess you could say the bear had his wife and ate her too.

Responding to the complaint, the National Program Director of CanWest Global wrote that *Nightstand* was intended to be a "comedic parody of the television talk show genre" and that the interpretation of comedy is "highly subjective". He added that, although some might consider the program to be in poor taste, the station did not believe that it promoted "sexual hatred or degradation".

The viewer was not satisfied with this response and asked that the B.C. Regional Council review the matter. In making its decision, the Council noted that the program was "rather straightforward comedy" and that the sketch in question was "far-fetched and clearly unrealistic". The Regional Council decided that "at worst, the segment was in very poor taste, but it did not exploit women". The Council also noted that the program was aired "very late" in the evening, when only adults would be watching. Consequently, the Council concluded that the station had not breached the *Sex-Role Portrayal Code*.

VIOLENCE

This year, decisions on the issue of television violence dealt with violence in news and public affairs programming, violence shown during pre-watershed hours, allegations of excessive violence shown after 9 p.m., the use of viewer advisories and the depiction of violence against animals.

Is repeating a video of child abuse "irresponsible"?

A viewer complained about CITY-TV's 7:00 p.m. airing of an episode of the American public affairs program *Hard Copy*, which featured a story about a child being physically abused by his nanny. It contained video footage which showed the two-year-old child being hit, thrown down, spanked and bounced up and down by the nanny. The video was shown by *Hard Copy* first as a "teaser" for the story at the beginning of the program and then, in whole or in part, another nine times during the report. No viewer advisory preceded the report.

The viewer stated that she found the clip "distressing" and its repeated use "disturbing".

I think it is profoundly offensive that the victim of the attack was a secondary character to the abusive nanny in the story, and that pictures of the attack on the child were so relentlessly repeated. I think it devalued the child as a victim and that repeatedly playing the scene amounts to child pornography.

The station's Program Director explained that, while understanding how the viewer may have been offended by the video, it is important to "look at it in the context of the report".

Perhaps in their zeal to expose this 'crime', the program may be guilty of having overstated their disgust and horror by showing the truly offensive behaviour of the accused nanny. In news stories, it is often a judgment call as to how to use videotaped pictures of a crime. The intent and the responsibility of the producers is to, as much as possible, provide a balanced report--by showing the nanny's story juxtaposed with the reality of her behaviour.

In its decision, the Ontario Regional Council noted that, given the story's nature, it was reasonable to expect that the program would contain scenes that substantiated the abuse and that it would likely include some elements of violence. The Council found that the violence depicted in the report was integral to *Hard Copy's* reporting of the abusive nanny story and that there was "clearly no glorification or glamorization of the violence depicted".

The Council also considered whether the broadcaster had used good judgment in the "selection of, and repetition of, video which depicts violence" for the report. The Council agreed that reporting child abuse is in the public interest and that broadcasters should be able to deal with this and other controversial subjects. It therefore rejected the complainant's questioning of CITY-TV's programming judgement to "show scenes of child abuse at all".

Despite the Council's belief that the subject ought to have been treated, it held that *repeating* the video segment nine times during the report was not in proportion to its relevance. No new information was conveyed by repeating the video and no new perspective was provided to the story. The Council noted that "the cumulative effect of the excessive repetition of the video was to distort and sensationalize the story", contrary to a provision of the RTNDA *Code of Ethics*.

Finally, the Council discussed the use of viewer advisories in news and public affairs programming. In the Council's view, child abuse should be read in the list of "delicate subject matter" mentioned in the *Violence Code* given that seeing another child being physically abused would "be as traumatizing to a viewing child as stories of sexual assault or court action related to sexual crimes". The Council members

therefore agreed that, by not providing a viewer advisory, CITY-TV had violated a provision of the *Violence Code*.

Given the CBSC's findings, CITY-TV was required to announce the decision during prime time.

Can a movie be "very evil"?

The CBSC received complaints about CTV's 9:00 p.m. broadcast of a two-hour pilot, called *Poltergeist - The Legacy*. The movie featured extra-terrestrial creatures that were trying to take over the world. Many of the film's scenes included elements of violence, most of which were concentrated in the last hour.

Complaints were received by the CBSC expressing "utter disgust and extreme concern" about the program and describing the movie as "very evil".

Another complainant stated that the movie "dramatically intermingles gory violence, death, satanism, graphic sexuality, bestiality, and pedophilia. I believe its content is pornographic and dangerous to young and unstable minds".

The Director of Programming and Communications of BBS Saskatchewan responded to the complaints by stating that the station was "sensitive" to the viewers' concerns about the content of the program. The Director wrote that the station had made every effort to "ensure that impressionable young children do not watch this program", citing the late hour at which it was broadcast and the use of viewer advisories.

The complainants were unsatisfied by the station's responses and asked the CBSC to refer the matter to the appropriate Regional Council for review. The CBSC decided that, since the programming originated with the CTV Network's office in Toronto, the Ontario Regional Council should review the matter.

