



# **Approaches to Violence in Television Programming**

## **Review of Submissions in Response to CRTC Notice of Public Hearing 1995-5**

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## **1.0 Introduction**

In September and October 1995, the Canadian Radio-television and Telecommunications Commission (CRTC) will conduct regional consultations and a public hearing on violence in television programming, specifically to seek ways to protect children from TV violence.

To prepare for the hearing, the CRTC solicited comments from the public on these issues and requested feedback on the four-point approach that it proposes to counter TV violence in Canada. This approach includes:

- self-regulation by the broadcasting industry;
- a national programming classification system;
- empowerment of consumers through technology; and
- media literacy and public awareness programs.

The announcement of the consultations and hearing responds to a variety of anti-violence initiatives undertaken by the public, special interest and advocacy groups, the federal government, and the broadcasting industry. These include:

- the Larivière petition signed by 1.3 million Canadians which called for a ban on television violence;
- the 1993 Report of the House of Commons Standing Committee on Communications and Culture which called for a full review of the media's portrayal of violence;
- the Canadian Association of Broadcasters' adoption of a revised Voluntary Code regarding Violence in Television Programming in 1993;
- the creation of the Action Group on Violence on Television (AGVOT) in 1993 which represents all components of the broadcasting industry and is developing a multi-faceted strategy to address TV violence; and
- the Canadian Broadcast Standards Council's 1994 decision that the children's program "Mighty Morphin Power Rangers" violated the Canadian Association of Broadcasters' violence code.

Section 2 of this report contains a general summary of all the submissions received. Excerpts from thirteen major submissions are provided in section 3 to 15 as follows:

A&E Television Networks  
The Action Group on Violence on Television (AGVOT)  
The Canadian Association of Broadcasters (CAB)  
The Canadian Broadcast Standards Council (CBSC)  
The Canadian Broadcasting Corporation (CBC)  
The Canadian Cable Television Association (CCTA)  
CHUM Television Group  
The Coalition for Responsible Television  
MediaWatch  
Sega Canada  
Shaw Communications Inc.  
TVOntario  
YTV

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## **2.0 General Summary**

A total of 154 submissions were received.

Individuals, who included parents, concerned adults and children, submitted the most written comments. One petition, containing 4321 names, was sent in which called on the government to ban TV violence. In addition, several psychologists, sociologists, and research think-tanks offered their findings on the effects of TV violence on children.

Special interest and advocacy groups sent in the second largest number of submissions. These reflected the views of community groups, women's organizations, child welfare experts, family violence institutes, anti-pornography and anti-violence groups, victims of violence, media monitoring agencies, churches, health lobbyists, and media literacy and education groups. Written comments were also received from school organizations, teachers' federations, and elementary school students.

Broadcasters and the representatives of the communications industry had a high level of input. Those who submitted included private and public broadcasters, cable companies, networks, advertisers, film distributors and exporters, film producers, provincial film classification boards, national director and writer guilds, and a consortium of telephone companies interested in program delivery. Specialty services also submitted comments and these included pay-TV and pay-per-view movie, sports and video channels.

A few politicians and government representatives also offered submissions.

## **Women's Groups**

Women's groups demonstrated a particularly strong interest in the CRTC process. Groups working at national, provincial and community levels submitted extensive comments outlining the issues from a variety of women's perspectives.

Groups of significant national importance which submitted included the National Action Committee on the Status of Women, an umbrella organization representing over 700 women's groups in Canada, the National Council of Women of Canada, one of the oldest groups in the country, and MediaWatch, the pre-eminent media monitoring group for women. All of the provincial Women's Institutes, except Ontario, sent in submissions while many of MediaWatch's provincial, territorial and local chapters sent in letters of support for the submission sent in by MediaWatch's national office.

Many were also concerned about the portrayal of females in both children's and adult programming. MediaWatch stated that girls and women are often portrayed as weak, submissive, and helpless and these characteristics make them especially vulnerable to acts of violence both on TV and in society.

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## **2.1 Central Issues**

### **Impact of TV Violence**

While there was a general consensus that the incidence of TV violence is increasing, opinions varied on the exact impact that TV violence is having on children's behaviour. Many referred to a culture of violence among youth and voiced concern that constant exposure to violent TV programming is leading to children's de-sensitization towards violence.

### **Censorship**

The issue of censorship was raised often. The broadcasting industry argued that it should continue to exercise self-regulation while controlling programming with minimal intervention from the government. Rogers Cable Systems Limited even went so far as to state that government control of programming may violate The Canadian Charter of Rights and Freedoms and prompt broadcasters to challenge the constitutionality of program censorship.

Parents and child welfare groups, on the other hand, argued for increased government regulation because of the broadcasting industry's failure to keep violent programming off the airwaves.

## **Violence in Adult Programming**

Some submissions called for widening the scope of the regional consultations and hearing to examine TV violence in all programming. To them, much of mainstream adult programming promotes violence against women and violence among men. A broader application of violence codes would affect movies shown on TV, prime time programming, news coverage, sports and advertising.

Others voiced strong opposition to censoring adult programming, arguing that adults are capable of discerning what programs are suitable and appropriate for them.

## **The Availability of High-Quality Children's Programming**

Parents, child welfare groups and both the Writers and Directors Guilds of Canada argued that offering children more high-quality programming would lessen their interest in violent TV programming. Some suggested that children's programming should receive at least 20% of the Cable Production Fund and that children and youth should be part of the CBC's programming priorities. Others recommended extending the 150% Cancon credit to youth-oriented programming beyond drama.

Shaw Communications funds a \$27.5 million Children's Programming Initiative which directly supports the creation in Canada of programs for children.

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## **2.2 Challenges Confronting the CRTC**

### **Ensuring freedom of expression for broadcasters while protecting children.**

Opinions varied on the degree to which violent children's programming should be censored. While some called for a total ban, the cable industry opposed black-out and program curtailment and favoured editing and program substitution.

Another contentious issue arose over whether broadcasters should remain responsible for programming or whether cable companies should determine program content.

### **Striking a balance between government regulation and parental autonomy.**

Many agreed that some form of government regulation is required. Some are looking to the government to ensure that violent programming does not reach the home while others argued that government regulation should not override parental autonomy in choosing what is acceptable TV programming for children. Those in

favour of parental autonomy support the development of parental control devices such as scrambling, encryption and the v-chip.

### **Responding to dissatisfaction with current regulations.**

Many parents, special interest and advocacy groups questioned the effectiveness of the current CAB voluntary code governing TV violence. They complained about:

- the unequal application of restrictions on television violence across the Canadian broadcasting system. They were particularly concerned that a decision rendered by the CBSC only binds the broadcaster against which a complaint was filed. Programming deemed violent following a complaint can still be aired by other Canadian broadcasters.
- the continued transmission, from the U.S., of violent programming, specifically the unedited version of "Mighty Morphin Power Rangers". Many opposed the CRTC's exemption order for the Sega video game channel on the grounds that numerous Sega video games contain gratuitous violence.
- CRTC regulations being too "...heavily reliant on a complaints-based procedure". They argued that this procedure places the responsibility for identifying violations of the violence code on the public and media monitoring groups rather than ensuring that the broadcasting industry refrains from creating and airing violent programming.
- the ineffectiveness of a complaints process which is handled by bodies, such as the CBSC, CAB, and the CCTA, which they perceive to be partial to the broadcasting and cable industries.
- the current 9 p.m. watershed hour which divides children's programming from programming intended for adults. They argued that the hour is too early and several groups suggested that studies be conducted to examine the viewing patterns of children and teenagers and to establish a later watershed hour.

### **Guaranteeing a level playing field among Canadian broadcasters and between Canadian broadcasters and foreign cable services**

Most submissions supported a level playing field in which regulations governing TV violence would apply equally to Canadian and foreign cable services. The broadcasting and cable industries were adamant that foreign cable services should be subject to the same restrictions as they are to ensure fair competition.

### **Regulating violent programming originating outside of Canada.**

Concern was raised over the CRTC's inability to regulate violent television programming transmitted into Canada from foreign services, specifically programming from the U.S. The cable industry recommended that the CRTC

work with its U.S. counterpart, the FCC, to develop joint agreements on regulation, a program classification system, and appropriate technology.

Some submissions also stated that the CRTC should not licence foreign services which are unwilling or unable to comply with CRTC-approved regulations governing rating, viewer advisories and scheduling regimes.

## **2.3 Responses to the CRTC's Four-Point Approach to Reducing Television Violence**

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### **2.3.1 Approach #1: Self-Regulation by the Broadcasting Industry**

#### **The Broadcasting Industry**

Broadcasters, cable companies and networks overwhelmingly supported self-regulation and the continued use of the current complaints process to address violence code violations, as arbitrated by the CBSC and the CRTC. Most agreed that broadcasters should adopt some code governing TV violence and cited the CAB voluntary violence code as an appropriate one.

Broadcasters opposed increased government regulation and the involvement of groups outside of the industry in the regulation and complaints arbitration processes, citing increased censorship and differing morals as possible threats to a broadcaster's freedom of expression.

#### **The Public**

Parents, advocacy and special interest groups largely supported increased government regulation. They claimed that the broadcasting industry will not reduce TV violence because of its use of violent programming to earn profits and broaden viewer markets.

They also argued that the public must be involved in the regulation and complaints arbitration processes. Many claimed that this would ensure that those working on behalf of children are able to influence nature of children's programming. The Coalition for Responsible Television proposed that the CRTC should donate 1% of its licensing fees to provide the public with a better complaints mechanism.

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### **2.3.2 Approach #2: A National Programming Classification System**

## **Conventional Broadcasters**

Most broadcasters supported a national classification system for conventional broadcasters and many even called for the creation of a single North American system. Some referred to the work of the AGVOT Classification Sub-Committee as important in helping to determine such a system. They also argued that all foreign programming must be rated once a system is in place.

Broadcasters argued that they should be responsible for rating programming and opposed rating by outside groups because this compromises broadcasters' freedom to program and to substitute programming that has not been previously classified.

Suggestions for classifying violent programming included the adoption of the systems used by the Canadian Motion Picture Distributors Association in English Canada and the Régie du cinéma, the Quebec film classification body, as well as the creation of a system of symbols which would indicate the level of violence in a TV program, electronic and verbal viewer advisories, and warnings published in TV guides and schedules.

Many emphasized that only children's programming with questionable content should be rated, as opposed to all TV programming.

## **Specialty Services**

All specialty services which submitted called for a distinct classification system for pay TV and pay-per-view services based on their discretionary nature. Some referred to the present system whereby all movies are assigned ratings by provincial classification bodies.

## **The Public**

The public also supported a national classification system but most submissions argued that an independent body, and not broadcasters themselves, should rate programs. Some argued that once classified, a program should retain its classification throughout the day. Parents and child welfare groups supported improved and increased viewer advisories.

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### **2.3.3 Approach #3: Empowerment of Consumers through Technology**

#### **The Broadcasting Industry**

Broadcasters largely support encryption, scrambling and parental control devices as alternatives to censoring programs. Shaw Communications is financing research on V-chip technology, which will electronically code a program's content and provide a rating based on criteria which is descriptive rather than judgemental.

#### **The Public**

While most parents and child welfare groups applauded new technologies such as the v-chip, many were concerned that these technologies would not be affordable or accessible to all parents.

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### **2.3.4 Approach #4: Media Literacy and Public Awareness Programs**

#### **The Broadcasting Industry**

Broadcasters support media literacy and public awareness programs in principle. Some have become actively involved in promoting dialogue on TV violence between broadcasters, the public and youth. MuchMusic, owned by CHUM, has produced TV documentaries on TV violence which are used by schools and educators and is a partner in the "Scanning Television" media literacy project which will commence this fall. Rogers, CTV, and YTV, have funded and participated in media awareness campaigns such as "Stop the Silence on Violence", "Cable in the Classroom", "Speak Out Against Violence", and "YTV Outreach Program".

