
APPENDIX

CBSC Decision 06/07-0081 Telelatino re the film *La Chiave Del Placere (The Key to Sex)*

The Complaint

On September 19, 2006, the CBSC received the following complaint e-mail:

This was taken from the Zapit TV guide and Amazon's DVDs. Clearly this is an ADULT ONLY movie and should be rated accordingly.

It would seem that all movies shown at that time slot on TLN are pornographic and should be rated accordingly.

Key to Sex (2004): Beautiful women unlock secret desires. AO

Attached to that e-mail was an image of the DVD which provided the following description of the film:

When brainy office assistant Simon is left in charge of the boss's Hollywood mansion, the weekend becomes an opportunity of a lifetime. Entrusted by power-hungry movie producer Alan to guard the estate, Simon thinks he's finally made the grade until he learns that his friends and co-workers have their own plans for the place. The front entrance soon resembles a revolving door as a series of erotic escapades unravel before his eyes. But unassuming Simon soon finds himself living out his own fantasies in this whirlwind of sex. After a tantalizing strip show with the hottest woman in his office and a soapy bathtub rendezvous with Alan's drop-dead gorgeous girlfriend Christy, powerful agent Tina gives him the biggest surprise of all. Indeed, the key to sex for Simon turns out to be the key to his boss's house!

The CBSC informed the complainant that it could not deal with a complaint about a broadcast that had not yet aired. On September 21, the complainant sent an e-mail to her cable company and copied the CBSC and TLN:

Dear Shaw Cable,

There has been, once again, an error in the rating of the TLN late Saturday night movie – actually early Sunday morning at 1:00 am.

This is 'cut and paste' from the TLN website: <http://www.tlntv.com>

Movie – *The Key to Sex* (Adult)

This is almost ALWAYS designated as ADULTS only on the TLN website! Once again, you have it under an R rating when it is clearly a soft porn film that should be under an ADULTS ONLY rating.

I was told by Shaw that you follow the rating of the network. Please make the necessary correction as soon as possible.

She wrote another e-mail on September 22:

To All Parties Concerned:

I find it shocking and disturbing that after I made the complaint (see forwarded message below) that TLN CHANGED THE RATING OF THE MOVIE *KEY TO SEX* FROM 'ADULTS ONLY' (AO) TO R.

In the forwarded message, please find the original 'copy and paste'. This has NOW been changed on TLN's website.

The following has been taken from the Amazon website: <http://www.amazon.ca>

The Key to Sex by John Quinn (III), Scott Carson, Jeannie Millar, and Christian Malmin (DVD), Used & new from CDN\$ 106.53

The Key to Sex by John Quinn (III), Scott Carson, Jeannie Millar, and Christian Malmin (VHS Tape – 1998), Used & new from CDN\$ 52.11

Any movie going for this kind of money is OBVIOUSLY PORNOGRAPHY! Under the guise of being unrated!

Yet on the Zapit TV listings website, it says a different movie is going to be aired, but it sounds equally as bad. Please see below, *Life of a Gigolo* is a rather expensive movie to buy as well. Is the reason not clearly obvious to all?

Life of a Gigolo (1999) A journalist leaves her boyfriend for a popular male escort, the subject of her research. R

Life of a Gigolo is selling on Amazon for (cut and paste):

Life of a Gigolo by Leland Price, Mark Ritter, Lauren Hays, and Leslie Harter Zemeckis (DVD), Used & new from CDN\$ 119.70

And these are for used versions!

Who is fooling anyone here? If *Latin Lover*, the erotic soap opera, had an ADULT rating ... certainly both of these movies deserve the same distinction.

Under the Zapit description, we find this information about the *Life of a Gigolo*:

Category: Movie
Length: 120 minutes
Year: 1999
Adult Situations, Language, Nudity, Strong Sexual Content

As a high school teacher, I truly would like to believe that the adults that control our television programming would think and act responsibly. It is just this type of programming and improper ratings that play a major role in how teenagers end up perceiving sex, sex roles and what is "okay". They are at a stage in their development where they are very impressionable

and naturally curious. Either one of these movies should be rated ADULT. I personally don't believe they should be allowed to be on network television ... but, if they are, rate them correctly ...at the very minimum.

