
APPENDIX

CBSC Decision 04/05-0584 Bravo! re the film *RKO 281*

The Complaint

The following complaint was sent to the CRTC on November 20, 2004 and forwarded to the CBSC in due course:

At approx 1:05 pm CST on Bravo! (channel 27 on my Shaw Cable) the words "cocksucker" were broadcast as part of the dialogue of a movie (that I later determined was about Orson Welles?).

I was babysitting a neighbour's child, we were flicking around the dial looking for cartoons or something and in the half second I hovered on Bravo! we got that nice tid-bit of language.

"Cocksucker" is ok to broadcast during a Saturday afternoon?

The CBSC responded to the complainant, indicating that a date of broadcast was required in order to proceed with the complaint. The complainant responded on November 30:

The tone of your e-mail indicates that I have done something wrong or somehow am wasting your time with my less than detailed complaint. Perhaps you could have asked me for more details before proceeding?

You will note that my e-mail and the origins for this "complaint" was forwarded to you by the CRTC without my consent and therefore without all of the appropriate detail a complaint directly to you might otherwise contain.

My original communication would indicate the broadcast date by omission as the complaint was logged on the day of the broadcast and the context indicates as much. The date was Nov 20th. (To repeat: At approx. 1:05 pm CST on Bravo! (channel 27 on my Shaw Cable) the words "cocksucker" were broadcast as part of the dialogue of a movie (that I later determined was about Orson Welles?).)

Furthermore, the CRTC collected the information via a multi-page web form from their web site and, as such, perhaps they should record the date better and/or provide a specific entry for the "date of the incident" or some such thing ... or... here is an idea ... perhaps they should have asked me for permission before forwarding my communication to them ... onwards to you?!?!

I have no basic problem with foul language, I use it daily in appropriate company. And while I appreciate the warnings broadcasters place at the start, and on return from commercial breaks, I did think that our country had some sort of good taste when it comes to "normal daytime hours" for TV browsing by viewers of any age. I did not expect that "flipping through channels" on a Saturday afternoon would expose my young visitor to such language.

You will note that my original message to the CRTC could be interpreted as a complaint ... but in fact was a simple question.

My question was "(Is the term) 'cocksucker' ok to broadcast during a Saturday afternoon?"

On review of the CBSC web site I find, in fact, that it is not.

Clause 10 - Television Broadcasting

Scheduling

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

So yes, my question to the CRTC is now a formal complaint to the CBSC

I know full well the CBSC is a toothless tiger and as such, I am not expecting that much from your office.

Broadcaster's Response

Bravo! responded to the complainant on February 17, 2005 with the following:

I apologize for the delay in responding to your complaint to the Canadian Broadcast Standards Council (CBSC) about the use of the word "cocksucker" in a movie broadcast on Bravo! on Saturday, November 20, 2004, but I was awaiting additional information from the CBSC in order to properly identify the title in question. I believe the movie is *RKO 281*, which was broadcast at 2:00 pm in Ontario, our province of origination.

Before I address your specific concern, I would like to give you some background on how we decide what is suitable for air: We adhere to Canada's broadcast content guidelines, and take great care in selecting our programming material. Bravo! follows the Canadian Association of Broadcasters' (CAB) *Code of Ethics*, Guidelines on Sex-Role Portrayal and Guidelines on Violence in Television Programming, as well as our own programming policy. If you would like to view the codes, you will find them posted on the CBSC's website at: <<http://www.cbsc.ca>>.

We attempt to show movies in their entirety rather than make major edits which might alter a film's integrity or the director's intent. Over the years, we have developed a relationship with our audience that we take very seriously. We try to treat our viewers in a mature and responsible way and offer them the tools (through viewer advisories, ratings icons, etc.) to choose for themselves whether they or their children should watch a particular program. *RKO 281* was prefixed with appropriate advisories as to content and language.

The words you heard in *RKO 281*, while perhaps not to your taste, have become part of the street lexicon. While admittedly perhaps inelegant and improper, they are accepted by most of our viewing audience when used in the proper context of the film's dialogue. *RKO 281* is an award-winning made-for-cable movie which dramatizes the events surrounding Orson Welles' most famous film, *Citizen Kane*. The words are used over the opening credits to set up the film in a dramatic way and establish how the film moguls feel about Welles.

Bravo! is a specialty arts channel, available on a discretionary basis. It is not an over-the-air free television service. For an arts channel, I felt that *RKO 281* was an appropriate inclusion in a day celebrating movies about the movies.

We understand that the words are not to your particular taste, but hope you can appreciate and accept the context in which they were used and the film was broadcast. It is never our intention to offend any of our viewers. We have always taken our viewer feedback very seriously as we constantly strive to improve our programming. Thank you for taking the time to comment. Please feel free to write to us directly should you have any further concerns.

Additional Correspondence

The complainant responded to Bravo! on February 21:

Thank you for your reply.

I would remind you that Clause 10 (a) of the *CAB Code of Ethics* states: "(a) Programming which contains sexually explicit material or coarse or offensive language intended for adult audiences shall not be telecast before the late viewing period, defined as 9 pm to 6 am."

