



Canadian Broadcast Standards Council
Conseil canadien des normes de la radiotélévision

2001 / 2002 Annual Report

“Encouraging Excellence in Broadcasting”

P.O. Box 3265, Station D
Ottawa, Ontario K1P 6H8
telephone: (613) 233-4607
fax: (613) 233-4826
website: www.cbsc.ca
email: info@cbsc.ca

Table of Contents

1. Message from the National Chair	1
2. Overview of Decisions	4
3. Summary of Complaints	17

Message From The National Chair

This is my tenth annual Message as National Chair. As I look back on the growth of the Canadian Broadcast Standards Council, I realize that our journey has been marked by many distinguishing steps along the way.

More than anything, though, I must underscore the commitment of Canada's private broadcasters to the self-regulatory system. It is that commitment, above all else, that makes the Canadian approach such an excellent model. It is that commitment to an entirely voluntary system that enables the CBSC to deal consistently, effectively and exclusively with all content issues. In short, it is that commitment that ensures that the system works.

In addition to updating readers on facts and figures relating to familiar subjects, such as complaints, decisions and so on, there have been, in the current year, some new matters to highlight.

THE NEW CAB CODE OF ETHICS

The Canadian Association of Broadcasters established its industry *Code of Ethics* in 1988. It is that Code that the CBSC has been using since its first decision, on April 26, 1991. Over the years, the various CBSC Panels have rendered hundreds of decisions, many of which have developed the concepts established in that Code and, for that matter, the 1990 *Sex-Role Portrayal Code* and the 1993 *Violence Code*, as well as the *RTNDA Code of (Journalistic) Ethics*. Many of those jurisprudential glosses remained inaccessible and obscure, except to those who were close followers of the CBSC decision process.

The initiative taken by the CAB to update the *Code of Ethics* to reflect the body of decisions taken by the Council over the previous decade was a welcome one. The principal document codifying the private broadcasters' standards now reflects ten years of thoughtful decision-making by the CBSC Panel Adjudicators.

There were many helpful small changes throughout the Code; however, the highlights of the revised Code include:

- the extension of the protection of the human rights clause to persons on the basis of their sexual orientation (first extended by the CBSC in 1993);
- the application of the principle of "full, fair and proper presentation" to all types of radio and television programming, including "news, public affairs, magazine, talk, call-in, interview or other broadcasting formats in which news, opinion, comment or editorial may be expressed by broadcaster employees, their invited guests or callers";
- recognition of the local nature of radio, its format and its market and, within that context, the requirement that programming does not contain gratuitous or glamorized violence, unduly sexually explicit material or unduly coarse and offensive language.
- importation into this Code of the application of the Watershed hour (established in the *Violence Code*) to all television programming that includes any type of content intended for adult audiences;
- confirmation of the principle that, whenever viewer advisories are required, they appear at the start of a show and coming out of each commercial break; and
- the assurance that radio or television contests "are not misleading, potentially dangerous or likely to give rise to a public inconvenience or disturbance and that any prizes offered or promises made are what they are represented to be."

The revised CAB *Code of Ethics* became effective August 1, 2002. No matters were decided under it prior to the end of the fiscal year.

CROSS-MEDIA CODE

On the subject of codes, in a series of decisions relating to TVA, CTV and Global Television, the CRTC invited the CBSC to develop a code of conduct dealing with cross-media issues. During the course of the present fiscal year, the CBSC continued working with broadcasters on the development of that code, which it hopes to be in a position to submit to the CRTC early in the next fiscal year.

POSITIVE PORTRAYAL OF ETHNOCULTURAL GROUPS

As a part of the successful application by Rogers Broadcasting for a second multilingual television station in the Toronto area, the CBSC has benefited from the licensee's plan to enhance the portrayal of ethnocultural groups. The Council has been granted the sum of \$1 million spread equally over the term of the new license to extend community access to the Council and its codes. The substance of the CBSC's English-French information brochure which lays out our role and processes will be translated into other languages that will explain portrayal issues and the Council's codes. The funding will also ensure that the CBSC will be better able to handle complaints regarding portrayal issues and, indeed, to respond to all matters of concern to ethnocultural communities in the areas of radio and television broadcasting.

DECISION VOLUME

The past year set a record in terms of the number of decisions rendered by the CBSC. There were 88 in all; 25 of these were the traditional formal Panel decisions and 63 the Summary Decisions that have permitted the Council to cope with increased substantive demands without additional infrastructure.

As always, there were important issues dealt with in these decisions. They included the following matters:

- the scheduling of television programming containing violence, sexual activity, nudity, coarse language and other mature themes, including the specific issue of programming that straddles the Watershed hour;
- the conundrum created by the multiple time zones of Canada with respect to the scheduling of adult programming by single-feed services;
- whether documentaries and other television programming containing sexual themes were exploitative of men or women;
- the requirements of the Violence Code concerning the frequency, format and wording of viewer advisories in television programming;
- whether the use of images or voice-recordings of individuals without their prior consent constitutes a breach of their right to privacy;
- the repetition of graphic violent images in news reports and "news updates" during dramatic programming;
- the use of an expression based on an image of violence against women in sports programming;
- the broadcast of sexually explicit material on radio at times when children are likely to be listening;
- the fine line between ethnic humour and abusively discriminatory content.

BROADCASTER MEMBERSHIP

Even in this area, there has been a "volume" increase. To the CBSC's base of broadcaster members of 470 at the end of the last fiscal year, we have added more than 50 new members; there are now 520 members adhering to the full set of private broadcaster codes.

CBSC OUTREACH

This past year, I participated in the diversity-oriented conference of CRARR (Centre de recherches-action sur les relations raciales in Montreal) and the round table sponsored by MediaWatch in Ottawa. I also

testified before the Standing Committee on Canadian Heritage of the House of Commons with the Executive Director. We also made a presentation on the work of the CBSC to the Conseil de l'Audiovisuel de la Catalogne and gave the Council's annual report in person to the new CRTC Chairperson, Charles Dalfen, as well as the other Commissioners and senior staff of the CRTC. I also presented reports at the annual business meetings of the Atlantic Association of Broadcasters, the B.C. Association of Broadcasters and the Western Association of Broadcasters. I also attended and participated in the annual meeting of the international Organization of News Ombudsmen. The National Chair also plays an ongoing role on the Department of Industry's Internet Hotline Advisory Committee and I sit on the Boards of Directors of the Academy of Canadian Cinema and Television and the AV Preservation Trust.

As a part of the CBSC's educational mandate under P.N. CRTC 1991-90, the Council is responsive to inquiries from educational institutions and the media. These reflect the constantly increasing public and academic interest in the achievements of the private broadcasters' self-regulatory system, which is manifested in the growing number of papers and studies done on the Council and its body of decisions. The inquiries also reflect the confidence of the media in the ability of the Council to respond to queries on all aspects of broadcast content, ranging from the decisions of the CBSC itself to general broadcast standards and related issues.

THE CBSC WEB SITE

Our most effective information tool remains the CBSC web site. It never rests. It takes no vacation. It is richly endowed with data. Frequently praised by visitors, it is easy to navigate and supplies almost all the information concerning the Council that anyone could seek: the Codes, of course; the decisions (with transcripts and correspondence) from June 1993; Annual Reports from that of 1994-95 (with statistics, tables, complaint analysis); lists of radio, television and specialty service members, with links to their web sites; links to Canadian (and foreign) Government Departments and relevant bodies, agencies and NGOs, and pertinent American, British, Australian, New Zealand and South African web sites; and access to relevant statutes and regulations, CRTC Public Notices and Decisions, and numerous other relevant documents.