The Council noted that the movie did contain many scenes with "violent elements" but found that the violent scenes in the program were integral to the plot development and were therefore not gratuitous. They also found that the airing conformed with the scheduling requirements of the *Violence Code*, since it was broadcast after the 9:00 p.m. watershed hour.

In terms of the viewer advisory, Council members noted that an advisory was presented at the beginning of the broadcast but that "[t]here were no other advisories broadcast in the first hour of the program, although there were several advisories shown during the second hour". The Council concluded that the "clear absence" of advisories after the first advisory was aired constituted a breach of the *Violence Code*. The Council stated that CTV's approach to viewer advisories in this case was "insufficient for viewers and in breach of the spirit and wording of the Code". The station was required to announce the CBSC's decision during prime time.

Kazan and cruelty to animals

A viewer of CKCO-TV in Kitchener, Ontario, wrote a letter to the station complaining about the "incredible cruelty to animals" shown in a 1:00 p.m. matinee movie called *Kazan*. At the beginning of the film, the story's protagonist--a canine, part-dog and part-wolf, named Kazan--witnesses a thief strangle a man during a robbery. When Kazan encounters the strangler again later in the movie, he is beaten by the murderer. In another dramatic confrontation, Kazan is shot by a man who later decides that Kazan is more useful to him if he is kept for dog fighting. As part of his training, Kazan is subjected to beating and near drowning by his new owner.

The complainant expressed "disgust" that the movie, with so much violence towards animals, was broadcast on a Sunday afternoon when children would be watching.

The station contended that *Kazan* was a "family-type movie" in the same vein as *Call of the Wild* or *White Fang*.

After receiving your letter I took the opportunity to review the movie and I can see where some of the scenes that you mentioned, if taken out of context of the overall movie, could indeed be upsetting. ... As you may have noticed we put notifications at the beginning of the movie and throughout the movie that there were some scenes that people may find objectionable.

The Ontario Regional Council was of the view that none of the movie's scenes that contained violent elements involving either humans or animals was gratuitous. As to whether the movie sanctioned, promoted or glamorized violence against animals, the Council stated:

While the movie did portray animal abuse, abusers were depicted as "the bad guys" over whom "the good guys" prevail in the end.

In terms of scheduling, the Council noted that the watershed provision "is not *automatically* triggered whenever there are scenes of violence"--it applies when scenes are "intended for adult audiences". The Council stated:

While it is difficult to propose any cut-and-dried formula to apply in coming to any such conclusion, the Council does consider that the presence of the combined elements of fear, suspense, gore and explicitness may help characterize programming containing scenes of violence as *adult*. The Council notes that the scenes of violence in the movie Kazan were short and often obscured to limit their scariness.

Overall, the Council concluded that the movie was "very tame" and was "comfortable" with the station's 1:00 p.m. scheduling of the movie.

Early-morning broadcast shows animals being slaughtered

A viewer expressed her distress about the 9:00 a.m. weekday broadcast on Global Television of an hour-long World Wildlife Fund (WWF) program called *Before It's Too Late*. According to the complainant, the program "depicted scenes of tortured animals".

The program told the stories of species being hunted by poachers to near extinction, having to relocate because of ever-increasing human encroachment on wildlife areas and being poisoned by pesticides and other contaminants in the environment. These stories were accompanied by clips of interviews with scientists and other experts or spokespersons, as well as by some video footage of the species' destruction, including scenes depicting carcasses of bears, tigers, birds, turtles, rhinoceroses and whales. In two separate segments, a bear and a tiger were seen being shot and killed.

The viewer explained how her son, home from school, became extremely upset while watching the program.

My seven year old son, who chanced across this program while changing channels, was most horrified by these grotesque scenes.

The President of Global Television responded by voicing "sincere regret" for the concern the woman felt for her son and stated that the station had raised her concerns with WWF about causing "serious distress to viewers, in particular to young children".

The Council noted that the stories told and the tone of the hosts provoked a very strong emotional response from both young and old viewers.

Indeed, that was undoubtedly WWF's intent in creating the program--to shake viewers out of complacency on the issue of wildlife preservation. Accordingly, the Council has no reason, for the purposes of this decision, to dispute the complainant's statement that this program was extremely upsetting to her 7-year old son. That, however, is not conclusive. A program may well be upsetting without violating the provisions of any of the private broadcaster Codes.

The Council was of the opinion that the program evoked feelings of distress in viewers because of the nature of the subject matter and not because of any violation of the *Violence Code*. In concluding that no breach had occurred in this instance, the Council agreed that WWF had used the video footage depicting violence "reasonably" to portray the issue of wildlife extinction. The Council stressed that "television is not meant to be so sanitized that *all* depictions of violence disappear from the medium".

In terms of scheduling, the Council members did not consider any of the scenes in *Before It's Too Late* as "intended for adult audiences", which is the only requirement for which a program would have to be aired after the watershed hour. The Council noted, however, that the program aired on a weekday morning during a school holiday and reminded broadcasters that they should try to be "sensitive" to the scheduling of programs during school holidays.