By NOT putting an ADULT rating on these types of movies you are condoning this kind of programming for children to watch. I don't suspect that if any of you have children between the ages of 11-17 you would want your children to have access to these kinds of movies without knowing the correct ratings.

By both programming this material and through improper rating, you ARE saying it is acceptable ... and THAT is unacceptable to me.

The complainant sent another e-mail on September 24 once the film had aired:

Dear TLN,

This movie which aired on Sunday at 1:00 am was a Adult movie that had a number of highly graphic sex scenes in it, which starred a porn star, Felicia Fox – see website: <http://www.feliciafox.com> and her movie *Key to Sex* – see below

site: http://search.excaliburfilms.com/pornlist/starpgs/Felicia_Fox.htm. This is a 'copy and paste' from Excalibur Films and it is classified under Adult (pornographic films).

Your Adult DVD Movie Title Search Results:

Search For: *The Key to Sex*, Records 2/2

Eros Collection *Key to Sex*, DVD

Starring: Maria Ford, Scott Carson, Jeannie Millar, Monique Parent, and Jacqueline Lovell

This is the movie that was shown:

Key to Sex, DVD

Starring: Felicia Fox, Kimberly Kane, Ana Nova, Gina Rome, Miles Long, Venus

It was a pornographic movie with an AO designation, BUT it was NOT blocked by Shaw Cable Systems in Winnipeg. Below are pics from Ms. Fox's website .. it is an example of exactly what kinds of movies she does. Porn movies should not be aired on network television. This IS against the *CAB Sex-Portrayal Code [sic]* by anyone's standards.

TLN continues to show porn movies in this timeslot and Shaw Cable Systems does not give them an ADULT rating. THESE are two very big problems!

This week's movie, *Life of a Gigolo*, is described as follows on Zapit:

Category: Movie

Length: 120 minutes

Year: 1999

Adult Situations, Language, Nudity, Strong Sexual Content

Attached to that e-mail were photographs from Felicia Fox's website. They show Fox nude and posing provocatively. As indicated in that e-mail, however, there appear to be two films with the title *Key to Sex*. The complainant was mistaken; TLN aired the film starring Maria Ford, not the one starring Felicia Fox.

Broadcaster's Response

Telelatino responded to the complainant on October 5:

The Canadian Broadcasting Standards Council (CBSC) has forwarded to us your letters of August 3, 2006, August 6, 2006 and your most recent complaint of September 24, 2006 in which you commented about discrepancies between the coding of programming on the TV listing of Telelatino Network Inc. ("TLN") and your cable carrier.

As you know, TLN is one of Canada's premier specialty ethnic service broadcasters, delivering programming in Italian, Spanish, and English. TLN is an ethnic general entertainment service with a schedule that includes a wide variety of domestic and foreign produced programming, including programming that is directed to an adult audience.

The Awakening of Gabriella, *The Big Hustle*, and *Key to Sex*, the three movies that you inquired about, are late night Italian language programs that are intended for adults. Both programs were broadcast at 2 am Eastern Standard Time.

At TLN, we recognize that not all programs such as those that form the subject matter of your complaint, broadcast on TLN, are suitable for younger viewers. As such, we take all appropriate steps to adhere to the viewer advisory requirement mandated by the Canadian Association of Broadcasters' *Code of Ethics* ("Code") administered by the CBSC. The Code provides that "*when programming includes mature subject matter or scenes with nudity, sexually explicit material, coarse or offensive language, or other material susceptible of offending viewers, broadcasters shall provide a viewer advisory at the beginning of, and after, every commercial break during the first hour of programming telecast in late viewing hours which contains such material which is intended for adult audiences*". In compliance with this requirement, the Programs carried the following advisory after every commercial break, "*This program contains scenes with extreme sexual content and is intended for an adult audience only*" and an 18+ icon appears at the beginning of each of the nine segments throughout the program.

We appreciate your concern that some younger audiences may be able to access the Programs even at that hour. However, in previous decisions, the CBSC has held that while it appreciates that possibility, "*the scheduling provision is quite clear that 9:00 p.m. is the Watershed hour across Canada*." Consequently in that decision, the CBSC found no breach of the Watershed requirement when an explicit program was broadcast past 9:00 p.m.