Statistically, we again rose from 127,000 "hits" per month (in 2000-01) to nearly 157,000. The amount of downloaded information grew slightly from 1,200 to 1,342 megabytes per month this year.

ACKNOWLEDGEMENTS

The CBSC depends on its staff and its volunteers. Our Executive Director, Ann Mainville-Neeson, has created the systems and procedures that enable the Council to manage the substantial numbers of complaints, decisions and other information that are the heart of our work. Nicole Lafrance is our charming and effective interface with the public complainants and Teisha Gaylard our constant, dependable and detail-oriented Broadcast Analyst.

On the volunteer side, I am constantly extremely grateful to the talent and dedication of the Panel Adjudicators, whether they are representatives of the public or the broadcasting industry. They all cast aside their industrial or personal subjectivity when they review the program tapes and files. They consider the programming, the codified standards and right and wrong, as a function of them. They are conscious of the role that their conclusions have in the context of Canadian broadcast content policy. Consequently, any ideological perspectives are subsumed in reason and objectivity and Panel decisions tend toward unanimity. The process is the better for their focus and commitment.

RONALD I. COHEN
National Chair

Overview of Decisions Released in 2001/2002

The CBSC released a total of 88 decisions in 2001/2002: 63 Summary Decisions and 25 Panel Decisions. Summary Decisions were introduced in 1997/1998 in order to deal more efficiently with complaints involving issues that CBSC Panels have determined are not in breach of any broadcaster Code. They take the form of a letter to the complainant explaining why Panel Adjudication is unnecessary in the circumstances by citing, when appropriate, past Panel Decisions that treated a similar issue. The growing number of Summary Decisions each year reflects the broadening scope of decisions made by the CBSC Adjudicating Panels. Summary Decisions are sent to the complainant(s) and the broadcaster, but are not made public via the CBSC website or any other means.

The CBSC Adjudicating Panels were nonetheless active this year. The 25 Panel Decisions dealt with such issues as journalistic practices, coarse language, sexually explicit programming, violence, discriminatory comment and, in one case, a radio station contest. A number of the decisions also touched on "technical" matters relating to the responsibilities of membership in the CBSC.

RESPONSIBILITIES OF MEMBERSHIP

In addition to adherence to the industry Codes administered by the CBSC, conditions of membership include retention of logger tapes and responsiveness to complainants, both of which were addressed in CBSC Panel Decisions released this year.

Provision of Logger Tapes

Pursuant to both CRTC Regulations and CBSC membership requirements, broadcasters must retain logger tapes of all their programming for 28 days, or longer if requested to do so by the CRTC or CBSC upon receipt of a complaint concerning a particular broadcast. Logger tapes are more than merely a copy of the programming, as was explained by the CBSC in three decisions released this year. In another decision concerning the retention of logger tapes, the CBSC commented on one broadcaster's internal procedures for holding tapes when requested by the CBSC.

The "Unofficial" Trilogy

In three cases adjudicated by the National Specialty Services Panel on January 16, 2002, namely, *Bravo! re the documentary film Give Me Your Soul* (CBSC Decision 00/01-1021), *Showcase Television re the movie Destiny to Order* (CBSC Decision 00/01-0715) and *Bravo! re the film The House of the Spirits* (CBSC Decision 00/01-0738), the specialty services provided the Panel with "screener" tapes of the programming in question rather than dubs of the official logger tapes. The Panel explained the difference between the two in this way:

[It] relates to the obligation under Section 7(4)(a) of the *Specialty Services Regulations, 1990* (and all corresponding regulations for radio and television broadcasters) to retain a clear and intelligible audiovisual recording of all of its programming [...] for a period of four weeks after the date of the distribution. That tape is a logger tape. It shows *everything* that has *actually* been broadcast, together with a time code indicating at precisely what hour, minute and second every element of the broadcast has occurred. It includes the programs themselves, as well as all interstitial elements, including advertisements, promos, viewer advisories, and such other elements as classification ratings. The screener tape is merely the record of the actual program which is then used for broadcast purposes. It does not show the entire program as actually aired. It is, so to speak, the *pre*-broadcast rather than the *post*-broadcast record. It is the logger tape which contains all the broadcast elements that the CBSC needs in order to adjudicate properly and it is, moreover, the logger tape that broadcast licensees are required by law and by condition of membership in the CBSC to retain.

The National Specialty Services Panel did not find either of the broadcasters in breach of its responsibility of CBSC membership because there seemed to be a misunderstanding on the part of the broadcasters as to which version the CBSC Panel needed for adjudication purposes and because "the supplementary information contained on the logger tape was not at issue" on those occasions.

(Un)Sticky Situation

In another case where the broadcaster did not provide logger tapes, *CHAN-TV re a news item concerning a fatal accident (logger tapes)* (CBSC Decision 00/01-0839, January 23, 2002), the issue was not one of misunderstanding but of failure of internal procedures. The broadcaster in question had "red-flagged" the required tape with a sticker which had apparently fallen off or been accidentally removed, leading to the tape being recycled. While the broadcaster provided the CBSC with the raw footage used in the news report and a script of the voice narration thus enabling the British Columbia Regional Panel to deal with the substance of the complaint, the Panel found that the broadcaster had breached the requirement to provide official logger tapes. The Panel noted that "the breach appeared to be entirely inadvertent" but stated that the requirement to hold tapes is clear. It is one of result, not best efforts. The Panel further stated: "In this matter, the broadcaster does acknowledge the existence of a system that could, and did, lead to the failure it experienced. The Panel expects that, in future, its systems will have improved so that such inadvertences cannot occur."

Responsiveness to Complainants

Another responsibility of membership in the CBSC is that broadcasters respond to complainants in a timely and thoughtful manner. While it need not agree with the complainant, the broadcaster is expected to address the complainant's concerns fully and fairly.

Detective Not Needed to Find Police 10-07

Responsiveness may at times require a bit of detective work. In *Showcase Television re the movie Police 10-07* (CBSC Decision 00/01-0613, January 16, 2002) the complainant did not know the title of the program that concerned her, but described the offensive scene and explained that it appeared sometime between 6:00 pm and 8:30 pm EST. The broadcaster made no effort to identify the program in question and responded to the complainant with a very vague letter which in no way addressed her concerns. Finding a breach of the requirement to be responsive to complaints, the National Specialty Services Panel stated:

In the matter at hand, the Panel is of the view that the broadcaster did not take the steps it could *easily* have taken to remedy the situation at the start of the dialogue and, by doing so, could possibly have avoided a Ruling Request and the need for this adjudication in the first place.

The National Specialty Services Panel indicated that it was "not prepared to find that the identification of a film as having begun at a point within a two and a half hour period was insufficiently specific not to be able to begin the CBSC's complaint process."

You have to answer for your Big Mouths

Responsiveness was also at issue in *CHIK-FM re "Les Grandes Gueules"* (CBSC Decision 00/01-0486, April 5, 2002). The CBSC received a complaint alleging abusively discriminatory comments against homosexuals in a radio broadcast. The complainant initially contacted the broadcaster directly and exchanged some correspondence with the station's Program Director whose replies did not satisfy the complainant, who then contacted the CBSC. Unfortunately, the complaint was received by the CBSC after the 28-day logger tape retention period had expired and, although the CBSC was initially told the tapes were available, ultimately they were not. While the substantive issue of discrimination could not be dealt with by the CBSC in the circumstances, the matter was nevertheless sent to the Quebec Regional

Panel to deal with the lack of responsiveness of the broadcaster to this complaint once in the hands of the CBSC. The Panel stated:

In the matter at hand, the broadcaster has, in essence, ignored both the complainant and the CBSC. In its response to the complainant's letter of December 4, 2000 (before the CBSC was involved in the file), the broadcaster sent an excessively brief reply (53 words), which did not address a single point raised by the complainant. From the time of the CBSC's involvement, CHIK-FM never again sent a single word directly to the complainant, despite its CBSC membership requirement to do so. The broadcaster was so cavalier about the entire file that it *did not even retain* the correspondence relating to the file. And then, despite the undertaking of a representative of the corporate group owner on January 14, 2002 to deal with the file satisfactorily within the next 2 weeks, it was only a call from the CBSC to the head office *ten weeks* later that even generated a response eleven *days* before this meeting. That this matter has dragged one year and four months from the date of the radio show until the date of this meeting has been almost singlehandedly due to the consistent failure or refusal by the broadcaster to co-operate in its resolution.

