
APPENDIX

CBSC Decision 09/10-1432 & -1562 The Comedy Network re *South Park*

The Complaint

File 09/10-1432

The following complaint was sent to the CRTC on March 30, 2010 and sent to the CBSC in due course:

On March 30, 2010 at 6:50 pm I turned on the Comedy channel to see *South Park* cartoon characters (Mr. Garrison and another male character) having anal sex.

It is inappropriate for human actors or cartoon characters to be depicted having heterosexual or homosexual sex at this time period. That may have been the only small portion of adult content that was in that episode but it should be enough to disqualify it from appearing during family viewing hours.

Was this a programming mistake or is it the policy of the CRTC to allow such content during an early hour?

Lastly, if this particular episode aired with explicit CRTC approval I am going to bring it to the attention of James Moore, our Heritage minister and ask that the CRTC annually review all episodes of this television show.

File 09/10-1562

The following complaint was sent directly to the CBSC on April 22, 2010:

Hi. I noticed a few months ago that the show *South Park* is being broadcasted at 5:30 pm during weekdays on The Comedy Network. Isn't this show rated for adults only? What's next, pornography at 6:00 pm? I have nothing against that show, it's just the time slot that bothers me. I don't understand that no one ever noticed that before. Today, the show portrayed graphically a woman committing suicide with a shotgun, then walking around, missing the whole upper part of her head. I hope you will act in this matter.

Thank you for your time.

Broadcaster Responses

File 09/10-1432

The Comedy Network responded to the complainant on April 28:

The Canadian Broadcast Standards Council (CBSC) has forwarded to us a copy of your electronic correspondence dated March 30th, 2010 regarding the program *South Park* which aired on The Comedy Network on March 30th, 2010 for our attention and response.

Before I address your specific concern, it should be noted that The Comedy Network follows the Canadian Association of Broadcasters' (CAB) *Code of Ethics, Equitable Portrayal Code*, and *Voluntary Code Regarding Violence in Television Programming*. (If you would like to view the CAB codes, you may do so at www.cbcs.ca). The Comedy Network is a member in good standing of the Canadian Broadcast Standards Council and follows the Council's standards and guidelines.

First, I'd like to thank you for sending your comments about our airing of *South Park* to the CBSC. For broadcasters, feedback like yours is so important. The decision to air this show in daytime was not undertaken lightly. *South Park* was once quite a provocative series but now its content and subject matter are pretty much on par with other popular animated comedies that deal with mature subject matter, like *Family Guy* which is routinely aired in daytime. We also noted that very mature oriented live action series like *Two and a Half Men*, *Law and Order: SVU* and *Trailer Park Boys* are now aired in daytime as well.

Additionally, we took time and care to edit the series so that all strong language was eliminated and crafted the following viewer advisory to alert parents and viewers like you to content that they might not be comfortable with their children or themselves seeing. It reads as follows:

This program deals with mature humour and contains material and language that some parents may find unsuitable for younger audiences. Viewer discretion is strongly advised.

The sex act mentioned in your complaint was implied and not explicitly shown and was edited for daytime from its original version that only aired post-9:00 pm. We always air *South Park* with an AGVOT rating of 14+. This designation lets parents and viewers know that parental guidance is advised because the program could contain:

[Content that is] suitable for people 14 years of age or older. Those under 14 should view with an adult. Parents cautioned. May contain violence, coarse language and/or sexually suggestive scenes.

Thank you for taking the time to send us your concerns as it benefits all our viewers.

We hope that we have addressed your concern in regards to this program.

File 09/10-1562

The Comedy Network responded to this complainant on May 18:

The Canadian Broadcast Standards Council (CBSC) has forwarded to us a copy of your electronic correspondence dated April 22nd, 2010 regarding the program *South Park* which aired on The Comedy Network on April 22nd, 2010 for our attention and response.

Before I address your specific concern, it should be noted that The Comedy Network follows the Canadian Association of Broadcasters' (CAB) *Code of Ethics, Equitable Portrayal Code*, and *Voluntary Code Regarding Violence in Television Programming*. (If

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This program deals with mature humour and contains material and language that some parents may find unsuitable for younger audiences. Viewer discretion is strongly advised.

We always air *South Park* with an AGVOT rating of 14+. This designation lets parents and viewers know that parental guidance is advised of the following violence guidelines:

While violence could be one of the dominant elements of the storyline, it must be integral to the development of plot or character.

Might contain intense scenes of violence.

The violent act mentioned in your complaint was intended as a social commentary about the way celebrities are treated in our society and Britney Spears specifically. Its humour is both irreverent and sophisticated but at times it is also base and crass and the scenes in question are typical of the series. Comedy is a subjective medium. For a broadcaster, presenting comedy comes with the inherent risk that some of our viewers simply won't appreciate it. With a series like *South Park*, which employs a juvenile type of humour, that risk increases and we are very sorry that there were elements to it that offended you.