#### **The Public**

Organizations which submitted comments and are actively involved in this area include MediaWatch, Encouraging Literacy in the Media, the Media Literacy Work Group, and the Manitoba Association for Media Literacy.

Parents, child welfare experts, media monitoring groups, and educators overwhelmingly supported programs to promote media literacy. However, the

Coalition for Responsible Television argued that even if children are media literate, they will still be affected by violent images and the culture of violence that TV often promotes.

The Coalition also criticized the CRTC for not being actively involved in media literacy campaigns and complained that this work is largely done by non-profit, volunteer groups who either do not receive government funding or whose funding has been cut substantially.

Many parents and media monitoring groups called for the development of books, guides, videos, and curricula in elementary and secondary schools across Canada to educate children to critically assess television programming. Currently, media literacy is mandatory only in high schools in Ontario and many called for mandatory courses nation-wide. They also called for formal media literacy training for teachers which would facilitate discussion among students and their parents. Some felt that the broadcasting industry should fund new initiatives and these initiatives should specifically benefit victims of violence.

### **The Government**

The National Film Board of Canada (NFB) administers the Media Awareness Network, a national clearinghouse on media violence and media education. The Network is designed to create communications links between parties working on children and youth issues, anti-violence and media awareness. The Network will become an independent Canadian service, separate from the NFB, this fall.

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## **3.0 A&E Television Networks**

A&E is a US cable network (based in New York) that is dedicated to providing the very best in exclusive, first-run programming to its subscribers. Because A&E has, since 1984, been included on the CRTC's Lists of Eligible Satellite Services, it has been available for distribution by Canadian cable systems on a discretionary basis.

A&E has the strongest viewer support of all the non-Canadian programming services set out in the CRTC's list of Eligible Satellite Services.

A&E has a Network Standards & Practices Committee which meets regularly to review program content issues, which typically relate to depictions of violence, adult of sexual situations and earthy language. The Committee is composed of senior executives from the Public Affairs, Advertising Sales, Production and Legal & Business Affairs Departments. The head of the Legal & Business Affairs Department chairs the Committee.

The Committee does not hesitate to require editing, whether minor or otherwise, in order to maintain consistency in the network's high level of taste and quality in presentation. Over the eleven years of A&E's existence, only a very few of the programs and films scheduled for telecast on A&E have contained depictions of violence which have raised any issue with respect to the Network's standards. In those cases where an issue has arisen, the Committee has reviewed the film or program as a whole and made determinations as to specific editing required in order that A&E standards are adhered to before network telecast. In some cases, the network has gone one step further to advise that some viewers may find certain aspects of that program disturbing.

A&E has formulated a comprehensive code of standards, entitled "Standards for Depiction of Violence in Television Programs", that is intended to screen out program material that may be deemed unsuitable for carriage on A&E due to its content. These standards mirror those contained in the CAB's "Voluntary Code Regarding Violence in Television Programming".

A&E has on occasions deemed it appropriate to include a specific "parental advisory" within a program. A&E has developed an A&E parental advisory code, entitled "Advance Parental Advisory for Violence," in order to give individuals the information necessary for them to make an informed decision as to whether a particular program shown on A&E would be appropriate for themselves and their families. In considering to use an advisory, A&E evaluates a number of factors, including the context in which an act of violence is presented and the time period of broadcast. This advisory would precede the telecast of the program containing scenes of violence and would also, if appropriate, reappear during the broadcast.

In A&E's view, the written standards and advisory code provide a reasonable balance between A&E's belief in an open society and the constitutional guarantee of freedom of expression and its social obligation to protect its viewers from unacceptable violent television programming. These written standards and advisory code have provided A&E with an excellent base point from which to evaluate the programming that it distributes.

A&E recognizes that a system of program classification is enormously complex and that there are no easy answers. A&E would like to express its willingness to work with the Canadian cable industry on this or any other initiative that would address the issue of violence in television programming.

Attachment

A&E's Standards for Depiction of Violence in Television Programs

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## **4.0 Action Group on Violence on Television**

The Action Group on Violence On Television (AGVOT) is a pan- industry organization, with representation from all the major segments of the broadcast industry. Its founding membership includes the Canadian Association of Broadcasters (CAB), representing private over-the-air television stations and networks; the Canadian Broadcasting Corporation (CBC); the Canadian Cable Television Association (CCTA); a number of pay and specialty cable- delivered services (including The Discovery Channel, TMN/MoviePix, SuperChannel/MovieMax, TSN, RDS, Canal Famille, YTV, MuchMusic; pay-per-view services (Viewers' Choice Canada/Canal Premiere and Home Theatre); program producers represented by the Canadian Film and Television Production Association (CFTPA); the Association des producteurs de film et television du Quebec; and the advertising industry, represented by the Association of Canadian Advertisers (ACA).

Representatives of the CRTC and the federal Department of Communications have observer status at proceedings of the AGVOT.

The AGVOT was created on February 22, 1993, following a conference sponsored by the C.M. Hincks Institute in Toronto, and began its work under chair Dr. Laurier LaPierre, broadcaster and author. The current chair is Trina McQueen, President and General Manager of The Discovery Channel.

### **AGVOT Initiatives: March 1993 to June 1995**

#### **(a) Development of an Action Plan**

Following the International Colloquium, the Action Group mandated the establishment of a number of committees to research and formulate options related to possible industry action on key issues, with particular focus on the development of industry codes and classification systems.

#### **(b) Development of Codes & Statement of Principles**

Over the spring and summer of 1993, the AGVOT Code sub-committee assembled all the information related to current codes in place at that time in the industry. The sub-committee then analyzed and compared the codes and practices, comparing Canadian broadcast industry standards vis-a-vis other countries. The sub-committee drew together the common elements and themes found in these various codes, and determined the pertinent issues facing the AGVOT.

Recognizing the importance and influence of television in the lives of Canadians and being particularly sensitive to our viewers' concerns with violence in television programming, the Canadian broadcasting industry hereby endorses and adopts the following General Statement of principles:

- Programs which contain gratuitous violence will not be shown on television.
- The Canadian broadcasting industry is committed to uphold freedom of expression and to maintain journalistic, creative and programming independence and integrity.
- All persons who are licensed to carry on broadcasting undertakings accept their responsibility, as established in the Broadcasting Act, for the programs they broadcast, and are committed to act effectively and expeditiously in resolving programming concerns expressed by their viewers.
- Each licensee will prepare program schedules giving due consideration to the nature of the service and the expected viewing audience; each licensee also recognizes its special responsibility when selecting programs directed at children.
- In order to facilitate informed viewing choices, licensees will provide their viewers with appropriate information on the content of their programs consistent with the nature of the service.
- Each member of the Canadian broadcasting industry undertakes to adopt a code dealing with violence in television programming, based on this General Statement of principles.

In the release of the Statement of Principles, the AGVOT also stated that it was continuing its work on the establishment of a national classification system for prime time programming, to assist parents in assessing viewing choices for their children.

### **Adoption of codes**

Subsequent to the release of the Statement of Principles, the various sectors of the Canadian broadcasting industry continued development of individual codes, in consultation with the CRTC, with the following results:

The Canadian Association of Broadcasters (CAB) Code was accepted by the CRTC on October 28, 1993, and came into effect January 1, 1994. The code has been made a condition of license for all private television stations and television networks as they have had their license renewed, a condition suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council (CBSC).

At its network license renewal of July 27, 1994, the Canadian Broadcasting Corporation was instructed by the Commission in Decision 94-437 to adhere to the CAB Code, until it submitted its own code to the CRTC.

In CRTC Decisions 94-278/286 of June 6, 1994, granting licenses to new specialty cable services, each of the services was told that adherence to the CAB Voluntary Code on Violence was a condition of license.

In December of 1994, the CRTC approved in P.N. 94-155, the Pay Television and Pay-Per-View Programming Code regarding Violence.

The Canadian Cable Television industry code has been tabled with the Commission.

### **Development of a Classification System**

Concurrent with the initiatives on development of industry codes, the classification sub-committee met several times in the spring of 1993, to explore the options in creating a system for use by Canadian licensees.

In May of 1993, the sub-committee filed a report with the AGVOT, in which it raised the following points:

- given the increase need for viewer information about program content, the Canadian broadcast industry should commit to the implementation of a program classification system which would identify the intended audience for the program in question.
- parents in particular need to know whether programs are suitable for viewing by their children.
- the industry should undertake research, to review the workability of a three- tiered classification system, to be applied by individual licensees to prime time programming.
- the cable industry should undertake an investigation of the legal, regulatory and practical implications of classifying programming carried by foreign signals imported into Canada, and explore cooperative approaches with foreign signal providers.

On May 27, 1993, AGVOT requested that the sub-committee undertake further work related to the development of an industry-wide classification system, and to bring recommendations to the AGVOT.

The development of a practical, user-friendly classification system which identifies the intended audience for prime time television programming.

Elements of the classification system which need to be defined by the Committee:

- the number of levels of classification
- what content elements will be included in the system along with violence i.e. language, nudity
- the manner in which the classification level is identified on the screen, and in print materials
- whether the classification system for various components of the broadcast system can be integrated, i.e. over-the-air with cable specialty services, pay and pay-per-view; and possibly with non-broadcast video material providers, i.e. video rentals and theatres
- if there should be a separate classification system for French language broadcasters
- responsibility for application of a classification system
- the research costs/establishment of a budget

The composition of the Committee was struck to ensure the widest possible industry representation. Membership included conventional private local stations and networks (English and French) represented by the Canadian Association of Broadcasters, representatives from pay and existing specialty services, the Canadian Broadcasting Corporation, the Canadian Cable Television Association, and the Canadian Motion Picture Distributor's Association and the producer's association - CFTPA.

Members of the Committee also met with the advertising industry and a number of representatives from the provincial film classification boards.

A progress report on the work of the Committee was tabled with the AGVOT executive committee on September 17, 1993.

Among the first findings of the Committee was that there was a well-established link between Quebec's Francophone broadcasters and Régie du cinéma, that province's film classification board.

The Régie provides television programming undertakings with ratings for feature films which they telecast, and will, if requested, provide a rating for made-for-television programming.

Given the general level of public understanding and acceptance of the rating system developed by the Régie, it was felt by the Committee that there was no need to "re-invent the wheel" in Quebec, as broadcasters in that province were very comfortable with the system currently in place. Therefore, no attempt would be made to design a new ratings system for that jurisdiction.

The committee agreed it would be very beneficial to have the views of the general public related to this issue, before designing a uniquely Canadian system.

Enviro-nics Research was retained to conduct, as part of a national omnibus survey, interviews with 1,573 anglophone Canadians, in their homes between March 5 and March 27, 1994. The survey would obtain their view on various aspects on a classification system for Canadian television programming.

### **Research Findings Summary**

1. There is support for the creation of a classification system which would inform viewers of the age group for which programs are suitable.
2. There is support for having violence, coarse language, and nudity/mature themes all included in a television classification system.
3. Canadians indicated support for a classification system which is easy to understand and which would be easily implemented.
4. When asked how they would prefer to be made aware of the classification of program content, 84% believe announcing the classification level at the beginning of the program is the best method. That is followed by 78% who believe the classification rating should be part of the TV listings. Only 55% think a small symbol in the corner of the screen coming out of a commercial break would be a good method.
5. In terms of what types of programming should be classified, drama emerges as the major concern.
6. Respondents were also asked in the survey to indicate at what age they believe a young person is old enough to view by themselves programming which contains some levels of violence, coarse language or mature themes. The average response is 16.4 years.

In the time since, the classification sub-committee has been working on the development of a system, attempting to arrive at a consensus on the number of levels for a broadcast system, the designations for levels within a system and the possible symbols which could be used to identify the system for viewers.

The sub-committee also explored technical developments which would empower parents beyond the on-off switch.

Representatives from the cable and pay services kept the sub-committee up-to-date on the beta testing of the so called "V-chip", developed by Dr. Tim Collings of British Columbia. A demonstration of the current level of V-chip technology was presented to the sub-committee in early June, 1995, by Shaw Cable.