NEWS AND PUBLIC AFFAIRS PROGRAMMING

The *CAB Code of Ethics* and the *RTNDA Code of (Journalistic) Ethics*, both administered by the CBSC, affirm the commitment of Canadian broadcasters to provide unbiased, accurately reported and responsible news and public affairs programming. This year, the CBSC released decisions regarding complaints made by "newsmakers", who felt they had been treated unfairly by the media, and by ordinary Canadians who alleged inaccuracy and lack of fairness or balance in the news.

The "newsmakers" complain

The Council released a number of decisions relating to complaints filed by persons who were "involved" in the news story. One complainant was upset that a "distorted" story on a television news magazine had made her look foolish. Two complaints came from representatives of companies who felt their businesses had been unfairly portrayed in "consumer reports". Another viewer felt a news report had cast him in a bad light, leading his new employer to fire him, while yet another complained on behalf of a relative about having her image broadcast on national television in relation to a murder.

Taking sides in the battle of the lawns

A viewer, who was also one of the people interviewed for a segment on CTV's public-affairs program *W5*, wrote a letter complaining that the piece was "slanted, biased, distorted, heavily weighed [*sic*] in favour of one side, improperly edited, sensationalized and worse yet, turned into a comedy, at my expense".

The *W5* episode in question broadcast a segment entitled "Lawn Wars". The segment told the story of the conflict between two Toronto neighbours who were fighting over the states of their adjacent properties. In the report, the complainant described her neighbour's overgrown, weed-filled yard as dirty, smelly and gross, and her neighbour as "very lazy". The neighbour countered by saying that her yard was an

"ecosystem", while the complainant's yard, with a mown lawn and flower beds, was an "industrial monoculture".

The segment then went on to show clips of the gardening editor of *House Beautiful* magazine declaring that the traditional lawn is a dinosaur, and attendees at a conference on gardening saying that they were changing their opinions about the value of lawns. In contrast, another clip showed some lawn bowlers stating that, if anti-lawn activists showed up, they would "Get them drunk and send them home".

The complainant was very displeased with W5's presentation of the story. She stated that she had agreed to be interviewed "solely because it was the highly esteemed W5 doing the story", and that her trust was "completely misplaced".

I told the producers this story but I also told them the bottom line for me was a market value issue. Who would want to live next door to this mess? The condition of her property depreciated the value of mine substantially. That was my issue; my reason for agreeing to be part of the W5 story. I clearly said it on camera. They left that on the cutting room floor.

The complainant also stated that the reporter had not treated both sides of the issue fairly--that people speaking on behalf of her neighbour's side included environmentalists, while "some old ladies lawn bowling" appeared as her defenders.

They did not talk to any of my neighbours, several of whom called the producer ..., asking to be interviewed; nor did they show the petition that was signed by all the neighbours. They did not interview an expert gardener or horticulturist, nor did they talk to the city inspectors.

The Vice President of CTV News replied to the complainant, stating that she seemed to be upset because her neighbour was "given air time to explain her views". The Vice President went on to point out that the complainant was also interviewed and that her statements made her opinion clear.

It is a quite simple story about differences in horticultural philosophy between two neighbours. Not every issue was covered. For example, the reporter and producer chose not to deal with the market value issue. That was a subjective choice but that does not mean that the story was not valid and that it deserves the kind of condemnation you have given it in your letter.

The Ontario Regional Council agreed with the network's position that the choice made by the show's producers to leave out an item does not mean that the story is not valid; however, the Council members took issue with the way the network handled the story in this case, disagreeing with the broadcaster's assessment that it was "a quite simple story".

It is the broadcaster which so characterized "Lawn Wars" because *it* chose to tell the story that way when, in reality, the story had a far more serious side to it. It is the broadcaster which chose to tell the story flippantly, although invited not to do so. While there is a side to the story which is undeniably amusing, there is surely a serious dollars and cents issue.

The Council decided that W5's refusal to deal with the market-value issue was not a "fair and proper choice". It stated that CTV had trivialized the situation: "The *total* elimination of that element resulted in the conversion of a matter with a serious aspect into a buffoonish tale".

For these reasons, the Council members agreed that the segment on W5 had breached provisions of the CAB *Code of Ethics* and the RTNDA's *Code of (Journalistic) Ethics*. The station was required to announce this decision during prime time.

Indoor playgrounds and "unduly alarming" journalism

During an *Eyewitness News* broadcast, CFRN-TV ran a feature about indoor playgrounds at six fast-food restaurants in the Edmonton area. During the report, the journalist explained how the news team had investigated "what bacteria lurk where your kids just want to have fun". The two McDonald's restaurants in the survey tested highest for bacteria, one considerably higher than all the others.

The reporter went on to say that the news team had shared their test results with the President and CEO of Western Canada's McDonald's, who had said: "If we're not doing something right, we'll make that change, I guarantee it". The reporter continued by explaining that the lab had conducted further tests, and found that none of the samples had contained "toxic bacteria that could make your child really sick", which the reporter said had "surprised a Senior Inspector with the Edmonton Board of Health". The reporter then explained "the bottom line" of the story:

...these ball places are fun places for your kids to play but, when they do go in to play, keep an eye on them. Make sure that nothing goes into the mouth. And, when they're finished playing, well, make sure that they wash their hands off really well before they go on and do the next thing.