ETHICS AND HUMAN RIGHTS

In past years, abusively or unduly discriminatory comment against identifiable groups has been one of the most common topics addressed in CBSC Panel Decisions. Interestingly, this year, less than a quarter of the total Panel Decisions, only 6 of the 25, dealt with such matters.

Discriminatory or Degrading Content Concerning Women

Discriminatory comments concerning women often fall under both the human rights clause of the *CAB Code of Ethics* and the provisions concerning sex-role stereotyping found in *CAB Code of Ethics* as well as in the *CAB Sex-Role Portrayal Code*. This year, three decisions dealt with negative comments concerning women.

Degrading Yourself Not the Same as Being Degraded

CFMI-FM re offensive humour (Drug Tester) (CBSC Decision 00/01-0811, January 23, 2002) concerned a prank telephone call broadcast on a morning radio show. In that call, a man posing as a representative from a company conducting drug testing on behalf of employers contacted a woman and told her that her test results indicated very high drug use. The woman insisted that there must be an error and, in desperation, eventually offered to sleep with the "tester" in order to be allowed to re-take the test. A listener felt that this broadcast promoted sexual harassment. The British Columbia Regional Panel determined that the segment did not breach either the *CAB Sex-Role Portrayal Code* or the *CAB Code of Ethics*. The B.C. Panel noted that the male caller "never directly insulted [the woman], nor even made sexually suggestive remarks to her. Indeed, it was [the woman] herself who offered to sleep with the 'tester' in order to be allowed to re-take the test." The Panel commented that "[h]ad the 'tester' been the one to suggest sexual activity, the dialogue might have unfolded differently and the Panel might have reached a different conclusion." The "tester" in fact revealed the prank as soon as the woman had upped the offer to the level of sexual favours. The Panel found the segment to be in very poor taste, but not exploitative of either sex.

Etymology Still Has Relevance

During the sports report in question in *CKVX-FM re morning show comments* (CBSC Decision 01/02-0059, January 23, 2002), the on-air host announced that the Seattle Mariners baseball team had "bitch-slapped" their opponents the previous night. A listener was concerned that this phrase condoned violence against women. Recognizing that "bitch-slapped" can be interpreted in different ways, the B.C. Panel found that, in this context, it constituted a breach of the *CAB Code of Ethics*, the *CAB Sex-Role Portrayal Code* and the *CAB Violence Code*:

While not extreme, the violent domination which is of the essence of the term is unacceptable on the public airwaves. There is in its use an assumption that this is an appropriate way to express a significant victory by one team over another. While verbs like smear, whip, stun, beat, pound, even massacre, as well as others, indicate substantial dominance in sports events, *none* of these has a sexist connotation. The Panel finds it curious and particularly unacceptable that the verb slap would not likely even find its way onto the foregoing list of victorious verbs *except* in the circumstances in which it is attached to a feminine noun. There are many many ways to express sports dominance which are not attached to gender or other forms of submissiveness. There is a broad enough choice that no broadcaster can reasonably view itself as unduly limited by reason of the application of the industry's own restriction on the airing of expressions of violence against women. The use of bitch-slap is not an option in such circumstances. The Panel finds it in breach of the human rights, sex-role portrayal, violence against women and proper presentation of comment provisions cited above.

Sexy Not Necessarily Sexist

In *CFNY-FM re The Show with Dean Blundell* (CBSC Decision 01/02-0267, June 7, 2002), a listener to a morning show was concerned with the sexual content of the show both for its explicitness and for seemingly conveying that women are "only good for one thing". The radio morning show featured numerous discussions about sex and relationships, but the Ontario Regional Panel found "no basis to conclude that women were degraded or demeaned or otherwise portrayed more negatively than men." The Panel acknowledged that many of the conversations focussed on the body parts of both men and women, but "none was so focussed as to amount to a breach of the sex-role portrayal provisions." Moreover, the women who were the subject of the comments contributed to the discussion. The Panel did, however, find that some of the conversations about the sex lives of the hosts and various celebrities were too sexually explicit for times of the day when children could reasonably be expected to be listening (see that discussion below).

Comments about Other Identifiable Groups

Three decisions dealt with human rights issues concerning other identifiable minorities.

Oh, Brother, What Sayest Thou?

Abusively discriminatory comment about identifiable groups was examined in *CFMI-FM re Brother Jake Morning Show* (CBSC Decision 00/01-0688, January 23, 2002). The B.C. Regional Panel reviewed three episodes of the morning show which, along with the usual songs, news and traffic reports, contained jokes and comedy sketches involving people of various ethnic and national origins, and homosexuals. For example, one recurring segment featured a character named Olaf who had a Scandinavian accent and frequently mispronounced words resulting in sexual double entendres. The Panel found no breach of the *CAB Code of Ethics* Human Rights Clause stating that "no negative comments are made about Olaf. Whatever humour there may be appears to be intended to flow from Olaf's exaggerated lexical and syntactical errors rather than from any characteristics of the individual or his presumed national or ethnic background." The Panel ruled similarly with respect to other sketches, such the "Gay James Bond" who spoke in a stereotypically effeminate voice in trying to seduce his enemy "Mr. Blowfellow", because they did not reach the level of abusive or unduly discriminatory comments.

"Méchants Matins" Means Really Mean in the Morning

By contrast, in *CKTF-FM re comments made on Les méchants matins du monde* (CBSC Decision 00/01-0705, April 5, 2002), the Quebec Regional Panel dealt with the purportedly humorous comments relating to "hunting Hindus". The Panel had no hesitation in finding these in breach of the Human Rights provision. In the broadcast in question, a fictitious frequent caller named "Robert", explained to those listeners "who have always dreamed of having a turban on the hood of your pickup" how he baits Hindus with stolen electronics and ugly clothing. The Panel stated

that the comments directed at Hindus with respect to their alleged habits, practices and conventions have unquestionably gone too far. The jokesters did not "poke" fun; they bludgeoned. They did not "tickle"; they were nasty. They did not joke with Hindus; they laughed at Hindus; they made fun of Hindus. They demeaned and denigrated the objects of their "humour". This was "grit your teeth", "cringe in discomfort" mockery; it had no cuteness or levity to offer. [...] While the Quebec Panel does not for an instant believe that the sketch was intended as incitement to violence, it does consider that the hunting metaphor was, if anything, inflammatory in the circumstances.

Cult-ure Gap

In *Talentvision re a News Report (Mainland China Murders) (CBSC Decision 01/02-0416, May 3, 2002)*, a news report, which originally aired on the Chinese state-run television station but was rebroadcast in Canada by Talentvision, asserted that there was a clear link between the violent actions of a man who murdered his family and his relationship to the spiritual practice of Falun Gong. The news report also referred to Falun Gong as an "evil cult". The Panel found this characterization to be unfair and improper, contrary to articles in both the *CAB Code of Ethics* and the *RTNDA Code of (Journalistic) Ethics*. It stated that there was not

any justification to identify [the accused] and his criminal act so *constantly* as Falun Gong-related. [...] Had there even been such a causal relationship between the accused and Falun Gong, it would not have been reported in such a manner. The language [used in the report ... was] nothing more or less than a biased attack on Falun Gong.