Thank you for taking the time to send us your concerns as it benefits all our viewers. We hope that we have addressed your concern in regards to this problem.

Additional Correspondence

File 09/10-1432

The complainant wrote back directly to the broadcaster on May 8 and did not copy the CBSC. The broadcaster forwarded it to the CBSC asking how to proceed:

Subject: Anal sex is anal sex -- they seemed to be engaged in it, not emulating or aping it

[The Vice President]'s explanation is unsatisfactory on many levels and I wish to have my complaint proceed to the CRTC. That episode may be covered by a blanket warning to

parents, but it has been mistakenly included in what is considered normal Canadian cultural mores.

Please advise me of what I should do or if any other communication with your firm is necessary.

Lastly, referencing [The Vice President]'s Herodian hand washing apologia, my disgust is real, not "implied" unlike the sex acts your cartoon depicts. The two characters were depicted having anal sex, whether or not a blanket covered it.

For your sake too, I hope being an apologist for a sophist sits well with you and the evening mirror.

The CBSC told The Comedy Network that it could simply inform the complainant that if he wished to proceed further, he should file his CBSC Ruling Request. The complainant did file that Ruling Request on May 13 with the following explanation:

Dear Canadian Broadcast Standards Council:

The Comedy Channel's given reasons for allowing a sexually explicit act (anal intercourse) to appear prior to the Watershed hour is unsatisfactory as the show has both child and adult viewers.

It has humour that only adults may understand and humour that only immature people and children may relate to, appreciate or enjoy, thus it is a dual market show like *The Simpsons* -- catering to a juvenile and adult market.

[The Comedy Network representative]'s excuse centers on the fact that a very small blanket covers the anus of the character being voluntarily sodomized and thus the act is only "implied" (his term).

That is incorrect and sophist reasoning: the two characters are not having implied sexual relations, i.e. behind a curtain or under large blankets; they are each shown naked from the waist down [*sic*, actually "up"], panting, grunting and sweating and the blanket in question is not preventing innocent children from seeing a sex act any more than it would make adults think the act was "simulated", another incorrect term. [The Comedy Network representative]'s excuse does not hold water.

I am not as stupid as the characters [The Comedy Network representative] defends in the show. I know what I saw and I know that according to the FAQ your own organization provides, it violates what children may be shown before the Watershed hour.

The content and writing of *South Park* make it a children's show as much as it is an adult's show.

Moreover, since it is shown BEFORE the Watershed hour, when children may have done their homework, and might be allowed some tv by their parents, it is clear that if you allow this or similar episodes to air that you are complicit in harming this nation's youth as much as the Comedy channel is guilty of filling our moral sewers.

Sincerely annoyed with Comedy Central and your organization, I'd like to hear some answers and, if it fits your bill as to "acceptable content", I will be lobbying the Heritage minister to change it,

The complainant wrote to the CBSC again on May 14:

I regret to notice that Secretariat is also the name of a dead horse, who I am afraid I am probably merely beating.

Yet this episode is, as the kids say, a "no brainer" -- acts of sodomy or heterosexual sex should not be shown on cartoons marketed to children and adults before the "watershed hour" or that hour has no meaning or import.

I importune your group to make the right decision.

The complainant wrote again on June 4, noting another broadcast date of *South Park* that concerned him:

station: CBSC File 09/10-1432

program: *South Park*

date: May 11, 2010

concern: Broadcaster continues to consider depictions of anal sex at 7 pm to be suitable content.

You have to make a ruling. Whether they are human actors or cartoon characters does not matter. This is unsuitable for television and especially at this time.

The broadcaster's sole excuse that a blanket partially covers their penis and anus is as asinine as it is weak.

This is just lax standards.

Based on the wording of that letter, the CBSC Secretariat assumed that the broadcast was a repeat of the same episode mentioned in his original complaint. When The Comedy Network reviewed the episode, however, it determined that it was not the same episode and requested that this new complaint be treated separately, including the requirement that the complainant send a separate Ruling Request once he had received the station's new response dealing with this particular episode. This approach was explained to the complainant in an email from the CBSC of June 16. The complainant wrote the following to the CBSC on June 16:

I am sorry for the confusion [CBSC Communications Coordinator]. All I can say is that I stand by my complaint that it is objectionable material - especially at that time of day.

If the CRTC would not let *Brokeback Mountain* with its depictions of sodomy on air at 7:00 pm, it should not let Comedy Central [sic] air the same thing -- whether it is by human actors or drawn cartoon figures.

Thank you for your response.

The Comedy Network sent its second response on July 7, but the complainant never filed his Ruling Request for the May 11 episode.

File 09/10-1562

This complainant filed his Ruling Request on June 15 with the following note:

I strongly disagree with the response by the broadcaster. They are basically saying that, since other violent, tasteless programming is being broadcasted during daytime, well, that means that they should do it too. I think it is stupid to assume that position. I mean, what is next, porno movies at 6 pm?