A complaint was filed by the President and Chief Executive Officer of McDonald's Restaurants in Western Canada who alleged that the five-minute report was "unduly alarming" and that it had used information out of context to "imply that the bacteria counts mentioned pose a serious threat to the health of children who play in these ball pits".

In my view, that is very bad journalism and, in fact, I suggest that trying to scare the public where there is no good reason to do so is irresponsible in the extreme.

CFRN-TV's Vice-President and General Manager responded to the complainant, saying that, by airing the report, the news department had tried to balance the story while still providing the public with "information concerning the potential hazard of ball pits".

The Prairie Regional Council did not find the story was as dramatic and "alarmist" as alleged by the complainant. While there was no doubt, in the view of the Council, that "the intention of the news reporter was *not* to recount a story that would *not* attract attention, ... [t]his alone [did] not mean that her story would be breach of either of the above-noted Codes".

The Council concluded:

While this was apparently the motivation to do the story, the Council considers that the implications of it were largely benign. ... There was not, for example, any allegation of even a serious illness, much less a death, on the part of any individual in the Edmonton area.

The Prairie Regional Council also assessed the fairness and balance of the on-air portion of the reporter's comments. In its view, the broadcaster's presentation of the report was "full, fair and proper" as required by the *Code of Ethics*. The Council found that there was full disclosure of the testing process used as a basis for the report and that, in any case, "the issues and consequences were not of *such* moment that science is material in the determination." Moreover, interested parties, including the complainant, were extended invitations to appear on air. Even though the complainant chose not to appear, its oral and faxed reactions were included as a part of the report and the restaurant chain's comments were, in fact, the final words spoken by the reporter. The Council concluded:

Although the complainant would obviously have preferred that the news feature not air at all, the presentation was, in the view of the CBSC, balanced and the complainant, even though not on air itself, had its point of view fully and fairly presented.

"Consumer Watch" on the discount travel business

A viewer complained of a segment entitled "Consumer Watch" concerning a discount travel agency broadcast on Calgary's CFCN-TV. The viewer in question was the president of the parent company of Platinum Passport, the discount travel agency targeted by the report.

In his letter, the complainant stated that the news segments had broadcast "specific allegations that are unfounded and untrue" and stated that the station "did not give Platinum Passport Club Canada nor Lifestyle Leisure Services Ltd. nor Platinum Travel any opportunity to reply to the said allegations".

The News Director of CFCN-TV wrote to the complainant, stating that the station had "tried repeatedly to get an interview with you or anyone representing Platinum Passports" but had been unsuccessful.

In reviewing the matter, the Prairie Regional Council noted that, based on the material the broadcaster had actually aired, the complainant had been offered "ample opportunity" to respond to the allegations made in the report.

The complainant alleges in his letter that the companies featured in the report were not given an opportunity to reply to the allegations made in the report. This statement is directly contradicted in at least three separate ways. First, the reporter communicated the reaction of representatives of the company in B.C. whom he had reached, which was, he said, that they were not aware of the complaints but stood behind their product. Second, and more significant, representatives of the complainant's company were seen closing the door in the face of the reporter, rather than take the opportunity he was giving them of answering his questions. Third, the Council notes that, in addition to reiterating in its letter the number of occasions on which the complainant had been given the opportunity to go on air, in a further conciliatory move, the broadcaster again requested (in its letter of September 4) an interview from the complainant, giving a number for the complainant to call. Rather than accept this offer, the complainant chose to return to the CBSC his request for a ruling by a Regional Council.

In terms of the overall fairness and balance of the report, the Council considered that the broadcaster had met the requirements of both Codes.

Did the reporter get Santa fired?

Two complaints were made about a story aired on the 5:30 p.m. newscast of CHEK-TV in Victoria about the plight of a shopping-mall Santa who had been fired after scolding a child who had apparently kicked him in the groin. The first complaint came from the subject of the story, a Mr. Turner, and the second came from a viewer who described it as "the worst case of 'news management' that I have seen."

Since the first firing, Santa had managed to find a similar job in another shopping mall in the area. The news report in question followed up on Santa's firing by quoting managers of the first mall where he worked, who said it was his behaviour and inappropriate comments that got Turner fired, not the incident with the misbehaving child. The report then showed a video clip of Santa crossing his hands over his groin and saying: "No, I'm not going to hold my jangles". The reporter then stated:

Today Turner grabbed his crotch several times in the presence of kids jokingly to protect his genitalia from other children. Plaza management was surprised and upset when we told them of Turner's behaviour and wanted to see the video before commenting further.

Turner was fired from his second mall job after the mall's managers saw the report. Turner sent a letter to the CRTC stating that his dismissal from the second Santa job was "an even bigger humiliation" than the first, and that it was the CHEK-TV news report that had caused it.