The Ethics of Contests

A radio contest was again the subject of a CBSC Panel decision this year.

Déjà Tout Vu

The Prairie Regional Panel again dealt with nudity as part of a radio contest this year. In this case, in order to win tickets to a John Mellencamp concert, the selected participant, male in this case, chosen at random from a number of faxed entries, had to dance naked on a major thoroughfare in Calgary during morning rush hour. The contest stunt was in reference to the title of the Mellencamp album "Dance Naked". In its decision, *CHRK-FM re a radio contest ("Dance Naked") (CBSC Decision 00/01-1091, February 6, 2002)*, the Panel noted the similarity to a previous contest decision it had rendered in which a female rode a bicycle naked down a main Winnipeg street in rush hour. As in that decision, the Prairie Panel found a breach of the contest provision in the *CAB Code of Ethics* which states that broadcasters should take care to ensure that contest "are not likely to give rise to a public inconvenience or disturbance." The Panel stated that it

does not doubt that drivers could be expected to be distracted by a man dancing naked on a major thoroughfare. In such circumstances, the possibility of an accident would not be inconceivable."

[...]

The Panel acknowledges that radio contests can be a useful method of attracting and retaining listeners. They can be an amusing way for listeners to interact with a broadcast medium. None of this is, however, inconsistent with the notion that the purpose of the contest code provision is meant not to prohibit contests that may be amusing, novel or unusual; its purpose is only to ensure that contests are conducted fairly and do not jeopardize public safety.

ADULT FARE

Adult fare consists of programming which contains either coarse language, sexually explicit material or violent material which is intended for adult audiences. This area of concern has grown to be the largest dealt with by the CBSC this year.

Adult Content on Radio

Songs and morning show banter were what disturbed Canadians this year. The CBSC dealt with these concerns in the context of protecting children from inappropriate content in four decisions released this year.

Variations on a Coarse Language Theme?

The Ontario Regional Panel dealt with the use of variations of the "F-word" in songs in *CIOX-FM re the songs "Livin' It Up" by Limp Bizkit and "Outside" by Aaron Lewis and Fred Durst (CBSC Decision 00/01-0670, June 28, 2001)*. The songs in question were played at 11:31 am, 4:00 pm and 8:31 pm. The Panel referred to research in other English-speaking countries and noted that those words are rated among the most offensive. Accordingly, the Ontario Regional Panel found the broadcaster in breach of Clause 6, paragraph 3 for airing the songs at times of the day when children could be expected to be listening:

In the case of the song lyrics in "Livin' It Up", the Panel finds that the repeated use of the coarse and offensive language "f****r", "f**k" and "motherf****r" constitutes a breach [...] when broadcast at hours when children could reasonably be expected to be listening. In the event that an edited version of the song was unavailable, CIOX-FM had the choice of delaying the airplay until a later hour or not playing the unedited song at all.

[...]

While, in the song "Outside", the inappropriate word, "motherf****n", was used only once, as a live interjection by the singer [...], the Panel considers that its use was utterly gratuitous and broadcast at an hour when children could reasonably have been expected to be listening. Moreover, given its placement in the song, it could very easily have been excised without effect by the broadcaster.

Tragically Inappropriate for Children

The "F-word" was also used in the song "Highway Girl (Live)" by the Tragically Hip broadcast at 11:02 am on the Monday of a long weekend. In the live version of the song, the lead singer performed one of his signature "rants", that is, he recited a poem or told a story in a stream-of-consciousness style. The rant recounted the story of a planned, but subsequently aborted, double suicide as a result of which one person died. In its decision, *CJKR-FM re song "Highway Girl (Live)" by The Tragically Hip (CBSC Decision 00/01-0832, January 14, 2002)*, the Prairie Regional Panel concluded that both the use of the word "f****g" and the explicit "how-to" aspect of the suicide theme were inappropriate for broadcast at a time of day when children could be expected to be listening, contrary to Clause 6, paragraph 3 of the CAB Code of Ethics.

Listen Up, Kids

In *CFMI-FM re Brother Jake Morning Show (CBSC Decision 00/01-0688, January 23, 2002)*, the B.C. Regional Panel dealt with, among other things, sexual innuendo and double entendre. The Panel stated that, while this might be considered to be in bad taste, it is not in breach of the *CAB Code of Ethics*. There were instances though where the conversation or comedic sketch contained sexually explicit comments, such as one host's account of his previous night's date where he was "givin' it to her" on a workbench and in those cases the Panel found a Code violation for airing inappropriate comments at a time of the day when children could be listening. The broadcast of the "sex on the workbench" segment was all the more inappropriate since it was followed by the Kids' Joke Segment in which children were invited to telephone the station and tell a joke on air. The Panel noted that "not only *might* children have been listening when the remarks were made, but children were in fact *invited* to be listening and to *participate* in the 'Kids' Joke Segment'".

Sexual Renovations

In *CFNY-FM re The Show with Dean Blundell* (CBSC Decision 01/02-0267, June 7, 2002), the Ontario Regional Panel came to a similar conclusion in dealing with the sexual content of the morning show hosted by Dean Blundell. It too contained discussions of a sexual nature. In that case, the Ontario Regional Panel concluded that sexual innuendo present in conversations and contests like 'Ho' Renovations (in which callers had to guess whether an audio clip originated from a pornographic movie or a home renovation program) were not in breach, but that sexually explicit content present in some segments was inappropriate for times of the day when children could be listening. One such example was a statement by one male host to another that a girl had "fellated you within three hours of knowing her."

Adult Content on Television

The various CBSC panels released nine decisions this year dealing with violence, sexual content and coarse language or a combination of these topics. Five of these decisions concerned feature films while another four dealt with documentaries. Of the four documentaries, three treated a sexual subject. While the Panels did not find any breach with respect to the substance of these programs, they did find violations of the "technical" issues of viewer advisories and scheduling in two of the cases.

Early Destiny

Destiny to Order was one of the movies on the National Specialty Services Panel's plate for adjudication this year. This feature film follows the life of a fictional crime novelist who is writing a work about a motorcycle gang. As the film evolves, the novelist's characters come to life and attempt to gain control of the plot. The film contained numerous instances of coarse language and scenes of violence, such as a man being strangled with a coat-hanger and another man being shot. Because of the fantasy nature of the film structure, characters are not restricted by their own mortality and thus reappear later in the film unscathed. The movie aired at 2:00 pm EST. In its decision, *Showcase Television re the movie Destiny to Order* (CBSC Decision 00/01-0715, January 16, 2002), the National Specialty Services Panel stated that the violence was not gratuitous, but expressed its concern about

the fantasy aspect of the film, namely, the revitalization of apparently murdered characters, who reappear alive and unscathed. The viewer is offered no real explanation for these resurrections. Thus, in addition to the nature of the violent depictions, the Panel considered that, while adult viewers could reasonably be expected to understand the irony of the fantasy, the depiction of violence without consequences was problematic for broadcast at a time which was not merely pre-Watershed but at an early enough hour that children could be expected to be watching.

The violence, along with the very coarse language, constituted scenes intended for adult audiences which should have been scheduled after 9:00 pm in accordance with Article 3.1.1 of the *CAB Violence Code*.