As well, the TLN programming schedule, which is updated weekly and distributed to all TV Guides, identifies the films as adult content. For your information, TLN does not promote these movies on our website. How TV listing information in our programming schedule is used by cable systems across the country on digital TV guides depends on the various carriers and is beyond the control of TLN.

We recognize that it is not always possible to monitor and supervise our youth every minute of the day. In response to this need, the cable industry has developed a wide range of

consumer products to assist us in managing our families' television viewing. These products provide ways to limit what our children have access to on television. With the agreement of the CRTC, Canadian programming services began to encode their programming for V-chip technology in 2001. This provides parents, guardians and caregivers with a new tool for exercising a greater degree of control over television programming when it comes into their homes.

Additionally, as a Western Canadian viewer of TLN on Shaw Digital, you also have access to yet another method to block unwanted programs, and that is to set up parental controls directly through your digital terminal. Simply refer to your instruction manual or contact your cable carrier who is equipped with information on these products and can advise you step-by-step.

We trust that the foregoing responds to the concerns you raised in your complaint. At TLN, we recognize the importance of viewer feedback and appreciate all comments. We thank you for taking the time to voice your concerns. Please be assured that your comments will be kept on file for future consideration.

Additional Correspondence

The complainant replied to Telelatino on October 11:

I am forwarding this email to all concerned parties.

Thank you for your response. I understand the CBSC *Code of Ethics* and their *CAB Sex Portrayal Code* [sic]. This is 'cut and paste' from the CBSC website directly from the *Sex-Role Portrayal Code for Television and Radio Programming*:

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

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

As a woman, a mother, a daughter, a grandmother, these movies offend and demean my gender. Furthermore, I am hardly alone in this thinking. Almost half of all Canadians would like to see pornography banned altogether according to *Maclean's Magazine's* latest opinion poll of this year - not simply controlled but banned altogether. As this is an enormous money-making industry, the chances of a complete ban are unlikely. There is no argument for that reality. However, there IS an argument for pornography not to be shown on network television. At the very least, the public deserves to have the correct information.

It would be impossible for you to establish any convincing rationale that the movies you air during the Sunday 1:00 a.m. timeslot adhere to this section of the code. "Sex ploitation" abounds in the Playboy Home Movies as do they in any of the pornographic movies that TLN chooses to televise during this particular time slot.

I am, of course, well aware of how to use the Parental Blocker and I block all adult

programming. However, if your network does not give these movies an ADULT ONLY rating then it doesn't solve the problem, does it? I would like to feel comfortable that when I have put on the adult blocker on my digital receiver that it is ACTUALLY blocking adult programming.

On numerous occasions, I have found out after the fact that a movie that is CLEARLY for ADULT eyes only (if for anyone), that the movie 'slid by' with an 'R' rating. Does the network WANT their viewing public to be deceived? I would sincerely hope not.

On a positive note, I AM a great fan of many of your programs and I watch TLN probably more than any other station. This is another reason why I am completely dismayed with the lack of correct ratings when they appear.

I will be filing a further complaint subject to your response.

The complainant submitted her Ruling Request on October 23 with the following note:

This is directly from the *Sex-Role Portrayal Code for Television and Radio Programming*:

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

As a woman, a mother, a daughter, a grandmother and educator, these movies offend and demean my gender. Furthermore, I am hardly alone in this thinking. Almost half of all Canadians would like to see pornography banned altogether according to *Maclean's Magazine's* latest opinion poll of this year - not simply controlled but banned altogether. As this is an enormous money-making industry, the chances of a complete ban are unlikely. There is no argument for that reality. However, there IS an argument for pornography not to be shown on network television. At the very least, the public deserves to have the correct information.

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On numerous occasions, I have found out after the fact that a movie that is CLEARLY for ADULT eyes only (if for anyone), that the movie 'slid by' with an 'R' rating. Does the network WANT their viewing public to be deceived? I would sincerely hope not.

As with the other complaints I have made regarding movies such as Playboy Home Movies that are being shown in this time slot, they show a very distorted view of sex and the role of women. They are repeatedly televised on the TLN Network during this timeslot and, I believe that it is very irresponsible of a network to violate any section of the *CAB Sex-Portayal Code* as cited above.