It was in rare speechless amazement that I viewed local, national and international reaction to my "canning" at Can-West Mall. It was in horror and disbelief that I witnessed the reason for the second at Colwood Plaza. Most of my anger was directed at myself ... for I am surely guilty of the "sin" of naïveté.

The News Director responded by stating that, although the station regretted that Turner had been terminated from his job at the second mall, it was satisfied that he was fired because of his behaviour, not the news report.

The second complainant sent an e-mail to the station's News Director, stating that he believed the reporter "has obviously got some kind of conflict with Mr. Turner and used your station to obtain retribution". The viewer stated that he and his wife had discussed "the obvious conflict with what your reporter was saying and the images being viewed", in that the reporter described him as "grabbing his crotch" while "the camera shows a man responding to something said off camera by placing his hands in front of his 'crotch'". The complainant wrote that the story had been created through "skilful editing and manipulation of words".

The station's News Director responded to the second complaint by noting that some information in the complainant's letter was not accurate. He stated that Turner had "touched his crotch in plain view of parents and children", and that Santa had not been prompted to hold his "jangles" by anyone.

The matter was referred to the B.C. Regional Council for review. In addition to the logger tape of the airing of the report, the broadcaster supplied the Council with the raw footage on which the news report was based.

After watching the raw footage, the Council members had no hesitation on agreeing that the video portions of the news report were not "doctored" to leave an impression that did not reflect what had really occurred. The Council concluded that the broadcaster's duty to "inform the public in an accurate, comprehensive and balanced manner" had been met.

While the reporter *might* have chosen to steer the story in a direction which would not have shown the Mall Santa covering his groin, she was not *obliged*, by any set of standards, to do so. It was, after all, Mr. Turner who chose to cover his crotch; there is no allegation that anyone else *invited* him to do so. In his letter ... he acknowledges his own naïveté in doing so. His decision to do so *in the presence of news cameras* was certainly injudicious since *he* alone opened himself to the risk that such footage could be recorded and used.

A young girl, a murder and suffering humiliation

A viewer complained that CKCO-TV in Kitchener, Ontario, had wrongly exposed his niece to "humiliation by putting her on national t.v". when it ran a news story about a murder investigation in nearby Cambridge.

At the time of the initial report, details of the crime were sketchy and the names of the victim and the suspect had not yet been released. The report included video footage of the scene of the crime, of the house where the stand-off with police had taken place and of two dogs being removed from the house by a woman and a young girl.

The complainant's niece was the young girl removing one of the dogs from the house.

The station's Vice President and General Manager responded by stating that "neither the woman nor your niece seemed distressed at all to be shown on camera" and that the report had not associated them with the suspect in any way.

In fact, one could argue that we portrayed them as good Samaritans who were helping out by ensuring that the animals were not locked up in an empty house and uncared for, while the police secured the residence.

The Ontario Regional Council considered the complaint under the RTNDA's *Code of (Journalistic) Ethics* provision relating to privacy. It noted that no indicators were given in the report as to the identity of the woman or the girl and concluded that "there was a justifiable interest in using the unidentified but relevant images to illustrate a story about which the public had an interest in learning". It also stated:

This principle is not altered by the age of the individual in the bit of videotape used in the story. The same privacy principles apply whether the image used is that of a child or an adult.

Concerns about "irresponsible" journalism

The CBSC's decisions in this category dealt with allegations of manipulation of interview clips and taking them out of context, using sensationalistic words to describe violent crimes and unfairly characterizing a neighbourhood as dangerous.

Making conclusions for the viewer

A viewer complained about a story broadcast on a CIII-TV (Global Television) newscast, stating that it was "unacceptable and inflammatory as well as a breach of journalistic ethics".

The story reported on the Premiers' Conference being held in St. Andrews, New Brunswick. The complaint related to an exchange between Newfoundland's Premier, Brian Tobin, and Quebec's Premier, Lucien Bouchard, in which the reporter explained that the Premiers had discussed holding another meeting on national unity in Calgary. Two clips followed--one of Tobin saying he was "delighted" at the prospect of such a discussion, and one from Bouchard: "It's doomed before it begins".

In the letter of complaint, the viewer charged that the news story about the conference on a different network indicated that the same exchange between the two Premiers occurred differently. In that second report Premier Tobin remarked that, in the last federal election, 65% of Quebecers had voted for federalist parties. In response, Premier Bouchard replied: "If you think that 65% of Quebecers are federalists, it's doomed before it begins".

The complainant said that the Global News coverage had "distorted" the Quebec Premier's reply by "omitting the reference to the 65% matter". The viewer stated that this omission would have led the audience to believe that Mr. Bouchard was of the opinion that *any* constitutional talks were doomed. According to the complainant, the station's attribution of "false comments" by editing out a part of the sentence and putting it in another context was "nothing short of public opinion manipulation".

Global's Senior Producer at *First National* responded to the complainant's concerns, stating that political stories are "subject to some interpretation" which can be "attributed to the reporter's experience in the field".