You Missed Some

Coarse language was also the concern in *WTN re the movie Wildcats* (CBSC Decision 00/01-0964, January 16, 2002). While it was not a predominant aspect of this comedy starring Goldie Hawn which aired on a Sunday afternoon, there was some use of foul language throughout. WTN muted out some instances of "f**k" and "motherf****r", but missed others. The National Specialty Services Panel found that the unedited occurrences of the f-word constituted scenes intended for adult audiences. The broadcaster thus had the option of muting all instances of the problematic words in order to air the film in the 4:00 pm time slot it had chosen, or showing an unedited or partially edited version after 9:00 pm. WTN was also faulted for having failed to air any viewer advisories.

Straddling the Watershed

The National Specialty Services Panel was faced with an interesting question when it dealt with the broadcast of the movie *The House of the Spirits* by Bravo! which had scheduled the two-hour long film at 8:30 pm. Although three quarters of the movie appeared after the Watershed hour of 9:00 pm, the CBSC

National Specialty Services Panel determined that a program beginning before this hour will be considered a *pre-Watershed* broadcast for all relevant *Violence Code* purposes. The National Specialty Services Panel explained its position regarding any

broadcast that straddled the Watershed hour, beginning before it and ending after it and containing, on either one side or the other of it, material intended for adult audiences that ought not to be shown in a pre-Watershed time period. [...] It must consider whether the broadcaster would be "protected" by the Watershed principle if the scenes that might be considered to be exclusively adult-oriented only fell *after* the 9:00 pm limit. It concludes that this was not the intention of the codifiers and that the adoption of such a principle would create a serious blurring of the Watershed, which would be in the interests of neither the public nor the broadcasters. [...]

[P]arents have become entitled to develop a sense of security regarding what they and their families may tune in before that hour. Once they have made their viewing choices on the assumption that the broadcaster's *pre-Watershed* programming is free of adult matter, the Panel considers that parents are entitled to maintain their confidence in the program they have selected without being shocked by an about-face in the content part way through *that* broadcast.

Despite reaching the above conclusion with respect to the Watershed issue, the Panel did not, in the end, find that any of the scenes in this particular film, *The House of the Spirits*, was intended for an *exclusively* adult audience.

Police Requires Advisories

The National Specialty Services Panel dealt with a feature film crime drama which was broadcast at 7:00 pm EST in its decision *Showcase Television re the movie Police 10-07* (CBSC Decision 00/01-0613, January 16, 2002). The movie followed the police investigation of the serial killing of homosexual men by a method known as auto-erotic strangulation. While the Panel found that certain scenes were not suitable for children, they were neither gratuitous nor explicit enough to require that the movie only be shown after 9:00 pm. The Panel noted that "in many instances, viewers saw the crime scenes only after the murder had been committed," which led to the determination that "one cannot conclude that such scenes themselves depict violence." The Panel did, however, find a breach of Article 5.2 of the *CAB Violence Code* which requires that broadcasters air advisories at the beginning of and following every commercial break in any pre-Watershed programming which may not be suitable for children. In this case, Showcase had aired an advisory at the beginning of the program, but then not again until the final two commercial breaks of the two-hour broadcast. The Panel stated the following:

The provision of oral-only viewer advisories towards the end of the film's second hour seems almost to have been an afterthought and was clearly inadequate in terms of the Code requirements. Apart from anything else, the inadequacy of the gesture is exacerbated by the fact that the film was nearing its conclusion and that many of the most disturbing scenes appeared well before these advisories.

Cross-Time Zone Advisory Requirement

Violent elements contained in a documentary program were the subject of the National Specialty Services Panel's decision in *History Television re the documentary film "Argentina's Dirty War"* (CBSC Decision 00/01-0944, May 3, 2002). The documentary, which was broadcast at 9:00 pm EST, was received at 7:00 pm in the complainant's Mountain Time Zone. After the complainant had filed his complaint with the CBSC, the program was re-broadcast at 8:00 pm EST. The film recounted the history of military rule in Argentina and included descriptions of torture methods as well as some re-enactments of these. Noting that the threatening scenes constituted more of a suggestion of violence than *actual* violent content, the Panel nonetheless concluded that the theme of the program was "sufficiently violent and intellectually inappropriate for children that [it] can only be broadcast after the Watershed hour of 9:00 pm." The first broadcast, which initiated the complaint, was post-Watershed in the province of origination according to the scheduling rules. The re-broadcast, however, was not, and the Panel thus found a breach of the

scheduling provision in the case of that particular broadcast. Neither broadcast contained viewer advisories, resulting in a breach of Article 5 of the *CAB Violence Code*. The Panel also determined that, as a further service to Western viewers, when a single-feed broadcaster schedules an adult-oriented program post-Watershed in the province of origination knowing that it will appear pre-Watershed in other Canadian time zones, it must treat the program as a pre-Watershed program for the purposes of viewer advisories; that is to say, it must provide advisories throughout the entire program as outlined in Article 5.2 rather than just during the first hour as required by Article 5.1 of the *CAB Violence Code*.

Doggedly Languishing Viewer Advisories

The disturbing sexual content of a Spanish art film caused a viewer to complain in the case of *Showcase Television re the movie Caniche* (CBSC Decision 01/02-0032, May 3, 2002). The movie told the story of the strained relationship between a brother and sister which resulted from their respective obsessions with dogs. The movie contained scenes of incest and bestiality and also implied that they killed other dogs to grind up as food for their pet poodle. It was broadcast at 12:15 am EST. The National Specialty Services Panel acknowledged that the movie's themes were "disturbing; however, there [was] nothing overt or gratuitous, or glamorized or positively promoted in the film, nor [...] is there any issue relating to the substance of the film that involves any possible Code breach." The Panel did find the broadcaster in breach, however, for failing to provide viewer advisories throughout the movie (advisories appeared only at the beginning of the movie and coming out of the fourth and fifth commercial breaks). It also found a violation of Article 4 of the *CAB Violence Code* regarding the frequency of the classification icon. Showcase aired the 18+ icon only once, forty-five minutes into the movie. Article 4 requires that the icon appear at the beginning of the movie and at the top of each subsequent hour.

Scheduling Saved Soul

No Code violation was found in *Bravo! re the documentary film Give Me Your Soul* (CBSC Decision 00/01-1021, January 16, 2002). The documentary, which was about the pornographic movie industry, contained explicit scenes from pornographic films and interviews with individuals who worked in the industry. Bravo! aired the program at 9:00 pm EST, but the complaint came from viewers in British Columbia who saw it at 6:00 pm PST due to the time zone difference. The National Specialty Services Panel found no breach of the exploitation clause in the *CAB Sex-Role Portrayal Code*, nor of the scheduling provision in the *CAB Violence Code* since the program aired post-Watershed in the province of origination. The Panel addressed the complainants' concerns about the time difference in the following terms:

The Panel has considerable sympathy for the plight of the complainants. [...] [T]he net effect of their request is to keep programming which is clearly post-Watershed in nature from appearing pre-Watershed in their home. While the position is indisputably reasonable on its face, there is no easy solution in the vast Canadian geographical context.

[...]

There is no way to please viewers across the country with a single feed and there is no feasible financial way to force additional feeds on niche broadcasters, which specialty services are by definition. Had that been the solution at the time of granting Specialty Service licences, the Panel expects that Canadians would have had many fewer programming choices.