## **Classification System Options**

In much the same manner as the AGVOT Codes Sub-committee found it impractical to create an overall code for the industry, the Classification Sub-committee finds itself unable to propose at this time a single, definitive classification system for use by all elements of the broadcast system.

While there is a general, but far from unanimous, agreement that a single system is preferable, there is no firm consensus on just what should comprise that single system.

Furthermore, given the diverse nature of the programming offered by all the Canadian services, a single system may not be able to address the needs of the viewers of each program provider, nor perhaps should all program providers need to classify their programming.

Research shows that the viewing public does not deem it necessary to classify certain types of programming, such as news and sports. Therefore, specialty services which strictly provide those genres of programming should presumably have no requirement to participate in a classification system.

The Pay and Pay-per-view services consider their subscribers are best served by using current theatrical ratings systems, given that their feature film programming mirrors what is shown in movie theatres.

Broadcasters/program providers believe that all licensees are responsible for the programming they broadcast, and therefore, that all distribution systems must be responsible for classifying programming carried by non-Canadian services.

The cable industry position is that distribution undertakings are unable to classify programming, other than what they originate, because distributors do not control the programming content of these non-Canadian signals.

The AGVOT believes that classification systems which are responsive to the needs of Canadian families can be developed under the following general principles:

### **General Principles**

- The primary function of any classification system is to assist Canadian parents in making informed viewing choices for, and with, their children.
- Any classification system for use by the broadcast industry should be created for that intent. It should reflect the intended audience for programming which is broadcast on television, and which reflects the requirements of the various broadcast industry codes now in place.

- Integration with other classification systems, such as those for theatrical and home video rental, is not practical for all broadcast services.
- Integration of classification systems employed for theatrical releases and home video rentals, with those for premium pay movie channels and pay-per-view services, which are un-edited feature films, is preferred by those sectors of the broadcast industry.
- A classification system for the broadcast industry could address more than violent content.
- A broadcast classification system could reflect other content elements such as coarse language, nudity/sexuality and mature themes.

#### Classification Level Possibilities

A classification system or systems developed with some of the following elements would meet the principles outlined above. However, AGVOT stresses these are only preliminary concepts, which would need to be buttressed by considerable additional research before implementation, to ensure value to consumers of all ages.

#### "General"

The majority of programming broadcast by conventional over-the-air television stations and specialty services is intended for a broad general audience. All news, public affairs and sports programming would fall under this category.

#### "PG" - Parental Guidance

A "PG"-parental guidance classification would be a useful tool to indicate to parents that they may wish to exercise discretion, and either restrict viewing of this program, or view it with their children.

#### "Children's"

Some broadcasters may wish to also employ a classification to indicate programming that is particularly suitable for younger children. Programming in this classification would adhere to all elements of the children's programming section of the Canadian Association of Broadcasters Voluntary Code on Violence in Television Programming.

#### Classification System Application

Pay and pay-per-view services believe it would not be advisable, nor beneficial to viewers, to have any of their programming classified by a system more suited to programming provided by conventional broadcasters and specialty cable services.

When agreement is reached on implementation of classification systems for the broadcast industry, Quebec broadcasters and specialty services would apply the Régie classifications to pre-watershed hour programming when appropriate.

#### Further Research

Additional research is required to test the acceptability of any chosen levels and symbols with consumers. Special attention would be required for any children's programming symbol, to ensure that designation is meaningful for both children and parents.

In-home consumer testing is also a possibility. Experiments currently under way in the Edmonton market initiated by Shaw Cable and SuperChannel/MovieMax!, employing V-chip technology and programming provided by pay services could be expanded to include conventional broadcasters using a draft classification system.

#### **AGVOT Response to Questions Raised in P.N. 1995-5**

1. How would the Commission and the industry ensure that programming is rated?

Any classification system or systems implemented by the various components of the broadcasting industry will be complementary to the industry codes which are now in place as a Condition of License, and administered by either the Commission or by the Canadian Broadcast Standards Council. In achieving adherence to their applicable violence code, individual services could be required to classify programming telecast in the pre-watershed time period.

Services carrying non-classifiable programming, i.e. all-news, all-sports, would broadly not be required to classify their programming, but would provide advisories for specific programs which might address mature themes and not be suitable for a general audience.

Premium pay and pay-per-view services already have an established ratings system in place.

2. Who would be responsible for rating programs - the individual licensee or a central body established for that purpose?

It has always been the view of the AGVOT members that, just as each individual licensee is responsible for the programs it broadcasts, it must also have responsibility for the classification of its programming, as it does now in adhering to the scheduling provisions of various codes, and the use of viewer advisories.

Last-minute delivery of programming to most conventional television broadcasters makes establishment of a central body impractical and ineffective, as both the cost and logistical arrangements would be prohibitive.

For feature film titles, it would be impractical to expect any central body to handle the demands of rating movies which have been edited and re-edited for broadcast content and timing purposes.

3. Who would be responsible for the arbitration of disputes regarding the rating given to a program?

For those licensees who are members of the Canadian Broadcast Standards Council (CBSC), an effective mechanism is already in place to address disagreements between private broadcasters and viewers related to a number of CAB industry Codes, including the Voluntary Code on Violence in Television. Disputes over ratings given to a particular program would be easily integrated into the CBSC processes currently in place.

For non-CBSC members, the CRTC would administer the viewer complaint process, as it does currently.

4. What methods would be used to classify violence in programs that may air on foreign services distributed by cable?

The AGVOT is unable to provide a unanimous response to this questions, given the strongly-held divergent points of view among our members regarding the classification of programming on foreign services.

The broadcaster/program provider members of AGVOT are of the view that methods can be found to classify programs on foreign services. These members note that under the Broadcasting Act all broadcast undertakings are responsible for the programming they broadcast, and that distribution undertakings should accept their responsibility to classify programming on foreign services.

The cable industry on the other hand holds the position that any classification system should be applied only by program originators. The cable industry has strongly recommended that the CRTC and the Government of Canada meet with the FCC and representatives of the US government to develop joint agreements on a program classification system and appropriate technology.

5. What would be the most suitable and "user-friendly" method of ensuring that information on the classification or rating of programs is put in the hands of viewers?

Public opinion research conducted by the AGVOT indicates that symbols used at the beginning of a program, and also employed in TV listings publications are the

most preferred ways in the consumer's view, to be informed of a program's classification or rating. Those stations with the presence on the Internet could also use that as a reference service for viewers. The cable barker channel would also be a useful consumer information vehicle.

Canadian pay and pay-per-view services currently provide ratings and content information to their subscribers in a monthly publication, and would continue with that practice to the benefit of their viewers.

6. Would guidelines setting out standards for the depiction of television violence such as a ban on gratuitous violence and "watershed" hours for scheduling be desirable once a system is in place which provides viewers with sufficient information on violent content to make programming choices?

The AGVOT is of the view that the implementation of a classification system will complete the industry efforts which began with the development and introduction of the various Codes. The prohibition against gratuitous violence, and the establishment of the "Watershed Hour" are important and useful components of the guidelines for the Canadian broadcast industry, and should remain.

7. Is it practical to rate programs available on an on-demand basis from Canadian and foreign-situated video servers?

If these services are deemed to be broadcasting under the Commissions' application of the Broadcasting Act, then the appropriate industry code and classification system should apply, for the benefit of Canadian consumers of these services, who are entitled to adequate program information in order to make informed viewing choices.

### **The Future Role of the Action Group on Violence on Television**

When new technologies come on-stream, their impact on consumer use of a classification system or systems will need to be assessed, as will the potential for any further integration of broadcast and theatrical or home video rental classification systems.

The AGVOT could play a role in the coordination of media literacy initiatives with other sectors of the video entertainment industry. Discussions with publishers of TV program listings, media publications and daily newspapers are also essential to ensure the appropriate classification information is available to the viewing public when a system is introduced. An information program to inform program producers and distributors, both domestic and foreign, of the mechanics and levels of a classification system would need to be developed as well.

The Action Group also could participate where appropriate to represent the industry in the current review of violence in Canadian society, including the media, being undertaken by the federal Minister of Justice.

The industry also needs to develop a detailed survey to inform and educate consumers on the elements of any classification system, and to ensure they understand the crucial role they must play in its application.

Attachments:

Canadian Public Attitudes Toward a Classification System for Television  
By: Environics Research Group Ltd.

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## **5.0 Canadian Association of Broadcasters (CAB)**

### **Introduction**

The Canadian Association of Broadcasters (CAB) is the national trade association representing the great majority of privately-owned, advertiser-supported television, radio stations and networks.

### **Broadcaster Approach**

The CAB strongly believes that all industry players should similarly meet the standards of the communities they serve when broadcasting or distributing programming. The CAB supports the three principles that guide the Commission's approach to television violence.

### **Broadcast Initiatives and Involvement**

The CAB played a key role in the formation of the national Action Group on Violence on Television (AGVOT), a group representing all industry sectors. As noted in Notice of Public Hearing 1995-5, AGVOT adopted a General Statement of Principles in September 1993 which included a prohibition on the depiction of gratuitous violence and an agreement from all segments of the industry to develop codes dealing with violence in television programming.

The CAB revised the 1987 Code on Violence to reflect the public's increased concerns. A wide array of interest groups, broadcasters, media associations and government officials were consulted to develop a new Code which was accepted by the CRTC in October of 1993 and came into force January 1, 1994. The New

Voluntary Code on Violence in Television Programming is now the industry standard from which all other codes are judged.

### **Equality of Responsibility**

The CAB believes that achievement of equality of responsibility -- what the Commission calls a level playing field -- among all parts of the Canadian broadcasting industry is an essential outcome of this proceeding so that children are protected.

In order to protect children and help parents, the Commission must achieve equality of responsibility both with respect to current codes and any future classification system.

The CRTC's proposed regulatory amendment could go a long way to achieving equality of responsibility. In particular, it could ensure that series programming on foreign signals that does not conform to Canadian standards would be curtailed.

One possibility would be an expedited process that ensures any Commission order could be effected within 30 days of the Commission being seized of the matter. Another possibility is to develop a process for "advance rulings" in the case of anticipated programming that is known to infringe the Violence Code. Cable companies have already performed a similar function in curtailing foreign newscasts or information programming that infringes Canadian broadcast and publication bans. Given that content information is available for most pre-recorded material well before it is aired, an early warning system that took advantage of this knowledge could improve the effectiveness of the Commission's proposal.

The CAB also believes that the cable industry, CRTC and government should actively investigate instruments that arise out of the commercial interest foreign services have in being carried in Canada.

The CAB sees no reason why US specialty services should not be required to conform to Canadian violence standards as a condition of their authorization for carriage as eligible satellite services. Cable companies and other distributors could ensure affiliation agreements include contractual provisions to this effect.

The CAB notes that US border stations also have a commercial interest in Canadian carriage. Given these benefits, it does not seem unreasonable to expect stations to conform to Canadian standards.

Finally, CAB notes that equality of responsibility will require that all distribution undertakings, not just cable companies, comply with equivalent obligations.

## **Classification System -- Principles and Framework**

Broadcasters start from the premise that the CAB Code as it now stands has, in effect, a classification system already built in. That system has three elements:

- a watershed hour -- to signal the presence of programming intended for adult viewing;
- children's programming provisions -- to ensure programming intended for and primarily watched by children is suitable for them; and
- viewer advisors -- to signal to viewers, and especially parents, that particular programs require discretion.

Experience with the Code for close to two years suggests that viewers are generally satisfied with this approach and that it works.

This should continue to form the basis of any formal classification system. To the extent that a classification system may be desirable, the system successfully used by Quebec broadcasters -- the use of the Régie du cinéma classifications on films, movies of the week and long-form programming only -- may be instructive.

As a founding member of AGVOT and an active participant in the AGVOT classification subcommittee, the CAB has invested considerable energies over the last two years in exploring the design, feasibility, impact, and implementation of a classification system that could be used by all sectors of the Canadian broadcasting industry. The CAB believes that the research and principles put forward by AGVOT in this proceeding provide a useful framework for the potential development of a television classification system in Canada. CAB members will continue to cooperate through AGVOT to build on the work done to date.