In the case of Lucien Bouchard's remarks, whether you use his sound-bite from the beginning or the middle, it is clear that his words mean the same thing, that any constitutional process undertaken by the federalists is doomed to fail.

In reviewing the matter, the Council noted that two fundamental principles of news reporting are to enable people to know what is happening and to understand events so they can arrive at their own conclusions. The Council considered that Global Television had failed to meet these goals in this case. The Council stated that, by removing the first part of the Premier's quote, Global had "usurped the audience's democratic entitlement to reach its own conclusions".

The Council members agreed that the program violated the CAB *Code of Ethics* and the RTNDA's *Code of (Journalistic) Ethics*. The station was required to announce the CBSC's decision during prime time.

Confusing immigrants and refugees

A viewer complained about a segment in the series entitled "You Paid For It!" broadcast as part of Edmonton's ITV news. The program in question focussed the government's spending in relation to immigration. The complainant stated that the segment

talk[ed] about immigrants and refugees in the same sentence without explaining the difference. This is grossly misleading to the public and has racial overtones. Joe Average is led to believe that all immigrants are costing the government of Canada when that is not true.... The story was very poorly put together and not what one would expect from professional journalists. All this is going to do, is enforce a negative attitude towards immigration in the minds of people who already hold a poor view of immigrants.

The broadcaster did not agree that the "story in question was misleading, unfair, biased, poorly produced or unprofessional".

It is our responsibility to seek out and report differing opinions on matters of public interest. The story in question does that. Opinions held by the Reform Party's Treasury Critic on government funding for immigration services were balanced by an eloquent and moving defence of the language training program being offered in Edmonton.

The Prairie Regional Council noted that "it is the *accuracy* of the report, not its objectivity, that is questioned".

Had the broadcaster chosen to tell the story of extravagant government spending in the area of *immigration*, it would have presented no problem to the Council. Unfortunately, the station confused immigration policy with *refugee* policy.

What the Council finds problematic in this case is the fact that the report was craftily put together to suggest that the government's immigration policy does not stand up to economic scrutiny by including facts concerning refugees but without making this clear in the report. The Council does not consider that the lack of distinction between immigration spending and spending with respect to refugees was inadvertent; rather, the Council is concerned that, in her attempt at investigative reporting, the reporter either deliberately skewed facts to give her story more shock value or had not done sufficient research on the subject to prepare such a report.

In determining that the broadcaster had not informed the public in an accurate, comprehensive and balanced manner as required by the RTNDA *Code of Ethics* nor ensured that news shall be represented with accuracy and without bias as required by the CAB *Code of Ethics*, the Council indicated that in its view "the report preyed on the negative feelings which some Canadians have towards immigrants". The station was required to announce this decision during prime time.

Can "sex" and "violence" be mentioned in the same breath?

A viewer sent a letter directly to a Global news reporter, with a copy to the CBSC, to complain about the use of the word "sex" to qualify the crimes of Clifford Olson in a story about the early parole hearing of this renowned mass murderer. During the report on the hearing, the journalist referred to Olson's crimes as "sex slayings".

The complainant was concerned about using the word "sex" in connection with such violent crimes. The complainant stated that only the "tragically naïve or the totally ignorant" would believe these types of crimes are motivated by sexual desire--rather, they are about "violence against victims invariably smaller and weaker than themselves".

The station's Executive Producer of News and Information Programming responded to the complainant, apologizing for any distress the story may have caused and explaining that the term had "become accepted jargon in today's society".

When asked to review the matter, the Ontario Regional Council found that the report, overall, had been "sober and responsible", noting that the term "sex slayings" was used only once in the report's introduction. In the circumstances, the Council had "no hesitation" in concluding that the broadcaster was not in breach of the Codes.

However, the Council did note the "important message" in the complaint about the use of the word "sex" to report on crimes involving rape, murder and other forms of violence. The Council suggested that broadcasters might wish to be more cautious when linking such words.

More on "sex" assaults

The CBSC received another complaint about the use of the word "sex" to describe violent crimes. A viewer of Winnipeg's CKND-TV sent two letters of complaint, stating that she was "disappointed" with a report on the station's 6:00 p.m. *Newsline*. The story explained that charges had been laid against Graham James, a junior hockey coach, for "sex crimes involving some of his players". The complainant took issue with the use of phrases like "sex charges" and "sex crimes", describing them as "basically meaningless oxymorons".

The station's News Director responded by stating that the offending phrases are "commonly understood phrases used in everyday language and can apply to a story pertaining to crimes or charges involving sexual acts committed against men, women or children".

The Prairie Regional Council's decision closely followed that of the Ontario Regional Council on the same issue. Once again, Council members agreed that the program had not breached the Codes, but suggested that broadcasters might wish to be cautious in associating crimes of violence with the word "sex".