There has, in other words, been a trade-off, the intention of which would undoubtedly be to benefit the public as a whole. As a result of this policy direction, Canadians have more programming choices than they might otherwise have had. Canadians also have more adult-oriented Canadian choices than they might otherwise have had. There is, however, a cost, which is the need for greater vigilance on the part of parents in the time zones west of the originating time zone. Is that trade-off reasonable? That is not for this Panel to say. The Panel is faced with a Violence Code in which that issue has been definitively resolved. The Code unequivocally provides that, in order to "accommodate the reality of time zone differences, [...] these guidelines shall be applied to the time zone in which the signal originates."

There are, however, two ways to assist the viewer, not in a legal but in a practical way. Neither will be perfect. First, on the part of viewers. While there is already a duty on viewers to use tools which are provided by broadcasters to assist them in choosing appropriate programming, as the number of digital signals both from within and without Canada proliferates, they will need to become more vigilant and hands-on in determining those signals that will reach their screens. Canadian programming undertakings are required to provide both classification icons and viewer advisories that enable parents to know what is coming. Canada also benefits from V-Chip technology that operates throughout North America [...]. What is clearly unfair in the system is that some Canadians may need to become more conversant with these tools than other Canadians; however, the very good news is that there are, at the very least, tools available for the purpose of responsible program selection.

On the broadcaster's part, while not legally required to do anything other than respect the Watershed requirements at the point of origin of the broadcast, broadcasters could be more sensitive to the concerns regarding the availability of their programming in other time zones.

Buttressing of Advisories Required

"The Rear End" was the subject of *Discovery Channel re an episode of The Sex Files* (CBSC Decision 00/01-0791, January 16, 2002). This episode of the sex documentary series contained interviews and discussions with various sex experts about the physiology of human buttocks and their role in sexual activity. It also included scenes of couples engaged in anal sex. It was broadcast at 12:00 midnight EST, but the complaint came from a viewer in the Pacific Time Zone. The National Specialty Services Panel found no breach of the *CAB Sex-Role Portrayal Code* or of the scheduling provision of the *CAB Violence Code*. It commended the broadcaster for selecting such a late time slot which ensured that the program aired post-Watershed in all regions of Canada. The Panel did, however, find a breach with respect to the insertion of viewer advisories. An advisory appeared coming out of each commercial break, but none was offered at the very beginning of the program. The broadcaster explained that this omission had occurred due to its recent move to a new master control centre. The Panel stressed that the obligation of broadcasters to provide such information is an obligation of result. It found Discovery Channel in breach of Article 5.1 of the *CAB Violence Code* since "[t]he initial advisory is obviously crucially important in that it is the first opportunity for viewers to be made aware that upcoming programming may not be to their tastes."

Post Nine Program Line-Up

The topic of the documentary examined in *Bravo! re Love on the Line* (CBSC Decision 00/01-1050, May 3, 2002) was primarily the use of telephone and on-line dating services, though it did contain a few segments about telephone sex lines. In the interviews with people who used these services, extremely coarse language was occasionally present. In addition, in some of the segments about sex lines, a male phone sex worker was filmed at work at which time he made sexually explicit statements such as "I'd like you to put your c**k in my mouth." The documentary was broadcast at 4:00 pm EST. The National Specialty Services Panel determined that the coarse and sexually explicit language present in the program constituted scenes intended for adult audiences. It found Bravo! in breach of the *CAB Violence Code* scheduling provision for failing to delay broadcast of this documentary until after 9:00 pm.

JOURNALISTIC ISSUES

Eight Panel Decisions released this year dealt with journalistic practices. The two primary issues were invasion of privacy and violence in news reports.

Privacy

Various forms of contact with the media led people to assert their right to privacy by complaining to the CBSC in 2001-2002.

Disappearing Privacy?

The first of these three privacy decisions involved a newscast about a man who had disappeared after child pornography possession and distribution charges against him were made public. The report was an appeal to the public for any information on the whereabouts of the man. It named the missing man, included his physical description, and reported the fact that he was the owner of a local tavern. A shot of the establishment in question was included. One of the man's relatives complained that mentioning the tavern unfairly associated the place of business with the alleged crime and that this could have a negative impact on the man's family and the business's employees. In its decision, *CKCO-TV re a News Item (Disappearance)* (CBSC Decision 00/01-0739, June 28, 2001), the Ontario Regional Panel determined that the broadcaster had not violated the accused's or his family's privacy by showing his tavern. The Panel stated that "the identification of any place of business would help the members of the public understand who the individual was," and that this would "increase the likelihood that someone in the public who knew him by sight might be able to help locate him." The Panel also acknowledged that parties to judicial proceedings generally "do not feel comfortable having their business conducted in the public eye," including their "close friends and relatives who may sense some discomfort in the reflected glare," but it emphasized that such reports are in the public interest.

When Does No Mean No In Privacy Terms?

CFTM-TV (TVA) re Tôt ou tard (CBSC Decision 00/01-1080) involved a comedic segment on a magazine variety show. In a segment filmed at a drive-in movie theatre, show host Éric Salvail interviewed patrons about the decreasing attendance at drive-ins. Salvail approached people in their cars and jokingly offered them products, such as mouthwash and services such as window washing. Although they appeared to be willing participants at the time of filming, one particular couple later told Salvail that they did not wish to appear in the sketch when it was broadcast. The day following the filming, they also sent a letter to the broadcaster and the program's production company making this same request. Nearly two months later, the sketch was broadcast *with* the footage of the couple in question. The couple then sent a complaint accompanied by copies of the letters they had sent to station management. TVA wrote that the summer replacement broadcast team had inadvertently shown the clip, but that, in any event, the segment did not degrade the complainants in any way. The Québec Regional Panel disagreed with the broadcaster's position and concluded that TVA did violate the complainants' privacy. The Panel stated that this segment was not a serious public affairs issue that necessitated the on-screen presentation of the complainants, nor was there any journalistic time pressure at issue; in addition, the complainants had been diligent in their steps to contact the broadcaster immediately following the taping.

Phone vs. Microphone - Recording Conversations

The issue of hidden recording devices was raised in *TVA re a report broadcast on J.E.* (CBSC Decision 00/01-0838, April 5, 2002). The investigative journalism program featured a story on two men who were accused of abusing the welfare system. The report included excerpts of a recorded telephone conversation between a journalist from *J.E.* and a representative from the Québec Ministry of Employment and Social Assistance. The complaint came from the Ministry, which explained that the representative had not been informed that the telephone conversation was being recorded and had assuredly not consented to the use of his voice in the broadcast. The Québec Regional Panel noted past decisions in which broadcasters had not been found in breach for broadcasting the results of clandestine recording, but concluded that TVA did not pass the two-pronged threshold test in this case. That test requires not only that the story be in the public interest but also that the information not be available by other means. In this case, the Panel stated that

the information was available. [...] The Ministry representative had no hesitation in providing it on the telephone. [...] Nor did the Ministry make any objection to the use of the information provided by [its representative]. The Panel assumes that he could even have been directly quoted without objection; the Ministry's complaint related solely to the use of [the representative]'s voice.

Violence in the News

The violent content of news reports was at issue in four decisions this year. Video footage containing scenes of violence or its aftermath was assessed in all cases based on the extent to which it was graphic or grisly and the context in which it was broadcast, as part of a news hour or as part of a "news update" or teaser for the upcoming news program.