The CAB believes strongly, however, that equality of responsibility must be maintained. Without the assurance that other elements of the broadcasting system will classify the programming they carry -- particularly, programming on foreign signals carried by cable companies and other distributors -- it is not appropriate to require Canadian programming services to adopt a formal classification system.

Canadian programming services already adhere to approved violence standards that include scheduling and advisory provisions far in excess of anything that US services have now or are likely to have in the future. To leave foreign services unrated would deny Canadians information where they need it most.

## **Classification System -- Implementation Issues**

Implementation of a broad-based industry classification system would pose a number of challenges. Objectives of clarity, consistency and completeness must be balanced with operational efficiency, impact and reasonableness. It is already

clear that considerable resources would be required to fully understand and resolve the many details necessary to implement a national system. The CAB expects that broadcasters and distribution undertakings would be in a position to undertake further review of these issues and, at an appropriate time, test a proposed system after the conclusion of this proceeding, assuming that all licensees have equal responsibility in the matter.

The Commission has anticipated a number of these implementation issues in the list of questions at page 8 of the Public Notice, to which the CAB will briefly respond:

CAB does not support the concept of a central body being responsible for rating programs. Such a body would be ineffective as it would take considerable time and resources for the central body to rate all programming in every licensee's local market and would have difficulty reflecting the viewing standards of the licensee's community.

Nevertheless, the CBSC or some other body could play a role as a cooperative industry council to exchange and share information on classifications with a view to achieving rating consistency.

3. Should programs be classified for the entire broadcast day or only during certain times of the day, such as prime time?

If the intent of a classification system is to protect children from programming containing scenes of violence, then programs need only to be classified when children are the predominant audience. Classifying programs for the entire broadcast day would not be necessary.

Providing a classification symbol for news, sports and programming rated "general" would not provide any added value to the viewer. Rather what is most important is to provide a rating for programming that is an exception to general practice. This is the case today in broadcasters' use of viewer advisories, and should remain the highest priority of any classification system.

In the initial phases of a classification system, therefore, resources could be devoted to rating programs when viewership is highest, and programming of greatest concern to parents may be aired. Selected programs could initially be classified during prime viewing times prior to the watershed hour (6 - 9 p.m.).

4. Who would be responsible for the arbitration of disputes regarding the rating given to a program?

With the necessary changes to procedure, the CBSC would be the appropriate body for dispute resolution because it already has a dispute mechanism in place.

In the event that the decision of the CBSC is appealed, the CRTC would act as final arbiter.

5. What methods would be used to classify violence in programs that may air on foreign services distributed by cable?

The CAB notes that, for the most part, if an imported program on a foreign service is aired by a Canadian broadcaster, it would already have a rating which the cable company could automatically assign. In the case of imported movies and series programming, information on program content may be readily available and, given knowledge of scheduling, could be used by distribution undertakings to apply the appropriate ratings. US services could also be expected to share scheduling and programming information with Canadian distributors in order for them to apply an appropriate rating.

The only time when a program on a foreign service may be "unclassifiable" is in "one-off" cases when programming is live or there is little or no advance warning of program content.

6. What would be the most suitable and "user-friendly" method of ensuring that information on the classification, or rating of programs is put in the hands of viewers?

The CAB believes that with the acceptance of responsibility by all elements of the system, a classification system based on the framework of the current CAB Code, as well as the principles and research outlined by AGVOT in its submission, could be the most suitable.

7. Would guidelines setting out standards for the depiction of television violence, such as a ban on gratuitous violence and "watershed hours" for scheduling, be desirable once a system is in place which provides viewers with sufficient information on violent content to make programming choices?

The CAB believes that these types of guidelines would continue to be useful for conventional and specialty services, but recognizes -- as in the case today -- that their applicability may be different for pay and pay-per-view services.

The watershed hour in the CAB Code is an extremely important component in protecting children from television violence.

Advisories also provide useful viewer information.

The classification system will complement the prohibition against gratuitous violence, the watershed hour and viewer advisories now in place. It is not intended to circumvent these mechanisms.

8. Is it practicable to rate programming available on an on-demand basis from Canadian and foreign-situated video servers?

Absolutely. Programming available on an on-demand basis must be rated if we are to achieve a level playing field. Movies available on an on-demand basis have already been assigned ratings by provincial film classification bodies. Classification information is readily available.

### **Conclusion**

The CAB Violence Code is working and has found broad acceptance among the Canadian public.

The CAB has been urging the Commission to ensure that other sectors of the broadcasting industry accept this responsibility to viewers for some time, and is pleased that the Commission is taking action to this end.

The Commission's proposed regulatory amendment provides a reasonable basis for developing a mechanism to ensure a level playing field vis-à-vis the current CAB Violence Code. With its establishment, it will be appropriate for all elements of the broadcasting system to implement a simple classification system.

Attachments:

- Appendix A: Private Broadcasters' Anti-Violence Initiatives
- Appendix B: Excerpts from Letters of Support as of June 26, 1995
- Voluntary Code Regarding Violence in Television Programming (November, 1993)

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## **6.0 Canadian Broadcasting Corporation (CBC)**

The CBC is in broad agreement with the issues and concerns that are addressed in the AGVOT brief to the Commission as they apply generally to the Canadian broadcasting industry.

The Canadian private television industry operates under a voluntary code on violence in TV programming which is administered by the Canadian Broadcast Standards Council. CBC is not a member of CBSC and is not subject, therefore, to adherence to its policies.

In its 1994 decision renewing the CBC television network licenses, the Commission asked the CBC to file with it a code for television violence to which it would agree to adhere by condition of licence.

In the Fall of 1994, the CBC consolidated the provisions of its broadcast policies as they apply to the issue of violence, and submitted this consolidated code to CRTC for its approval. The Commission has not yet formally approved this proposed code.

Before any rating process is approved by the CBC, and certainly before there is any regulatory requirement that any such process should be enshrined into any Code on Television Violence, the CBC will wish to be satisfied that any rating process that is ultimately selected for use by the Canadian broadcasting industry is both universal in its application and appropriate to the actual magnitude of the problem. We have serious reservations about the appropriateness of rating all programs, including those which are obviously not candidates for violence code ratings, as well as reservations with respect to who specifically will determine what rating would be appropriate to a specific program. Will we determine how our own programs should be coded, or will it be some outside entity? On what basis will that determination will be made?

We are also concerned with the notion of enshrining "watershed" hours into any broadcast code, because of the limitations we believe that this may impose on the broadcast of specific genres of programs which may merit broadcast in the watershed period, and which may deal with difficult issues which may relate, directly or indirectly, to issues involving violence.

There will be considerable difficulty in pre-rating many television programs prior to their broadcast. If the program is therefore broadcast unrated on its first run, we are unclear as to precisely what benefit there is to be gained by rating the program for its repeat debut.

We also question the value of rating and coding programs that are broadcast on Canadian stations, without also rating and coding the foreign television fare which makes up a significant portion of television viewing in Canada. We have not, in all our discussions and considerations to date, been able to identify an appropriate means of resolving this dilemma. Further, we seriously doubt, given the fact this issue relates to trans-border broadcasting issues, including regulatory jurisdiction and free trade issues, that any satisfactory resolution of this dilemma is imminent.

We have major reservations about the wisdom of creating any policy or regulation which would require Canadian cable systems to act, in effect, as censors.

We believe that any examination of CBC's broadcast schedules, past and present, demonstrates an obvious reality: CBC network services rarely broadcast programs of the sort that are likely to be considered problematic.

We suggest that the Canadian broadcasting industry is, generally, not a major problem area in this respect, although we accept the fact that there are occasional programs which may be considered to cross this line.

By far the largest amount of readily accessible violent programming arrives at household television sets, not off air or via cable from a Canadian television broadcaster, but via VCR courtesy of the video rental business, an area of unregulated activity well outside the jurisdiction of the CRTC.

While we agree that the Canadian broadcasting industry has an important role to play to ensure that it does not contribute to the escalation of the problem, and while we agree that it should act, where it is possible to do so, in a manner which begins to address and reduce the problem, we also believe that the issue of violence must be addressed on a pan-social basis before truly meaningful progress will really be evident.

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## **7.0 Canadian Broadcast Standards Council (CBSC)**

### **SELF-REGULATION IN CANADA: BUILDING ON A UNIQUELY SUCCESSFUL SYSTEM**

#### **Introduction**

The Canadian Broadcast Standards Council (CBSC) is the organization responsible for self-regulation of Canada's private sector broadcasters. The CBSC's objectives are:

- to assist in the application of programming standards;
- to provide a recourse for members of the public regarding the application of these standards; and
- to inform broadcasters of emerging societal trends and suggest ways to deal with them.

The CBSC's members include 320 radio stations, 61 television stations and 2 television networks from across Canada, programming in English, French and third languages, representing 96% of the broadcaster members of the Canadian Association of Broadcasters (CAB) and about 80% of all of Canada's private broadcasters.

The standards applied are those laid down in the various Codes administered by the CBSC; namely, the Sex Role Portrayal Code, the Violence Code and the Code of Ethics, as well as the Radio-Television News Directors Association (RTNDA) Code of (Journalistic) Ethics, the first two of which are mandated as conditions of

license for all private conventional broadcast licensees upon the initial granting of the license or the renewal thereof.

The CBSC was created by the private broadcasters in the belief that broadcasters themselves could most effectively and most appropriately respond to issues of public concern regarding their programming by having an independent organization responsible for directing concerns to broadcasters, interpreting the standards, and adjudicating complaints that might not be successfully resolved directly between the broadcaster and the viewer or listener.

The industry itself has been entrusted with the establishment of a body which is principally voluntary although possessed of some indirect persuasive authority.

That authority stems from an option which the private broadcasters alone have. As a general rule, public complaints relating to the performance of licensees in all sectors of the broadcast industry are dealt with by the Canadian Radio-television and Telecommunications Commission (CRTC). The case of the private broadcasters who are members in good standing of the CBSC is different. They are entitled to have the public's Code-related complaints which are originally submitted either to them or to the CRTC dealt with by the CBSC rather than the regulator. The CBSC process is in principle less formal, less expensive and more expeditious. The Commission stated in its Public Notice establishing the Canadian Broadcast Standards Council

Furthermore, to the extent that the CAB Codes are established by the Commission as conditions of license for the broadcasters, the latter are entitled to request of the CRTC that they become suspensive conditions of license during the continuation of their membership in the CBSC. Should any CBSC member forfeit its ability to remain a member by systematically not abiding by the CAB codes, the Codes would become absolute conditions of license and all complaints from the public would be dealt with in the more formal regulatory environment. Such an undesirable set of circumstances has not arisen.

### **The Evolving Complaints Process**

The complaints process was designed, we believe, to provide a simple and fair mechanism for concerned Canadian viewers and listeners to voice their complaints. The CBSC's only requirements are that the complaint be filed in writing, that it specify the station and date on which the program was aired, and that it be timely (thus enabling the CBSC to order the logger tapes which all stations retain for 28 days following the broadcast of the programming logged thereon).

The process is designed to be easy for complainants to use; they are not required to know the provisions or definitions of the codes or standards applied; they need not file evidence or even construct an argument about why their complaint is

justified; they need not appear at a hearing. Their written complaints are forwarded by the CBSC to the station in question, which then has 14 days to respond to the viewer or listener. If the complainant is satisfied with this response, the CBSC's complaint file is closed. If the complainant is unsatisfied with the response, he or she may sign a ruling request form, asking that one of the CBSC's Regional Councils consider the matter. In such a scenario, the Regional Council will review the complainant's and the broadcaster's correspondence, view or listen to a tape of the program, and determine whether the broadcaster has respected the programming standards which the CBSC administers. Where the decision is in the complainant's favour, the broadcaster must read a text of the decision on air in prime time (for television) or during peak listening hours (for radio); in all cases, the decision is released to the national media and the CRTC.