Neighbourhood as victim

Complaint No. 1: Drug bust in Toronto's West End sparks protest

A viewer and resident of Toronto's Parkdale area wrote to CITY-TV to complain that, when reporting on its 12:00 noon *City Pulse* newscast about a drug bust in the West End of Toronto involving several neighbourhoods, the station had only mentioned the Parkdale area. The complainant stated that, by being singled out, Parkdale was being "stigmatized" by the media. She also stated that the news report had not truthfully reflected "the reality of the police operation".

CITY-TV's Director of News Programming responded to the complaint by stating that "our mistake was a sloppy generalization that as broadcasters we consistently strive to avoid", and that the story had been clarified immediately for the next broadcast. The complainant was not satisfied with this response.

In reviewing the matter, the Ontario Regional Council noted that CITY-TV had acknowledged that the noon report had not been completely accurate. The Council was of the view that this type of broadcaster-acknowledged "mistake" does not necessarily constitute a breach of the Codes. In this case, the Council considered "that the steps taken by the broadcaster to virtually *instantly* put the matter right were sufficient to avoid a conclusion of broadcaster Code breach".

Complaint No. 2: Parkdale resident on the defensive again

The same viewer complained about another report aired on another *City Pulse* newscast, stating that the broadcast had perpetuated "neighbourhoodism" when it reported on a landlady who had bussed tenants of a dilapidated rooming-house in the Parkdale area to another location. The complainant stated that, with this news report, CITY-TV had continued its "sloppy and irresponsible news coverage" of the neighbourhood and that it was "not necessary to mention a particular community in relation to negative issues".

Once again, the Council did not agree with the complainant. In the Council's opinion, broadcasters are entitled to determine whether their viewers would be interested in having news items "contextualized". The Council stated that, according to the provisions of the CAB *Code of Ethics*, mentioning an area where an event has occurred has nothing to do with discrimination as the complainant alleged.

3. Summary of Complaints

1. Overview

In 1997/98, the CBSC received a record number of complaints: 2,463. Included in this total are 8 multiple-signature petitions for each of which only one complaint file was opened. The total number of files opened by the CBSC in 1997/98 was 1,281, also a record.

- Of these 1,281 files, the CBSC actually handled 1,212 or 94.6 %, since 20 files were referred to Advertising Standards Canada (ASC), 11 to the Cable Television Standards Council (CTSC), 4 to the Canadian Radio-television and Telecommunications Commission (CRTC), 3 to the Canadian Association of Broadcasters and 31 to non-member broadcasters.
- The CBSC, nonetheless, responded to all the complaints including those sent elsewhere for ultimate resolution. In the case of the 8 petitions, however, the CBSC responded only to an appointed spokesperson for each group of signatories.
- The majority of complaints came to the CBSC via the CRTC, accounting for 977 (or 76.3%) of the total files opened in 1997/98; however, the CBSC experienced an increase in direct contact from the public, receiving 289 complaints directly (22.6%). The remaining complaints were forwarded by broadcasters or other sources.

2. Region

Of the 1,281 complaint files opened, the majority dealt with Quebec broadcasters. 46 files dealt generally with the broadcast of *The Howard Stern Show* in both Montreal and Toronto and were categorized by the CBSC as stemming from both the Ontario and Quebec Regions jointly.

| Region of Complaint | | | | |
|-------------------------|------------|------------|---------------|-------------|
| Region | Radio | Television | Not specified | Total |
| Atlantic | 8 | 5 | 0 | 13 |
| Quebec | 307 | 482 | 4 | 793 |
| Ontario | 193 | 136 | 8 | 337 |
| Prairie | 9 | 22 | 5 | 36 |
| B.C. | 12 | 31 | 3 | 46 |
| Both Ontario and Quebec | 46 | 0 | 0 | 46 |
| Not specified | 0 | 4 | 6 | 10 |
| TOTAL | 575 | 679 | 27 | 1281 |

3. Radio and Television Complaints

Of the 1,212 complaint files handled by the CBSC,

- 565 dealt with radio programming (46.6%);
- 636 dealt with television programming (52.5%);
- 11 could not be determined (0.9%).

4. Language of Program

Of the 1,212 files handled by the CBSC,

- 730 dealt with English-language programming (60.2%);
- 460 dealt with French-language programming (38%);
- 22 did not provide enough information to be language classified (1.8%).
- The CBSC did not receive any complaints in the 1997/98 fiscal year relating to foreign language programming.

| Language of Program | | | | | | | | |
|---------------------|------------|------------|------------|------------|-----------|------------|--------------|------------|
| Language | Radio | | Television | | N/D | | Total | |
| | # | % | # | % | # | % | # | % |
| English | 560 | 99.1 | 162 | 25.5 | 8 | 72.7 | 730 | 60.2 |
| French | 5 | 0.9 | 455 | 71.5 | 0 | 0 | 460 | 38.4 |
| Not Specified | 0 | 0 | 19 | 3.0 | 3 | 27.3 | 22 | 1.8 |
| TOTAL | 565 | 100 | 636 | 100 | 11 | 100 | 1,212 | 100 |

