
APPENDIX
To
History Television re an episode of Sexual Century (CBSC Decision 02/03-1495, January 30, 2004)

I. The Complaint

The following complaint dated June 26, 2003 was sent to the CBSC via email:

Subject: Sexual Century on History Television

This program, which is clearly Adult content (I served 14 years on the BC censor board, so I know what I'm talking about) airs at 7:00 PM Pacific time. The program of June 25, 2003 had frequent full nudity, frequent depictions of genitalia and sex toys, graphic descriptions of sex acts, the depiction of X-rated movies being filmed and frequent use, oral and in print, of the word "fuck". This is clearly in violation of the CAB Code of Ethics.

The same person also sent a similar complaint to the CRTC which forwarded it to the CBSC in due course:

History Television, Channel 44 cable in Vancouver

I do not think it is appropriate to broadcast explicit sexual images, including frequent female and some male full frontal nudity, frequent images of genitalia, male and female, and frequent images of the word "Fuck" at 7:00 PM. I realize that this is broadcast at 10:00 in the Eastern time zone, but it is only 7:00 here. I believe the program is called "Sexual Century" or something similar.

Imagine parents encouraging their children to watch History Television as an educational channel and having them exposed to graphic sexual imagery in the early evening.

II. Broadcaster Response

The broadcaster responded to the complainant's letter on July 14, 2003 with the following:

Dear xxx,

Thank you for expressing your concern regarding History Television's broadcast of the **Sexual Century: The Merchants of Venus** on June 15 at 10 p.m. ET. We regret that you were offended by the content of this documentary and appreciate your feedback.

History Television endeavours to provide our viewers with intelligent and accurate historic programming. You can be assured that each program aired on History Television is considered very carefully. Before we broadcast a program, our Programming Department screens it to ensure that it is suitable for broadcast and that the historical content is accurate. The determination of suitability also includes ensuring that the broadcast does not contravene the Canadian Association of Broadcasters' "Sex-Role Portrayal Code for Television and

Radio Programming”. The “Broadcast Code for Advertising to Children” or the “Voluntary Code Regarding Violence in Television Programming”.

It is certainly not our intention to offend our viewers. The documentary series **Sexual Century** chronicles the profound changes that have characterized human sexuality in the 20th century. This particular episode uncovers the hidden history of pornography – examining how sex has become a significant economic force in today’s society.

It was our intent to portray, as accurately as possible, the widening gap between sexual commerce and human relationships. Our decision to include the adult content was not taken lightly and was based on the realities that exist within the pornography industry.

We are judicious with the content of shows broadcast during hours that children may be watching and are sensitive to the scheduling of programs with adult-oriented content, as required by the Voluntary Code Regarding Violence in Television Programming. Canadian private broadcasters, in their Codes, have established 9 p.m. as the “watershed hour” before which no scenes intended exclusively for adult audiences may be shown. The Code also states, however, that to “accommodate the reality of time zone differences [...] these guidelines shall be applied to the time zone in which the signal originates.” History Television only has one broadcast feed to serve a national audience, and at its earliest broadcast time, **Sexual Century** airs at 10 p.m. Eastern Times, originating from Toronto.

We realize that this program is not suitable to everyone’s tastes but we do want to provide viewers with the option to learn and understand a different aspect of history.

Thank you for taking the time to voice your opinions. We do appreciate feedback and hope this letter has addressed your concerns.

III. ADDITIONAL CORRESPONDENCE

The complainant was unsatisfied with the broadcaster’s response and sent the following e-mail dated July 17, 2003 to the broadcaster:

[name]
History Television:

Your response does not adequately address my concerns. I am well aware of what constitutes adult content, as I was for 14 years Assistant Director of the B.C. Film Classification Office. I have personally viewed over 10,000 films of all categories of content, including the most explicit sexual imagery. I have no personal bias against explicit content; in fact, I was very supportive of the change of B.C.’s classification system to accommodate explicit sexual images IN AN ADULT CONTEXT.

Your programming decision to air material as explicit as this particular episode of *Sexual Century* at 7:00 PM in this time zone was wrong, regardless of whether it can be interpreted as permissible under the Code. Broadcasters are not licensed to “take it to the max”, as it were, and push boundaries, but to show that they have the maturity and judgement necessary to justify receiving a licence.

This decision on your part was wrong, period, and your justification, which amounts to “nobody said we couldn’t” is insulting. I invite the CBSC to view this episode for themselves

and make an interpretation of whether you have contravened the spirit rather than the letter of the Code.

The broadcaster responded with this email dated September 26, 2003:

Dear xxx,

After receiving your second correspondence we have further reviewed the June 25 broadcast of *Sexual Century: The Merchants of Venus*. We have found that due to an unforeseen administrative error on our part, the broadcast failed to run the scheduled viewer advisories that communicate to parents that the program is unsuitable for viewers under the age of 18.

While your original complaint did not mention our failure to air advisories, we feel they would have provided the necessary safeguard to ensure those under 18 years of age would not have been exposed to the mature themes in this documentary.

Please note History Television is very conscious of the need for viewer advisories as warnings and we take them very seriously. As a result of your complaint, an extensive review of our program scheduling process has been undertaken to ensure that, in the future, any program requiring advisories will be handled in accordance to CBSC standards.

While we acknowledge this documentary does contain mature content and needs to be scheduled appropriately, we feel the 10 p.m. ET broadcast was appropriate and did not contravene the Canadian Association of Broadcasters (CAB) Code of Ethics, as we were in compliance with the 9 p.m. "watershed hour" after which scenes intended for adult audiences may be shown.

However, we do accept that by not running the necessary advisories we are in fact in breach of the CAB Code of Ethics and we take full responsibility for this oversight.

Thank you for taking the time to draw our attention to this matter. I hope that we have addressed your concerns.