Most complaints do not reach this point. The CBSC notes, nonetheless, that the number of complaints requiring adjudication has gradually increased; we attribute this increase to an increasingly simplified complaints process, a growing awareness of the existence and decisions of the Council, and as a result, an incremental number of complaints relating specifically to the Codes and standards which the Council administers.

In its decisions, the CBSC has provided its interpretation of key provisions in the CAB Code of Ethics, the Sex-Role Portrayal Code and the Voluntary Code Regarding Violence in Television Programming, and it has established broadcaster responsiveness to complaints as another standard to be applied in the adjudication of complaints.

The CBSC's complaints procedure and decisions have evolved as a function of the public's need for a simple and fair mechanism to deal with complaints, the broadcasters' need to understand the standards and issues of public concern, and the need of both to understand the application of the process and the standards to actual complaints.

### **Growing Levels of Responsibility**

The Commission's Public Notice 1991-90 (August 30, 1991) announced its "wholehearted support" of the CBSC and declared the Commission's satisfaction with the complaints process. The CRTC has, since that date, referred complaints falling within the CBSC's mandate to the CBSC for resolution (while maintaining that interested parties can still approach the Commission with their concerns).

As the CBSC has become responsible for the administration of additional Codes, the Commission has correspondingly broadened the scope of complaints it refers to the CBSC.

## **The Codes: Evolving Standards**

When it was launched in early 1990, the Council was responsible for the CAB's Code of Ethics and its 1987 Voluntary Code Regarding Violence in Television Programming. Within several months, the CBSC also took on the administration of the CAB's Sex-Role Portrayal Code for Radio and Television. The CBSC also recognized the importance of news and public affairs programming to Canadians, and in 1993, the RTNDA provided the CBSC with its Code of (Journalistic) Ethics for application to this category of concerns. Over the course of 1992 and 1993, the CAB revised its 1987 Voluntary Code Regarding Violence in Television Programming, and by the end of October, 1993, finalized the revisions; the CBSC took on administration of the new Violence Code at that time and began applying it to complaints in January of 1994.

As the Codes evolve and as new Codes may be established to respond to societal trends, self-regulation will continue to be the most effective means of dealing with public concerns while educating and informing broadcasters as to the application of these Codes and standards. The CBSC will also evolve, becoming responsible for the application of more Codes and standards for a growing number of programming entities.

## **Television Violence and the CBSC**

The CBSC had noted (and this was echoed in the Standing Committee's June, 1993 report, "Television Violence: Fraying our Social Fabric") the relatively small number of specific program-related complaints which it had received concerning television violence. The Committee recommended that the CBSC increase public familiarity with the Council and its Codes.

Perhaps with some prescience, the CBSC remarked in its 1993-1994 Annual Report that, "it will not take more than one decision of major interest to the media for this familiarity to be fully realized." On November 1, 1994, the CBSC released its first (and, to date, only) decision regarding the 1993 Voluntary Code Regarding Violence in Television Programming. The decision, discussed and summarized in the CRTC's Notice of Public Hearing, concerned the American program, *Mighty Morphin Power Rangers*, as aired on CIII-TV (Global Television).

The *Power Rangers* complaints were expressed as a function of the entire series rather than as a function of individual episodes. After the members of the Regional Council reviewed ten episodes of the series, a full two weeks of programming, more than a random sample, in other words, it was clear to them that a pattern of Code breaches was present.

The modification of the Violence Code in 1993 increased the likelihood that an entire series of programs might be affected by a complaint or series of complaints.

Concepts such as gratuitous violence or unacceptable forms of violent programming directed at children introduced there were more likely to have series implications. The case of the Mighty Morphin Power Rangers was thus the first involving a series post-January 1, 1994. The Council clearly felt that the entire series breached the Violence Code.

The result of the CBSC's conclusion that the decision rendered could apply to the entire series had implications which extended beyond the program in question since, in a series environment, there is somehow the expectation that more than one broadcaster would be likely to be airing the program. That is, of course, what happened in the case of the Mighty Morphin Power Rangers.

For the first time, it was clear that a Code considered by the broadcasters and the CRTC to be essential for Canada's children might be of marginal benefit in the end by reason of the broadly based availability of a program on services not covered by the ambit of the authority of the body fixed with the administration of the Code.

If the self-regulatory model is of value, and the CBSC is certain that it is, steps must be taken to level the playing field. In an electronic environment in which only some of the viewing public is protected only some of the time, the effect is non-existent for most of the public most of the time. It may be worse than that since those who have agreed to play by the rules may, understandably, find it difficult to be Code-abiding when their competitors are not obliged to be.

### **Adaptability of the Current Self-Regulatory System**

First, a single complaint is sufficient to trigger a Regional Council decision.

Second, the process is driven by viewers and listeners, members of the public, and not by an arbitrary censor. The CBSC does not monitor programming on its own initiative and strike that which is unacceptable; concerned viewers and listeners tell us what they deem unacceptable. Thereafter, the complainants themselves determine whether the broadcaster's response to their complaint or explanation of the offending program's rationale is sufficient (as it most often is), or whether they would like the CBSC to take further action.

Third, the CBSC has received no complaints regarding television violence which do not fall within the terms of the CAB Violence Code.

The CBSC must itself deal with certain internal housekeeping matters. Despite the very positive reasons for having five Regional Councils, which effectively reflect local values in their relationship to locally generated programming, it is an unwieldy process when applied to nationally broadcast programming. It is currently awkward, to say the least, that a negative CBSC decision technically only has effect in relation to the station against which it has been rendered. In

theory, at least, unless a complaint were made against a network program, it would be possible to have to repeat the decision with respect to each station carrying the offending series. Furthermore, it would be functionally untenable to decide that an English-language network series available nationally was acceptable in all regions of the country save, say, Atlantic Canada. It is also unduly demanding to ask that a single Regional Council carry the burden of making a national decision when the sole reason for its having to do so results from the geographic origin of the initial complaint.

It is clear that the foregoing anomalies must be resolved as quickly as possible. The CBSC has already determined that it would establish a National Council made up of public and broadcaster members to deal with programming deemed to be of a national rather than regional nature. It had also concluded that revisions to its procedures would be required to ensure that any national decisions would be binding on the rest of the CBSC membership.

On the assumption that the foregoing changes to the CBSC's rules for its members are made, it is essential that the effect of CBSC decisions be extended to other sectors of the broadcasting industry, thereby leveling the playing field. Currently, the CAB Violence Code is applied by the Commission as the standard for all conventional private broadcasters as well as for the new specialty and other services which have not yet adopted their own violence codes. Even those sectors of the industry, such as pay/pay-per-view, which have their own codes, do not have codes which differ markedly from the CAB model which is administered by the CBSC. The Canadian Broadcasting Corporation and the older specialty services will in due course, have Codes of similar scope.

Even if some or all of the codes were significantly different, their application or administration could easily be left to the CBSC.

### **Classification**

The CBSC is not itself involved in the creation of a rating system.

There are significant issues to deal with in the course of the broadcast day which are not likely to be resolved by the application of a classification system, any of which would probably be limited in its focus to dramatic programming. Consequently, all news and public affairs programming, as well as sports programming would, we expect, not be covered by a classification structure and would thus continue to be dealt with by the CBSC.

There would still remain considerable scope for the CBSC's self-regulatory role in the area of dramatic programming even with the advent of a classification system. There are provisions in the Code of Ethics and the Sex Role Portrayal Code which must be considered and not even all of the Violence Code related issues in dramatic programming are thereby eliminated.

At the children's end, there is already a body of principles developed with great care by the broadcasters in consultation with the CRTC and the many public groups participating in that 1993 process. Thus, children's programming, which is defined as being directed to "persons under 12 years of age", either conforms to the standards or fails them. In the latter eventuality, it cannot be rated within the category. While it may then be eligible for viewing in a non-children's category, it ceases to have the same value to a broadcaster. The issue, then, remains one of suitability and not merely of classification. Complaints regarding potential breaches of these provisions remain matters for the CBSC's consideration.

The question of whether a program "contains gratuitous violence in any form" or "sanctions, promotes or glamorizes violence" equally remains a matter for the CBSC. Such programming is prohibited and is not either a question of measurement as to its rating.

The CBSC believes that broadcasters are fully able to make these initial decisions, leaving the CBSC to fulfill the role of arbiter in those circumstances where there is a rating conflict, as it does in its present role. The CBSC's considerable familiarity with the standards (regarding both scheduling and content) to which most Canadian broadcasters must adhere makes it the most appropriate organization to adjudicate disputes regarding classification.

In addition, the CBSC has the infrastructure to process complaints as well as the expertise in interpreting programming guidelines and drafting judgments. The National Council to be created will be the logical body to deal with national classification issues while Regional Councils could deal with regionally appropriate classification matters.

The CRTC must be vigilant in ensuring that the mechanism to measure programming against the children's standards and the non-gratuitous violence post-watershed standard remains firmly in place, both with respect to programming originating in Canada and that which crosses the border via cable or satellite-delivered signals.

## **Levelling the Playing Field**

### **Equal Standards**

Steps must be taken to level the playing field, failing which the self-regulatory system which the private broadcasters erected with the approval, if not the enthusiasm, of the CRTC threatens to come apart.

The obvious area of overlap occurs between Canadian network or syndicated series and American-delivered versions of the same shows. This overlap can occur within Canada, between the CanWest Global System and a specialty service. The Commission appears to have adopted a principle of absolute

congruence in terms of the essential issues of the elimination of gratuitous or glamorized violence and the wording of the children's section of the Code for all sectors of the broadcast industry thus far. The CBSC believes that this approach of identical standards across the entire broadcasting industry is what the Commission must ensure.

#### Effective Solution

While viewer advisories and a classification system, whether buttressed or not by v-chip technology or encryption, are essential components of programming choice-making in the future, they will not replace the need for special vigilance in the case of children's programming or the need to ensure that gratuitous violence is not present on Canadian television sets. What is worrisome is that, in the case of parents who cannot or will not acquire the necessary blocking technology in the negative option environment, there will be no protection for their children.

The private broadcasters have, with the approval of the CRTC, established a set of principles in Section 2.0 of the Violence Code which are prohibitory, not permissive. In order to permit the adoption of a system other than straightforward excision of an offending program from the television schedule, there would have to be a change in the terms and approach of the Violence Code. In the light of the strong statements of purpose associated with the promulgation of that Code, it is difficult to imagine what support there would be for such a change of direction.

#### Equal Application

The CBSC is the appropriate body to administer the Violence Code or Codes across all sectors of the broadcasting industry. It has had nearly four years of dispute resolution experience to date. Its decisions are detailed and straightforward and have, in general, been viewed as equitable.

The CBSC has command of the substance of the Codes it administers, including the Violence Code, as well as matters of programming and scheduling, and broadcaster responsiveness to the public.

The complaint and dispute resolution mechanism of the Council could be extended to all sectors of the broadcasting industry with respect to the administration of the Violence Code and classification disputes. For both the programming and classification issues, it will be essential for the same rules to apply across the industry. It will be as disruptive on the classification side (as it has been on the programming side) for the conventional broadcasters to adhere to a set of rules not honoured by the other industry players.

There is no reason why all Canadian programming services could not fall under the same codified umbrella, even where the terms of some of the Codes may vary to accommodate the particular needs of a sector, such as pay/pay-per-view

television. Overall, the value of uniformity of interpretation of a program's acceptability to the general public must be the paramount consideration. The possibility of differing interpretations of acceptability of a series such as the Mighty Morphin Power Rangers among conventional broadcasters, specialty services, cable and, say, the CBC is as unsettling a concept as the prospect of differing interpretations of the various CBSC Regional Councils on a national program in the current private broadcaster environment. That anomaly will shortly disappear for the CBSC's current members.

It is reasonable to expect that complaints relating to violent content in programming across the entire broadcasting industry will be significantly greater in number than those emanating from the private conventional broadcasters alone. There would be considerably more work for some body to do.