Once, Twice, Three Times a Crazy

The first of two decisions concerning the bizarre news item of the crazy fan who ploughed through a crowd of spectators at the Tour de France bicycle race, *CICT-TV re a news report on the Tour de France* (CBSC Decision 00/01-0982, January 14, 2002), dealt with a 45-second report of the incident during the 6:00 pm news. The announcer said "It has been a violent week-end at the Tour de France cycling race." A home video clip of a car driving through a crowd of spectators and throwing one person over the hood was shown and then repeated twice in slow motion. The Panel found no breach of either the *CAB Code of Ethics* or the *CAB Violence Code* regarding the content of the news item, stating that the broadcast was "unpleasant and uncomfortable but neither too graphic nor grisly, even in the context of an early evening newscast." As for the showing of the clip three times during the report, the Panel also found no breach of any Code provision but had some strong words for the broadcaster:

In its view, the repetition was neither appropriate nor necessary. At least, the third airplay of the clip was excessive. The Panel does not, however, find a breach of the Code on this account. It may not have been in good taste to play the clip thrice. It may not have been good news editing. It was not, however, so graphically violent that the Panel is concerned about the repetition of the video clip, as provided in Article 6.2 of the Violence Code.

Touched by Violence

The conclusion of the Panel was different, however, with respect to a news update concerning the same story, which included the same footage described above, and was broadcast during the commercial break of a family drama which aired at 7:30 pm. In *CICT-TV re a news update during Touched by an Angel* (CBSC Decision 00/01-0985, January 14, 2002), the Panel decided that audience expectations are different when watching a newscast rather than a family program:

While video clips are logically a part of television news, it is not every video clip which is suitable for broadcast at any time of day. [...] By running the challenged clip in the course of a family television show, the Panel considers that the broadcaster did not use "appropriate editorial judgment in the [...] pictorial representation of violence," in violation of Article 6.1 of the CAB Violence Code. By then choosing to run the same footage again, this time in slow motion, the Panel finds that the broadcaster has only exacerbated the situation and has failed to demonstrate the "[c]aution [...] in the selection of, and repetition of, video which depicts violence," in violation of Article 6.2 of that Code.

Do You See What I See?

Another bicycle-related story considered by the CBSC this year dealt with a bike accident. In *CHAN-TV re a news item concerning a fatal accident* (CBSC Decision 00/01-0839, January 23, 2002), the news item in question reported the death of a cyclist who had fallen in the path of a truck. The report showed firefighters hosing down the road surface at the accident site. A viewer complained that "the implication for viewers was that the victim's blood was being washed away." The British Columbia Regional Panel found no breach of any broadcaster code as it considered the complainant's characterization to be "subjective and exaggerated" since "[t]here was absolutely nothing in the broad swathe of watering of the pavement that would have suggested any predominance of blood."

Red Violence

While the main complaint in *Talentvision re a News Report (Mainland China Murders)* (CBSC Decision 01/02-0416+, May 3, 2002) related to the issue of discrimination, the National Specialty Services Panel also dealt with the issue of the graphic images which were included in a report about a double homicide. The news story in question had been obtained from Chinese Central Television which reported that a man had killed his family due to his practice of Falun Gong (that association was ruled abusively unfair and improper by the Panel, see the discussion above). The news segment included multiple scenes of the blood-soaked apartment where the murders had taken place. The National Specialty Services Panel found that the

point about the particularly gruesome nature of the family murders was achieved by the use of the clip once; the additional airings were excessive and constituted inappropriate repetition of violent footage in a news report, contrary to [...] Articles 6.1 and 6.2 of the *CAB Violence Code* and Clause 6 of the *CAB Code of Ethics*."

Summary of Complaints 2001-2002

Overview

In 2001/2002, 3,754 persons lodged formal complaints with the CBSC. Some of these did so by signing a petition for which only one file was opened. The total number of files opened by the CBSC in 2001/2002 was 1,065.

- Of these 1,065 files, the CBSC actually handled 924 or 86.8%, since 50 files were referred to Advertising Standards Canada (ASC), 9 to the Cable Television Standards Council (CTSC), 82 to the Canadian Radio-television and Telecommunications Commission (CRTC) (of these 82 files, 58 related to non-member broadcasters and 24 dealt with issues which did not come within the parameters of the Codes administered by the CBSC, such as issues relating to Canadian content and simultaneous substitution).
- The CBSC, nonetheless, responded to all the complaints including those sent elsewhere for ultimate resolution. In the case of petitions, however, the
- CBSC responded to only one appointed spokesperson for each group of signatories.
- This year, the CBSC again received many complaints *directly*. 430 complaints (40.4% of the total files opened in 2001/2002) were received directly. The CRTC referred 635 complaints to the CBSC in 2001/2002, accounting for 59.6% of the total files opened this year.
- The preferred method of communication of complainants was definitely email this year. Emailed complaints accounted for 804 files (75.5% of the total files opened in 2001/2002); snail mail followed with 148 complaints (13.9%), then fax at 113 (10.6%).

ADJUDICATING PANELS

Of the 924 complaint files handled by the CBSC, the majority dealt with Ontario broadcasters, followed by Specialty Services for which complaints would be adjudicated by the National Specialty Services Panel.

Region of Complaint (Adjudicating Panels)					
Adjudicating Panel	Radio	Television	Not applicable	Total	
Atlantic	7	14	0	21	
Quebec	27	117	0	144	
Ontario	88	154	5	247	
Prairie	56	33	2	91	
B.C.	33	108	0	141	
National Conventional	0	67	0	67	
National Specialty Services	0	193	0	193	
Non-determined or not applicable	2	14	4	20	
TOTAL	213	700	11	924	

RADIO AND TELEVISION COMPLAINTS

Of the 924 complaint files handled by the CBSC,

- 213 dealt with radio programming (23.1%);
- 700 dealt with television programming (75.8%);
- 11 dealt with general concerns about broadcasting or could not otherwise be categorized (1.2%).

LANGUAGE OF PROGRAM

Of the 924 complaint files handled by the CBSC,

- 743 dealt with English-language programming (80.4%);
- 145 dealt with French-language programming (15.7%);
- 31 dealt with foreign-language programming (3.4%).
- 5 did not provide enough information to be language classified (0.5%).

Language of Program										
	Language	Radio		Television		N/D or N/A		Total		
		#	%	#	%	#	%	#	%	
	English	178	83.6	557	79.6	8	72.7	743	80.4	
	French	27	12.7	118	16.9	0	0	145	15.7	
	Foreign	8	3.7	23	3.3	0	0	31	3.4	
	Not Specified	0	0	2	0.2	3	27.3	5	0.5	
	TOTAL	213	100	700	100	11	100	924	100	

SOURCE OF PROGRAM

Of the 924 complaint files handled by the CBSC,

- 596 dealt with Canadian programming (65.0%);
- 188 dealt with foreign programming (20.3%);
- 136 could not be so classified (14.7%).

Source of Program										
	Radio			Television			N/D		Total	
Source	#	%	#	%	#	%	#	%	#	%
Canadian	203	95.2	390	55.7	3	27.3	596	64.5		
Foreign	5	2.4	187	26.7	0	0	192	20.8		
Undetermined	5	2.4	123	17.6	8	72.7	136	14.7		
TOTAL	213	100	700	100	11	100	924	100		

TYPE OF PROGRAM - RADIO

The CBSC classifies the type of programming of its complaints in a non-exclusive manner, *i.e.* allowing for a program to be classified under more than one category. While this provides more pointed information to readers, the total for the number of radio complaints in the chart below, if given, would exceed the actual number of radio complaints received in 2001/2002.

Of the 213 radio complaints,

- the large majority (164 files) dealt with informal discourse and open line programming (77.0% of radio complaints);
- Contests and Music rival at 15 and 14 complaints each (7.0% and 6.6% of radio complaints respectively).