I do not see where it states that members may, at their discretion, bend or break the *Code of Ethics*. What is the point of this code if one can interpret it and rewrite it as one sees fit?

Your "street lexicon" explanation is a "crock-of-shit" as is the "specialty arts channel" excuse. I see the waving of the "arts" flag as some excuse for a bunch of sudo-intellectuals [*sic*] to make your own special rules.

My friends and family will tell you that I am very foul mouthed, above average even, but even I know that "cocksucker" is a special level of WMD used for only really special occasions.

My objection to the language used had nothing to do with "my taste". I do not think it is reasonable that when flicking around cable TV, specialty channel or not, in the middle of the day on a weekend ... that one has to be thinking to shield the eyes and ears of children who would in fact be in bed by the recommended times for coarse language as set out by the CAB code!

I was able to obtain a full copy of the movie *RKO 281* from a friend. Very good movie. I am a big fan of David Suchet so I wanted to see the movie for his performance as well as to confirm what I heard. Interestingly, his use of the word "cock sucker" was only one bit of coarse language in a movie that had many, many, many more violations of 10 (a) of the *CAB Code of Ethics*.

Considering the CBSC is a bit of a charade as it is without real powers and is essentially serving to protect its members more than the public, I was frankly surprised that I got any reply. Bravo! should consider seriously about withdrawing from the CBSC and the *Code of Ethics* entirely as that would make your excuses somewhat more palatable and defensible. Failure to do so would otherwise confirm that the *CAB Code of Ethics* is so much "PR spin crap" as to make someone actually yearn for the CRTC to get off their duff and do their freaking job!

The CBSC considered that letter to be the equivalent of a Ruling Request and notified the complainant. The complainant wrote to the CBSC on February 28:

Hello,

I suppose that would be ok but then perhaps I would have chosen my words a bit more carefully and thought about spelling if I thought this exercise was going to continue or that my response would be used to further a process in advance of my consent or the expression of my wishes.

I find it strange that this all started with an e-mail I sent to the CRTC just asking if "cocksucker" was ok for mid-day language ... that they then forwarded to your organization (without my consent) and started a process I did not originally intend.

At this point I do not object and, yes, I would be interested in seeing this charade through to the entertaining end.

However I would like to amend my complaint with the following.

1. In the response from Bravo! you will note in paragraph four Ms Bennie essentially states that foul language is ok "... when used in the proper context of the film's dialogue."

What the heck kind of explanation/excuse is that? If that is sufficient reason then isn't it "the" one and only excuse for anything goes by any CBSC member at any time?!?!?

2. Bravo admits to the fact the language in question was used at the time observed. Why would it take 6 months for CBSC to proceed to the next step? I caught them violating your code with regards to 10 (a). They admit to the violation. There is no "loop-hole" in your code of ethics that gives them any special rights nor does their response invoke any explanation consistent with CAB's stated *Code of Ethics*. What's to review? Therefore we should now be at the penalty phase should we not!? Write them a nasty letter, make them decide to adhere to the Code or not, and get it over with!

3. I would also like to further point out to you that I have in fact observed more than a dozen similar violations on Bravo! of Clause 10 (a) of the *CAB Code of Ethics* since I wrote my first e-mail. I heard the word "shit" on Bravo! on Christmas Day around noon and, if I was some sort of anal retentive nut, could give you a list of days and times for my other observations ... alas I am not that kind of nut. Suffice [it] to say that a cursory observation of Bravo! during the hours of 6:00 am until 9:00 pm that one could probably find a violation on a daily basis with regards to George Carlin's "Words you never say on television". MY INITIAL OBSERVATION WAS NOT AN ISOLATED INCIDENT, IT IS BUSINESS AS NORMAL FOR BRAVO!. So I ask again, do they have special status or some exclusion to the *Code of Ethics* not publicly known? Does being an "arts channel" really let you do whatever you want?

4. Finally I would like to point out that due to technical issues that I am sure has to do with satellite mumbo-jumbo, cable voodoo, and a total disregard for anyone in the stinking prairies ... many of your members, but Bravo! and the CHUM group in particular, ... think that Eastern time is good enough when they "release the hounds" with regards to many of the items covered in your ethics code. While it is 9:00 pm in my beloved Toronto it's only 8:00 pm here in the Central zone yet ... again ... I see no caveat in your code that says the code favours one time zone more than any other?!?!?

All I am really interested in is some sort of CONSISTENCY with regards to the rules your members have made up for themselves and your enforcement of them. Failing that ... some form of INTEGRITY on the part of Bravo! to say ... oops we made a mistake and yes we obviously violated the Code so we should either: a) Adhere to the Code from now on; or b)

abandon the Code since it does not jive with our own self-righteous rules of "whatever we say goes"; or c) CAB and its members should agree 10 (a) is out-of-sync with the "street lexicon" and the 21st century and it is open season on any language any time of day.

I can't tell you enough how really strange it is that I am the one having to fight this battle.

Please add this email to my file/complaint or whatever you call it.