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## **8.0 Canadian Cable Television Association (CCTA)**

The Canadian Cable Television Association (CCTA) is the national trade Association that represents 694 federally licensed cable distribution undertakings that collectively provide cable television services to 7.3 million subscribers across Canada. The CCTA counts among its members, 20 service members that represent the vast majority of licensed Canadian specialty, pay and pay-per-view services, 102 trade members and 30 associate members.

### **The Cable Industry's Position**

The cable industry believes that the appropriate solution to this issue involves:

- the establishment of a classification system that will provide viewers with information on program content;
- the deployment of technology that will work in concert with the classification system to allow viewers to screen out programming they do not wish to receive; and,
- a collaborative industry-wide information campaign to assist viewers on how to make informed viewing choices.

The industry opposes any regulatory or legal action that involves censorship or control by a third party of individual viewing choices.

The efforts of the Canadian broadcasting system and the CRTC must now shift to the identification of a program classification system. To that end, the CCTA, on behalf of its members, has been active on the AGVOT Classification Sub-Committee.

While, as a matter of principle, the Canadian cable television industry opposes the introduction of a blackout or program curtailment regime, it recognizes that the CRTC may wish to put in place a means to address the issue of violent program content on foreign programming services until a consumer- friendly technological response becomes available.

Cable licencees would be relieved of the obligation to curtail programs and provide substitute programming if the licensee can demonstrate that subscriber control technology is readily available to subscribers within its market. In other words, the interim transition period would be over once a cable company has effectively started to market technology that will allow its customers to eliminate or screen out programming that they do not want to receive.

The CCTA strongly opposes the extension of any program substitution regulation for adult programming. We believe that adults are best able to make their own viewing choices rather than governmental agencies or bodies.

The CCTA strongly recommends that the CRTC and the Government of Canada meet with the FCC and representatives of the US government to develop joint agreements on a program classification system and appropriate technology.

### **The Long-Term Solution**

#### Technology

The cable industry has been extremely active in the development of software and hardware that ensures subscriber control. Vidéotron and Cable Regina are already offering their subscribers parental control devices that permit parents to block out specific channels or programs which they consider to be inappropriate for them or their children

Shaw Communications has provided invaluable assistance to Professor Collings of Simon Fraser University to develop the V-You Chip technology. Professor Collings' V-You chip is aimed at helping parents filter classified programming or program elements.

CCTA has also produced a report which provides an overview of the subscriber technology that currently exists to assist viewers in their programming selection choices. This report entitled "Managing Violence on Television: Technical Issues", Appendix 1 provides up-to-date information on technologies that are in development or are about to be introduced in the Canadian and US marketplace.

## Public Information and Education

The cable television industry has attempted to inform cable customers of their viewing choices. Initiatives have included:

- “Stop the Silence on Violence/Brisons le silence sur la violence”
- “Canadian Cable in the Classroom”
- A co-operative project with the federal government through the Department of Canadian Heritage to develop and broadly distribute a user-friendly parent guide to help parents work with their children to make the best viewing choices.

## The Development of a Canadian Classification System

The CCTA has stated clearly the following two principles with regard to the development of a classification system.

- Those who originate or create programming must be responsible for its classification.
- The United States Senate recently approved an amendment to the Telecommunications Competition and De-Regulation Bill, 1995 which will require all television sets manufactured for the US market to include “v-chip” technology. If this amendment wins House approval, it will have a dramatic impact on the evolution of parental control technology and program classification throughout North America. The cable television industry believes that every effort should be made to harmonize the classification systems between Canada and the US.

## **The Interim Solution**

The Canadian cable industry has always been opposed to censorship and in favour of freedom of expression. The industry has also maintained that, in a multi-channel universe, program elimination, curtailment, encryption or “blackouts” are not the answer. The answer must be subscriber information and empowerment. Program curtailment or encryption removes choice from the hands of consumers, it does not address the fact that many of these signals, such as those of US networks, (CBS, NBC, ABC, and FOX) are actually available to the vast majority of Canadians over-the-air and the removal of a signal or program will not be an effective, long-term solution in an environment where there are so many program sources and outlets that are not regulated by the CRTC.

The CCTA recognizes, however, that the CRTC may still consider it necessary to introduce regulatory change following this public hearing process. The CCTA proposes that any such change must respond to the following principles:

- the programming is a series and is found to be too violent for children based on a full public review, by the CRTC, of the programming in question;
- the CRTC has established a minimum number of people that would have to complain about a given program in order to trigger a review by the CRTC;
- the programming is aired before the 9:00 pm watershed hour;
- cable companies are explicitly ordered by the Commission to provide substitute programming and the decision is widely publicized; and
- a cable licensee will be relieved of the obligation to curtail a designated program and provide substitute programming if the licensee can demonstrate that subscriber control technology is readily available to subscribers within its market.

The regulatory measures should be interim only and must be reviewed on a regular basis until subscriber control technology is available.

Because the deletion of a program would be an extraordinary measure which touches on the very critical principle of freedom of expression, the CCTA proposes that the Canadian Broadcast Standards Council (CBSC) process must be buttressed by a full CRTC public process that includes publication of a public notice, a public hearing and the subsequent publication of the decision, so that the Canadian public understands that any decision to remove a program was not taken arbitrarily by a cable operator or any other distribution undertaking.

Any regulatory instruction from the CRTC to cable operators to substitute programming must not impose an undue administrative or financial burden on small system cable operators.

The CCTA submits that Class 2 and Part 3 systems should not be subject to such regulation as the associated costs to implement the system would be prohibitive.

CCTA also recommends that all distribution undertakings, direct-to-home (DTH), satellite, MDS or cellular and any other entrants would have to adhere to the CRTC regulation to substitute programming as directed by the CRTC.

Replacement programming must be provided in place of the series programming found to be violent. Notice of the CRTC direction to delete certain series programming must be given well in advance to allow cable operators to inform those responsible for printed and televised program guides of the schedule changes. The CCTA proposes that the most economical solution is to replace the deleted programming with suitable non-violent programming that is readily available to cable headends.

CCTA strongly opposes the application of such a regulatory directions to delete programming to be applicable to adult programming. The CCTA recommends

that adult television viewers are able to discern their viewing choices and that it would be wrong for a government agency to engage in deletions or substitution in adult programming.

## **Conclusion**

The Cable industry maintains that the best way for it and other players to discharge the industry's responsibility in this area is to provide Canadians with the necessary information and technology they need to make their individual programming decisions.

The industry also remains committed to working with AGVOT and other industry groups to foster the development of a "family friendly program" classification system.

## **Attachments**

- CCTA Technical Report 95-02
- Managing Violence on Television - Technical Issues
- CCTA Programming Report 9505
- Stop the Silence on Violence Leadership Project - Member Projects 1993-1995

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## **9.0 CHUM Television Group**

CHUM operates four satellite-to-cable television services, Bravo!, the New Style Arts Channel, MuchMusic - Canada's national English language music network, MusiquePlus (50% owned), the music network serving Canada's Francophone population, and Atlantic Satellite Network ("ASN"), serving the Atlantic provinces and Eastern Arctic with a hybrid of entertainment and education programming.

CHUM management personnel have been extensively involved in the development of the industry codes and ratings system governing Television Violence. Early in the development of Canada's specialty television services, we adopted guidelines and a screening mechanism for the review of music video clips. Over the past decade, the MuchMusic staff and management have devoted a great deal of time to the establishment of internal guidelines concerning the depiction of violence in music programming. We continue to believe that self-regulation and self-administered screening panels are the best methods to ensure consistency in review of controversial program material. CHUM is pleased to support the recommendations of the Canadian Association of Broadcasters which

have been filed in this proceeding. We are also in support of the work of the Action Group on Violence on Television (AGVOT) Classification Sub Committee. We have participated in the consultative process with AGVOT to date and will continue to work with the Sub Committee in the development of a meaningful classification framework.

### **MuchMusic: Anti-Violence Initiatives and Self-Regulatory Measures**

Our position on violence is an editorial stance that guides our activity not only through not playing violent material but through producing programs that explore violence in popular culture and that encourage media literacy; speaking out against violence in music; creating and participating in forums that examine the cause and reasons for the glamorization of violent behaviour; supporting individuals and organizations and events dedicated to eliminating violence in the media and addressing the problem of violence in society.

### **MuchMusic Music Committee and Internal Review Committee**

Each video submitted to MuchMusic for programming consideration is screened by a team of producers, programmers and VJs on a weekly basis. Any video that contains a scene, image or lyric that even one member of the Music Committee believes is problematic with respect to community standards or our own programming standards is tagged. A tagged music video may not be considered for air play until it has been reviewed and accepted by the Internal Review Committee (IRC).

The key guidelines employed by the Committee are as follows:

- MuchMusic does not play material which contains gratuitous violence.
- MuchMusic does not play material which encourages or glamorizes violence.
- MuchMusic does not play material which shows violence as an acceptable way of resolving conflict.

When we determine that a music video is unsuitable for telecast, we inform the recording industry of the reasons for rejection. Some music videos that MuchMusic receives are edited, as compared with versions of the same videos which are submitted to US or other foreign video music services.

Other self-regulatory measures which have been adopted include:

- an internal policy prohibiting the acceptance of advertisements for so-called slasher movies;
- a self-imposed classification system that results in certain videos being seen at certain times of day and within certain specific programming

contexts and that ensures that certain videos are preceded with viewer advisories.

### **Anti-Violence Measures also Involve the Creators of Music Videos**

MuchMusic is also represented on the board of VideoFact, which funds the production of Canadian music videos. Storyboards are presented to the VideoFact board before funds are committed for the production of videos. At the time that applications are initiated, producers are informed of the policies regarding the depiction of violence. In some cases, funding is not provided on the basis that the finished videos would not conform to our content guidelines.

### **Fighting Violence with Ideas: MuchMediaLit**

We're arming students, teachers, and parents with media literacy tools to decode, demystify and think critically about what they're watching. For years, MuchMusic has made some of its shows available to schools and interest groups free of charge. MuchMusic is a partner in Scanning Television, a media literacy project developed by the Jesuit Communications Project and Face to Face Media, that commences in the fall of '95.

We regularly produce programs that investigate programming issues, social issues and community standards to promote media literacy and to discourage passive and uninformed media consumption.

Viewer and industry interaction is an essential element in the anti-violence discussion.

We open up our phone and fax lines, take our "Speakers Corner on the Road" units across the country and solicit comment through e-mail and conventional mail.

### **TooMuch4Much**

In our TooMuch4Much series of programs, we have telecast music videos (on a one-time basis) which were rejected for general airplay by our screening committee, and have fostered debate between educators, clergy, other professionals and members of our audience concerning telecast of these videos.

### **"In Your Face: Violence in Music"**

MuchMusic was awarded Best Documentary at the prestigious Yorkton Film and Video Festival in 1993 for this production which focused on violence in music. We have made it available to schools free of charge on demand.

### **Canadian Initiatives in Anti-Violence Lead the World**

Through self-regulation, we have refrained from telecasting many videos which contain graphic violence or violent lyrics, or videos which are based on violent themes, which are broadcast in the United States. We speculate that some violent videos are "leaking" into Canada, via home satellite systems, SMATV, US superstations or by means of US border television stations. We would also attribute some videos containing scenes of violence to US cable services which appear on the Part II and Part III "List of Eligible Satellite Services." We endorse the concept "that there should be a level playing field between all sectors of the broadcasting industry" in order to ensure that Canadian licensees are not disadvantaged in relation to non-Canadian services which do not adhere to Canadian TV violence standards but are distributed nonetheless on Canadian cable systems, DTH, DBS, or SMATV. There must be equality of responsibility throughout both the broadcasting system and distribution system in order for initiatives against televised violence to be meaningful.

### **Anti-Violence Initiatives: CHUM Television Stations**

Last fall, Citytv Toronto broadcast a five-part news series dealing with violence in children's television programming. Our television stations have also supported the CAB-sponsored campaigns to speak out against violence.