Type of Program - Radio			
Type of Program	# of Radio Complaints	% of Radio Complaints ⁽¹⁾	% of all Complaints ⁽²⁾
Advertising	12	5.6	1.3
Children's Programming	0	0	0
Contests	15	7.0	1.6
Education	1	0.5	0.1
Infomercial	2	0.9	0.2
Informal Discourse/Open Line	164	77.0	17.7
Music	14	6.6	1.5
News	8	3.8	0.9
Promos	4	1.9	0.4
Public Affairs	8	3.8	0.9
Public Service Announcement	1	0.5	0.1
Religious	0	0	0

Sports	2	0.9	0.2	
Undetermined	4	1.9	0.4	

Notes:

(1) While the CBSC's non-exclusive categorization of programming results in some duplication, the percentage of complaints in each category is, nevertheless, calculated on the basis of the actual number of complaint files concerning radio programming (213). Accordingly, if given, the total number of the percentages would, of course, be greater than 100% for the reasons explained above.

(2) This percentage is based on the total number of complaint files handled by the CBSC (924). Accordingly, if given, the total number of the percentages would, of course, be greater than 100% for the reasons explained above.

TYPE OF PROGRAM - TELEVISION

As explained in the section immediately preceding this one, dealing with radio complaints, the CBSC classifies the type of programming of its complaints in a non-exclusive manner. You should refer to that explanation to understand the percentages provided in the chart below.

In 2001/2002, news programming accounted for a majority of the television complaints handled by the CBSC at 126 complaints (18.0% of all television complaints).

- Education/documentaries was the second most common program type with 91 complaints (13.0% of television complaints);
- Sports and drama follow with 79 (11.3%) and 76 (10.9%) complaints respectively.

Type of Program - Television			
Type of Program	# of TV Complaints	% of TV Complaints ⁽³⁾	% of all Complaints ⁽⁴⁾
Advertising	53	7.6	5.7
Animation	24	3.4	2.6
Children's Programming	32	4.6	3.5
Comedy	66	9.4	7.1
Contest	2	0.3	0.2
Drama	76	10.9	8.2
Education/Documentary	91	13.0	9.8
Game Show	13	1.9	1.4
Informercial	1	0.1	0.1
Informal Discourse	31	4.4	3.4
Fantasy/Science Fiction	5	0.7	0.5
Movie	58	8.3	6.3
Music	3	0.4	0.3
News	126	18.0	13.6
Open-Line	15	2.1	1.6
Program Promotional Spots and Station IDs	21	3.0	2.3
Public Affairs	58	8.3	6.3
Public Service Announcement	2	0.3	0.2
Reality Programming	20	2.9	2.2
Religious	13	1.9	9.8
Sports	79	11.3	8.5

Undetermined	53	7.6	5.7	
--------------	----	-----	-----	--

Note:

(3) The percentage of complaints in each category is calculated on the basis of the actual number of complaint files concerning television programming (700). See the corollary note on previous page.

(4) See the corollary note on previous page.

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 complaints received by the CBSC.

CAB Code of Ethics

In 2001/2002, 386 complaints handled by the CBSC raised at least one issue to be considered under the *CAB Code of Ethics*. The majority involved the proper presentation of opinion, comment or editorial, which includes coarse language and other types of inappropriate comments not covered by any other Code provision.

	CAB Code of Ethics	Radio	TV	Total	
	Clause	#	#	#	
	Program Selection	0	0	0	
	Human Rights	43	62	105	
	Advertising	0	7	7	
	News	42	73	115	
	Controversial Public Issues	2	1	3	
	Children's Programming	0	20	20	
	Contests & Promotions	6	1	7	
	Presentation of Opinion & Comment	123	90	213	
	Sex-role Stereotyping	5	21	26	
	Religious Programming	0	1	1	
	TOTAL	221	276	497	

CAB Sex-Role Portrayal Code

184 complaints handled by the CBSC in 2001/2002 raised at least one issue under the *CAB Sex-Role Portrayal Code*. The majority of complaints considered under this Code related to issues of sexual explicitness on television which was alleged to be degrading, mostly, but not exclusively, to women.

	Sex-Role Portrayal Code Clause	Radio	TV #	Total #	
	Exploitation	11	161	172	
	Diversity	0	5	5	
	Commercial Messages	0	3	3	
	Changing Interaction	0	0	0	
	Demographic Spectrum	0	0	0	
	Visibility and Involvement	0	0	0	
	TOTAL	11	169	180	

RTNDA Code of (Journalistic) Ethics

In 2001/2002, 69 complaints handled by the CBSC were considered under the *RTNDA Code of (Journalistic) Ethics*. The majority of these concerns related to television programming and issues of accuracy.

	RTNDA Code of (Journalistic) Ethics Clause	Radio #	TV #	Total #	
	Accuracy	3	51	54	
	Irrelevant Information	1	7	8	
	Respect for Privacy/Dignity	2	7	9	
	Distortion	0	1	1	
	Errors	0	0	0	
	Balance/Comprehensiveness	0	0	0	
	Conflict of Interest	1	0	1	
	Decency and Conduct of Journalists	0	1	1	
	Interference with Right to Fair Trial	5	0	5	
	Reporting on criminal activities	0	1	1	
	Impediments to News Gathering	0	1	1	
	TOTAL	12	69	81	

CAB Voluntary Code Regarding Violence in Television Programming

157 complaints handled by the CBSC in 2001/2002 raised at least one issue to be considered under the *CAB Violence Code*. Although the Code was designed for television programming, this year the CBSC extended its applicability to include violent content on radio as well. Most of the complaints considered under this code related to the scheduling of programs (before or after the "watershed" hour of 9 p.m.). Many of these concerns over scheduling dealt with adult content other than violence, namely sexual explicitness or coarse language.

TV Violence Code Clause	Radio #	TV #	Total #
Gratuitous or Glamorized Violence	2	30	32
Children's Programming	0	40	40
Scheduling of Programming	0	96	96
Scheduling of Promotional Material & Ads	0	6	6
Classification	0	1	1
Viewer Advisories	0	6	6
News	0	7	7
Violence in Sports	0	2	2
Violence Against Animals	3	8	11
Violence Against Women	3	6	9
Violence Against Specific Groups	1	2	3
TOTAL	9	204	213

General Complaints

In addition, the CBSC handled concerns of a general nature which could not engage its formal complaints resolution process (and thus for which Code provisions were not examined). Some of these complaints raised more than one issue and thus the total at the bottom of the chart below is greater than the actual number of general complaints which was 371 in 2001/2002.

General Complaints	Radio & TV #
Advertising	35
Bad Taste	16
Children's Issues (other than categorized below)	43
Contests	3
Gender Discrimination/Representation of Women	12
Human Rights	79
Inappropriate Comments	36
News and Public Information/Journalistic Practices	81
Offensive Language	41
Offensive Humour	10
Program Selection/Quality	81
Religious / Anti-Religious Content	8
Scheduling	15
Sexual Content	80
Sports	7
Station Logos	2
Viewer Advisories	4
Violence	27
Other	43
TOTAL	623

STATUS OF COMPLAINTS AT YEAR END

Of the 924 files handled by the CBSC, 555 were code relevant and specific complaints, meaning that they (a) related to a code provision administered by the CBSC and (b) provided sufficient information concerning the broadcast in question to enable follow-up by the CBSC. The remaining 369 complaints were considered "general" and thus the files were closed by the CBSC immediately following its response to the complainant.

Of the 555 Acode relevant and specific complaints, 253 (45.6%) of these will not require Panel adjudication as they were resolved at the level of broadcaster and complainant communication; 51 complaints (9.2%) have been resolved through the release of decisions of the various adjudicating Panels and the CBSC Secretariat; 185 complaints (33.3%) have yet to complete the dialogue process with the broadcaster. The 66 remaining complaints are at various stages in the complaints review process.