5. Source of Program

Of the 1,212 files handled by the CBSC,

- 563 dealt with Canadian programming (46.5 %);
- 553 dealt with foreign programming (45.6 %);
- 96 could not be so classified (7.9 %).

| Source of Program | | | | | | |
|-------------------|------------|------------|------------|------------|--------------|------------|
| Source | Radio | | Television | | Total | |
| | # | % | # | % | # | % |
| Canadian | 62 | 11.0 | 501 | 78.8 | 563 | 46.9 |
| Foreign | 502 | 88.8 | 51 | 8.0 | 553 | 46.0 |
| Not specified | 1 | 0.2 | 84 | 13.2 | 85 | 7.1 |
| TOTAL | 565 | 100 | 363 | 100 | 1,201 | 100 |

Note: In 11 of the unspecified source complaints, the complainants did not disclose whether their concern was about television or radio programming

6. Type of Program - Radio

Of the 565 radio complaints,

- the overwhelming majority (551 files) dealt with open line/informal discourse programming (97.5% of radio complaints);
- 48 dealt with open-line programming (8.5%);
- 7 dealt with news (1.2%).

| Type of Program - Radio | | | |
|---------------------------------|------------------------------|------------------------------|----------------------------|
| Type of Program | # of Radio Complaints | % of Radio Complaints | % of all Complaints |
| News | 7 | 1.2 | 0.6 |
| Public affairs | 2 | 0.4 | 0.2 |
| Open line/informal conversation | 551 | 97.5 | 45.5 |
| Advertising | 2 | 0.4 | 0.2 |
| Music | 2 | 0.4 | 0.2 |
| Sports | 1 | 0.1 | 0.1 |
| TOTAL | 565 | 100 | 46.8 |

7. Type of Program - Television

Of the 636 television complaints,

- 452 dealt with public affairs programming (71.1% of television complaints);
- 91 dealt with drama/comedy programming (14.3% of television complaints);
- 39 dealt with news programming (6.0% of television complaints).

| Type of Program - Television | | | |
|-------------------------------------|---------------------------|---------------------------|----------------------------|
| Type of Program | # of TV Complaints | % of TV Complaints | % of all Complaints |
| Drama/comedy | 91 | 14.3 | 7.5 |
| News | 39 | 6.1 | 3.2 |
| Children's programming | 20 | 3.1 | 1.7 |
| Religious programming | 2 | 0.3 | 0.2 |
| Education (human interest) | 5 | 0.8 | 0.4 |
| Advertising | 14 | 2.2 | 1.2 |
| Sports | 5 | 0.8 | 0.4 |
| Public affairs | 452 | 71.1 | 37.3 |
| Non-determined | 8 | 1.3 | 0.7 |
| TOTAL | 636 | 100 | 52.6 |

8. Codes and Clauses

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

CAB Code of Ethics

Most of the complaints received under this code concerned the presentation of news and news-related programming or human rights.

In 1997/98, 932 complaints dealt with this code, in radio and in television.

| CAB Code of Ethics Clause | Radio # | TV # | Total # |
|------------------------------------|----------------|-------------|----------------|
| News | 5 | 470 | 475 |
| Human rights | 369 | 287 | 656 |
| Advertising | 2 | 2 | 4 |
| Controversial public issues | 7 | 4 | 11 |
| Children's programming | 0 | 1 | 1 |
| Contests | 1 | 0 | 1 |
| Full, fair and proper presentation | 118 | 24 | 142 |
| Sex-role stereotyping | 13 | 5 | 18 |
| Religious programming | 0 | 2 | 2 |
| TOTAL | 515 | 795 | 1,310 |

CAB Sex-Role Portrayal Code

Most of the complaints considered under this code related to the question of the exploitation of women and children, although several complaints focussed on the inaccurate portrayal of men.

| Sex-Role Portrayal Code Clause | Radio # | TV # | Total # |
|---------------------------------------|----------------|-------------|----------------|
| Exploitation | 31 | 22 | 53 |
| Diversity | 2 | 5 | 7 |
| Changing interaction | 1 | 3 | 4 |
| TOTAL | 34 | 30 | 64 |

RTNDA Code of (Journalistic) Ethics

Most of the complaints considered under this news-oriented code dealt with inaccuracy of reporting, sensationalism and improper comment or editorial opinion in the news.

| RTNDA Code of Ethics Clause | Radio # | TV # | Total # |
|---|----------------|--------------|----------------|
| Distortion | 2 | 4 | 6 |
| Sensationalism | 0 | 454 | 454 |
| Irrelevant information | 0 | 1 | 1 |
| Respect for privacy/dignity | 0 | 13 | 13 |
| Accuracy | 3 | 430 | 433 |
| Errors | 0 | 17 | 17 |
| Balance/comprehensiveness | 1 | 30 | 31 |
| Conflict of Interest | 1 | 0 | 1 |
| Politeness of journalists | 0 | 1 | 1 |
| Improper comment or editorial Opinion in news | 2 | 431 | 433 |
| TOTAL | 9 | 1,381 | 1,390 |

CAB Voluntary Code Regarding Violence in Television Programming