Prior to implementation of the national TV Violence Code, we telecast announcements preceding programs containing scenes of violence or mature themes. Our viewers have told us that they prefer to have a range of evening viewing options after the watershed hour of 9 p.m. and they appreciate knowing in advance of a telecast the classification of the films. Our current on-air notifications have worked well.

CHUM is not in favour of a central ratings system. Local broadcasters know their communities and the standards of their viewers.

### **Responses to the Questions Outlined in the CRTC's Public Notice**

1. How would the Commission and the industry ensure that programming is rated?

2. Who would be responsible for rating programs -- the individual licensee or a central body established for that purpose? If the latter, how should it be established and funded?

Broadcasters should be responsible for applying ratings to each of their programs, when classification is necessary. Many programs, particularly motion pictures, are edited by broadcasters before they are telecast. While a central body might have a database of original ratings assigned to the Motion Picture Association of America or some provincial film review board, those ratings would not always correlate to the "edited" version of a film which a broadcaster may telecast.

3. Should programs be classified for the entire broadcast day or only during certain times of the day, such as prime time?

We believe that the intent of a classification system is to assist adults (including care-givers) in planning television viewing for younger members of their families and to protect children from programming containing scenes of violence. The primary requirement is for classification when children form a significant segment of the viewing audience. Classifying program content for the entire broadcast day is not necessary. We see no need to classify each program telecast after the 9:00 p.m. watershed hour.

4. Who would be responsible for the arbitration of disputes regarding the rating given to a program?

The CBSC would deal with disputes.

5. What methods would be used to classify violence in programs that may air on foreign services distributed by cable? Unless a North American classification system is developed, the classification of programs will likely be limited to Canadian-produced programs and foreign programs for which Canadian rights have been purchased.

We believe that cable systems could obtain accurate information to apply classifications to many incoming programs. At the present time, companies such as Mediastats provide cable operators with accurate information relating to program episodes and simulcasting. Similar techniques could be used to collect and disseminate data to cable operators.

In other cases, Canadian stations schedule "pre-release" telecasts of dramas, situation comedies, and feature films. In a pre-release situation, the Canadian broadcaster would naturally classify a program before it was telecast into the market on a non-Canadian station via cable importation. It should be the obligation of Canadian cable operators, to publish the program classification information over US telecasts. There are already companies providing data services to the cable industry. This data could be compiled at some modest cost to the cable industry.

In regions where simulcasts were not undertaken due to time-zone/scheduling differences or simply because there are fewer Canadian stations acquiring rights to the US programs, data could be gathered by the cable industry, relative to program classifications issued by Canadian stations in major metropolitan areas, such as Toronto or Vancouver. This information might be provided on a cooperative basis to cable operators for posting over US stations when there are no simulcasts.

If foreign broadcasters did not adopt a common rating/classification system with Canadian broadcasters, there may be some programs, consisting mainly of feature films, which may not be rated under the Canadian system. There may be instances where rights to the films have not been acquired for the Canadian television market as in the case of “Jurassic Park”. In that case, a rating based on MPAA ratings, or the ratings of a Canadian film review board, could be applied to the incoming programming feed by the cable operator. Clearly the onus would be on the non-Canadian service to either publish a rating over its telecast, or be faced with the mandatory imposition of a rating/classification on its signal.

6. What would be the most suitable and “user-friendly” method of ensuring that information on the classification, or rating, of programs is put in the hands of viewers?

If a uniform classification system is adopted there is the potential for colour-coded classification “logos” to be applied to programs in the corner of the screen. This could be done at the commencement of a program, in the same manner as the “Closed Captioned” symbol is applied at the start of programs.

7. Would guidelines setting out standards for the depiction of television violence, such as a ban on gratuitous violence and “watershed hours” for scheduling, be desirable once a system is in place which provides viewers with sufficient information non-violent content to make programming choices?

If “V-Chip” technology, or “smart decompression decoders” are introduced along with a nation-wide classification/rating system, viewers would be fully empowered to control programming entering their homes. In this situation, it may be practical to relax guidelines.

8. Is it practicable to rate programs available on an on-demand basis from Canadian and foreign-situated video servers?

The majority of programs which will be available on video-servers will consist of feature films. Where films enter Canada via foreign video services, it is likely that most of those films will have been previously released theatrically, and therefore, have been rated. Many films will be licensed by Canadian broadcasters and will thereby be rated pursuant to classifications used by Canadian broadcasters.

9. In Notice of Public Hearing CRTC 1995-5 the Commission contemplated amending the Cable Television Regulations, 1986 “to include a section prohibiting licensees from distributing any program that the Commission identifies as contravening an approved violence code. A requirement to curtail or encode would apply equally, regardless of whether the program was distributed as part of a Canadian or a foreign signal”.

We have underlying concerns about the operation of a black-out provision. CHUM advocates allocation of equal responsibility for compliance with industry violence codes as between Canadian broadcasters, Canadian and foreign distribution undertakings and foreign signal originators. In situations where foreign telecasts are imported into Canada, and the program rights are not acquired by Canadian licensees who could exercise editorial judgement, it may be appropriate to prohibit distribution of programs which contravene an approved violence code. It is a fundamental principle that any foreign broadcasting service which derives revenue from Canada, either by means of a subscription fee, advertising revenue, or distant retransmission royalties, must conform to Canadian standards. Failure to conform to Canadian standards should be grounds to cease distribution in Canada.

Attachments:

- A Brief Chronological Summary of MuchMusic's Anti-Violence Activity
- TooMuch4Much Airdates

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## **10.0 Coalition for Responsible Television**

### **Background**

The Coalition for Responsible Television (CRTV) is a Canada-wide coalition of organizations and people concerned about the effects of violent television on Canada's children. This concern encompasses not only the programming targeted directly at children, but advertisements and other programming aired during times when children are likely to be watching television. CRTV members and endorsing organizations include more than 80 organizations throughout virtually every region of Canada.

At our cost, and with only volunteer assistance, we established a 1-900 number through which we record complaints and send them through the variety of mechanisms established to deal with those complaints at the federal, provincial and industry levels.

### **Recommendations of CRTV**

To fulfill its moral and statutory obligations, the CRTC should:

1. Streamline the complaints process, ensuring that regulations regarding the complaints are not tied to technology or imbedded with the television industry.

A complainant is expected to be well-versed in all of the nuances regarding the complaints process. Because most Canadians aren't, it makes for a clearly unbalanced format within which to express dissatisfaction with television products. When rules are different for each part of the television industry, each area can feel reluctant to take firm action to reduce violence if other areas of the industry are ignoring the problem.

The Coalition for Responsible Television finds the existing complaints process cumbersome, confusing and entirely ineffectual. A more streamlined, consumer-friendly complaints process should be initiated immediately, designed in such a way that the Coalition for Responsible Television can help advocate on behalf of the complainant and designed so that we may follow statistics with respect to complaints and outcomes.

In less than one day, we received more complaints about the violence on television than the CBSC has received in one year. In these days of highly interactive technology, there are ways to listen and to respond to the real concerns of the public without burying complainants under mounds of paper.

It is extremely important that the watch-dogs be funded adequately to provide consultation, education and to attempt to shield the public from further harm. The industry has several groups that lobby and advocate on its behalf on a full-time basis; the public has only the CRTC. (The Coalition for Responsible Television is "staffed" by volunteers only, many of whom have full-time jobs elsewhere).

Beginning at one percent (1%) of the CRTC licensing fees for the first year, the Coalition for Responsible Television could undertake to provide the public with a more meaningful mechanism to voice their concerns. We are anxious to provide on-going consultation to the various regulatory bodies and levels of government who are involved in television issues. We would like to provide more public education such as developing meaningful warnings to place on television and in various public spaces. We would like to be able to respond quickly and efficiently to potential legislative, regulatory and technological changes. Given our present funding situation, our current abilities are limited.

3. Evaluate the province of Quebec's "Irwin Toy" decision to see how and when it can be applied to protect children across Canada.

The Supreme Court of Canada found that Quebec's law prohibiting advertisements directed at people younger than 13 to be constitutionally valid. This decision is known as "Irwin Toy" because that toy manufacturer unsuccessfully challenged the law by claiming it affected the corporation's right to freedom of expression. The Supreme Court agreed that freedom of expression, for the corporation, was affected, but that there is clear evidence younger children are more likely to be unduly influenced by advertisements. Therefore, these children have a right to be protected from business interests.

4. Direct the television industry to develop a rating system defined by a group of people, the majority of whom are not affiliated with the entertainment industry.

Rating systems run solely by (and for) the industries governing their product are notoriously bad at properly warning the public of potential harm.

For the television industry to look at their own product and decide what is violent or not violent, and what constitutes acceptable programming at what hours, is a conflict of interest. It is representatives of the public, the people who will be most affected by the rating scheme, who should shape the definitions.

The current violence guidelines do not address advertisements at all. Frightening, violent movies are advertised during children's afternoon programs. These high-impact advertisements encourage viewers to watch the upcoming 9:00 p.m. ultra-violent television movie or announce the latest horror or "action" film.

6. Acknowledge -- and publicize -- the fact that media literacy is not the primary solution because media illiteracy is not the root of the problem.

Our coalition strongly supports media literacy programs as one part of a larger solution. However, media literate children are still affected by the images and culture of violence promoted by television. It is not the children's responsibility to ensure that they are not enticed by violence and human cruelty; it is the responsibility of the adults who direct programming to them. If these adults are not willing to exercise their responsibility to protect Canada's children, then Canadians who do not profit from exposing children to harmful images must exercise this obligation through our democratic institutions.

The CRTC and other government officials have an ethical obligation to protect Canada's children from the "thrill" of violence which is so often added in to the television product because producers know this lure works with children.

In addition, the Government of Canada must immediately:

7. Re-constitute the CRTC so that 2/3 of the commissioners represent the public at large, with a specific focus on child welfare experts.

We have noted that there is movement between the CRTC and the industry in terms of employment. There are no examples that we know of where anyone from the CRTC has moved into public advocacy organizations.

With CRTC decisions such as the approval of Sega Genesis to operate without a license in this country, it is clear that the public good is not being served. Sega Genesis produces some of the most violent video products.

In the decades since the CRTC was established, our knowledge of the damage which violent entertainment can inflict on children has grown enormously, yet the CRTC has not moved in any meaningful way to reflect this knowledge within the Commission. This is why we recommend that a majority of the commissioners have as their primary concern the welfare of Canada's young people. These commissioners should be media literate, child welfare experts, pediatricians, teachers, mental health professionals, parent and service organizations, etc.

8. Enter into negotiations with nations throughout the world to ensure that each country's television regulations are respected.

Canada's transmission regulations must provide a mechanism to respect the laws and regulations in other democracies. Likewise, we must provide for a mechanism which prohibits the breaching of our broadcast/transmission laws and regulations.

In the age of satellite broadcasts and changing forms of technology, it is critical that Canada set up mechanisms to ensure that regulations governing our cultural environment are sensitive to democratic principles here and abroad.

9. Undertake a public warning campaign to ask parents to protect their children from violent television and other forms of violent entertainment.

Violent television is a public health and safety issue. It is time that average Canadians were properly informed of the dangers and cautioned to protect their children. It is unfair to keep the public misinformed.

By asking that the public be properly warned of the real and pressing dangers of exposing children to violent television -- and telling parents what they can do to attempt to produce their children right now -- we are not implying that the responsibility out to be shifted on to parents for this problem. The responsibility remains with the adults who choose to air violent programs and advertisements during times that children are likely to be watching television. However, until mechanisms are in place to properly protect children in this society, parents must be given every tool at their disposal, including cultural support through advertisements placed free of charge on television. Children need to hear not only from their parents but from the advertisements they see on TV that their parents' efforts to prohibit certain programs are supported by our democratic institutions which do not benefit from pushing violence at youngsters.

## **Closing**

Violence needs a culture in which to breed -- a culture of poverty, of injustice and/or a culture which sends out messages that violence is fun and alluring. Television now forms a strong cultural link between individuals and communities. Sadly, one of the ways it is forging links is by helping to encourage violent behaviour.

We fully understand that the CRTC does not control the whole solution. But because of your inaction, procrastination and attachment to the industry you are blocking the other pieces of the solution which could come together. For example this current “public” hearing process is being undertaken in a way that virtually guarantees that a good portion of the public will be reluctant to participate. The CRTC has stated that they want to hear from “average people”, but to participate these “average people” must write to them by June 29, 1995 to commit to attend hearings at an unknown location on an unknown date for an unknown length of time. For good measure, these people will have to pay their own travel expenses to whatever destination the CRTC establishes.

But as a show of good will and in an effort to take meaningful steps toward real change, the CRTC could immediately direct broadcasters to air advertisements (which the coalition will produce) publicizing our 1-900 complaints line during prime time, at no charge. The public must be able to use television to express themselves and to communicate with other members of society to change existing conditions.

Attachments:

- Sample Pages from “Kid-Power” Conference Brochure
- Articles Re: Sega Genesis and Its Products

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## **11.0 MediaWatch**

### **Introduction**

MediaWatch is a national, volunteer feminist organization which has been working on the issue of violence and sexism in the media since 1981. In addition to our on-going consumer advocacy work, we assist parents, teachers, home and school associations, students, as well as those in the industry and government by providing knowledgeable speakers, educational materials, and data from our unique Canadian research.

### **An Overview of Children and TV Violence**

Relatively little attention has been paid in the debate to the extent to which media messages about gender are central to the perpetuation of the violence -- not just in the media, but in society as a whole.

The linking of sex and violence in media is especially destructive, given our social reality in which sexual assault is believed to affect one in four girls under the age of 18.

If we're really serious about having a significant impact on media -- and ultimately societal violence -- we need to expand our definition of the issue. We need to recognize that the inadvertent "sex (role) education" being provided by profit-seeking producers, broadcasters and advertisers to children and teens is a fundamental part of the problem. And we need to ensure that government and industry become as concerned about and responsive to the irrelevant sexualization of women and girls, as they are committed to reducing the number of violent acts per hour in kids' cartoons.

### **Public Opinion**

MediaWatch initiated a significant research project of its own which relates to television violence and of which the Commission has a copy. The project is entitled "Please Adjust Our Sets: Canadian Women Watching Television".

### **Impact of Media Violence**

The impact of media violence is no longer in question: thirty years of research overwhelmingly demonstrates that exposure to media violence correlates with increased fear, increased aggression, and, desensitization to violence.

In its Notice of Public Hearing CRTC 1995-5, the CRTC made a commitment to media literacy as one of the key ways in which the Commission plans to meet its objectives on this issue. MediaWatch and other anti-violence groups which we consulted informally in preparation for this submission, were unaware of any media literacy work undertaken by the CRTC. This work is being done by a few non-profit, volunteer-based groups across the country, some of whom receive no government funding or whose funding is currently in jeopardy because of cutbacks.

Media messages about gender have also received little attention in either the public debate or in media literacy educational materials.

Media literacy education is only available in a few provinces in Canada, and generally only offered at the high school level. Most teachers of media curriculum do not receive any formal media literacy training themselves. To address these gaps, MediaWatch has developed two major media literacy projects to be used with young children, which include a training element for teachers and care-givers. These are: "Gender Issues in the Media: Curriculum Guide" and "Project Positive Action: Gender and Violence in Children's Entertainment".

Recommendation 1: In light of its stated support for media education, MediaWatch recommends that the CRTC, in partnership with the broadcasters and others in the industry, recognize the significant work already being done by anti-violence groups across the country and designate funds which groups can access for the development, distribution and promotion of media literacy materials.

### **Sexism and Sexist Violence**

The linking of sex and violence is of particular concern to Canadians. In order to document this problem further from a Canadian perspective, we have committed to conduct a monitoring of local and national television in advance of the regional hearings. Results of our volunteer-driven monitoring project will be shared with the Commission as it travels across the country for the regional hearings.

### **Canadian Children's Programming**

It is the perception of most Canadians who are aware that programming is Canadian or foreign, that Canadian programming is definitively less violent. However many Canadian broadcasters carry the problematic foreign -- i.e. American material without any restrictions.

Recommendation 2: MediaWatch supports the Commission's suggested approach which states: "In the case of a decision taken by the CRTC that a program contravenes an applicable code on violence, the Commission could issue a public notice requiring cable undertakings to curtail the program in question." And further ... "the order would also be applicable to other distribution undertakings" ...

The Canadian Broadcasting Corporation, our national public broadcaster has traditionally shown a relatively weak commitment to Canadian children's programming.

Recommendation 3: Canadian broadcasters should be required to broadcast / produce original Canadian programming, of a non-violent, non-sexist nature, for children of all ages, as part of their regulated commitment to Canadian content.

Canadian content regulations must not be reduced, and as stated above, a proportion of that Canadian content should be for children's programming especially in the case of the public broadcaster.

### **Video Games**

MediaWatch believes that the fact that an unlicensed video game channel will soon be available to over 1 million Canadian households via the public airwaves fundamentally contradicts the other initiatives the CRTC, CBSC and other industry players have taken on the issue of violence. The violence, sexism and

stereotypes found in so many of these games is profound and many parents are completely unaware of the content of the games. In addition to concerns about the sexism and violence in video games, evidence that playing the games can cause extreme physiological reactions is mounting.

Recommendation 4: That the CRTC re-evaluate the awarding of a non-licensed video game channel. Further, the Commission should undertake thorough research of the social, health and other implications of video games on children and conduct comprehensive public hearings before any decision be made to grant video game producers access to the public airwaves. Finally, if the Commission decides to proceed with plans for a video game channel, that it be licensed similar to that of all users of the public airwaves.

### **Suggested Approach to Television Violence**

The public complaint mechanism is an important one and MediaWatch would not want to see the public cut out of this process. As the Commission is no doubt aware, the complaint process is fraught with difficulty: the formality of lodging a complaint with the CBSC and the lengthy time-period involved in processing complaints deters many consumers. Further, the fact that it is up to the public or volunteers driven anti-violence groups to point out possible violations of the code, weakens its power.

Recommendation 5: MediaWatch recommends that changes be made to CBSC procedures so that future rulings on programs which contravene any CBSC code apply to all programming available in Canada.

Recommendation 6: That the CRTC in cooperation with the industry, develop mechanisms that will make broadcasters and cablecasters take responsibility for controlling TV violence.

Recommendation 7: That the CRTC commission a study to determine how best to make Canadians aware of their role in the comment process and to simplify the comment process for average Canadians.

### **Advertising**

Given that we know about the impact of TV on children's perceptions of reality, MediaWatch believes the CRTC must take a firm stand on the issue of advertising.

Recommendation 8: That the CRTC direct the Canadian Advertising Foundation (CAF) to make amendments to its pre-clearance mechanism for advertising directed toward children so that ads will also be assessed under the CAF's

"Gender Portrayal Guidelines" before being given approval.

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## **12.0 SEGA Entertainment Services**

### **Introduction**

On January 13, 1995, the Commission issued a decision relating to the regulatory framework for cable delivered video games. This services, to be launched in September 1995, will offer consumers a rating system on all games available coupled with a Password for Parents control system for parents.

### **Our Company**

Sega of Canada, Inc. ("Sega Canada") is a distributor of video game hardware and software with headquarters in Richmond Hill, Ontario. Beginning operations in January 1993, we have built a \$200 million annual business with a fully Canadian management team and fifty employees, all Canadian.

We have introduced an independent rating system as well as a hotline, education brochure and a program to assist parents in deciding what is right for their children.

### **Parental Guidance System**

In our first year of operation in 1993, Sega Canada assumed a leadership role in the industry in developing and implementing an age-specific rating system for video games. In the absence of industry consensus on the issue, Sega Canada initiated its own rating system and then proceeded to educate the public about them.

That system classified our video games in three categories:

- G for general audience
- MA13 for mature audience between 13 and 16
- MA17 for mature 17 years and older

An independent Video Game Rating Council, comprised of educators, child psychologists and sociologists, was established by Sega to rate the games. All new titles after September 1993 displayed the large rating symbol on the front cover of the package.

The second component of the parental assistance program was the introduction of a toll-free parent information video game hotline. Parents can call the hot line for

information on everything from age-appropriateness for Sega video games to actual ratings information and even video game play tips so parents can play the games themselves for monitoring purposes.

The third component of the education program was the launch of a parental information brochure which addresses video game playing and ratings issues. Working with the Scholastic, the well-known educational book publishers, Sega has developed this brochure for responding to calls on the hotline and distribution at the retail point of sale.

The brochure outlines the rating system and provides general guidelines with respect to age appropriateness; suggests responsible use habits; recommends ways in which parents and children can join in game playing together; and addresses learning skills that video game playing can help develop.

The fourth component is that retailers and third party licensees must now comply with the Sega rating system or risk losing cooperative marketing incentives. Retail chains such as K Mart and Toys R Us feature the rating system in their advertising. We are committed to working closely with the retailers to ensure their participation in our public education program.

The fifth component was a national full-page newspaper advertising campaign launched in February 1994 to draw the attention of parents and children to our rating system.

### **Self-Regulation**

During the Christmas season in 1993, Sega Canada took the decision not to distribute two games that had been rated MA17 because of the gratuitous violence contained in them. These game titles were designed for the CD-ROM platform. We have continued this policy.

### **Canadian Interactive Digital Software Association (CIDSA)**

In 1994, Sega Canada took the initiative working with the other game developers, software manufacturers, retailers and distributors to establish a fully independent rating council. A new industry wide rating system has now been implemented:

- EC early childhood (ages 3+)
- K/A kids to adults (ages 6+)
- T teen (ages 13+)
- M mature (ages 17+)
- AO adults only

The consumer information systems for Sega's own rating system have now been transformed to utilize the new, industry-wide, independent rating system.

## **SEGA Cable Service**

It is important for its cable customers, particularly parents, to know they can control the television programming coming into their homes.

At Sega Canada, we have already ensured that there is a rating system and that parents will be provided the tools required to understand the rating system and how they can use the V-chip technology (Password for Parents) to control the level of violence in the games available each month through the Sega Cable Service. The on-screen selection menu for the Sega Cable Service will include classification ratings for each game. Printed materials delivered with the initiation kit will feature an explanation of the classification system including a toll-free phone number to assist parents in setting up their Personal Identification Number (PIN). Parents can use their PIN to exclude specific rating levels. If a family member then wants to download a game from a Rating Level that has not been approved, a message will appear on the screen explaining the game has not been authorized for use.

## **Questions Posed by the Commission**

How would the Commission and the Industry ensure that programming is rated?

In the Canadian video game industry, we have established a council -- Canadian Interactive Digital Software Association (CIDSA). All responsible companies have membership in the council and the rating of their games is mandatory.

Who would be responsible for rating programs?

Interactive software, like other information technologies, is an international industry and many companies operate globally. CIDSA liaises closely with its US counterpart, the Interactive Digital Software Association (IDSA).

Several Canadians serve as independent and impartial raters on the Entertainment Software Rating Board (ESRB). Raters represent professional disciplines such as sociology, law, psychology, and education, as well as parents.

CIDSA has worked very closely with Dr. Pober and his staff at the Entertainment Software Rating Board (ESRB) to ensure a rating system which reflected not only the needs of the rating board but would also reflect Canadian community standards and values. The CIDSA commissioned a research study conducted by Decision Research which would test the ESRB's descriptions and categories and measure them against Canadian community standards and values. Overall, the ESRB categories and descriptors reflected Canadian attitudes and expectations of a rating system.

Classification of video games are for all games. It is inconsistent to consider only rating some video games for certain periods of time.

Who would be responsible for the arbitration of disputes regarding the rating given to a program?

Sega Canada has held discussion with the Canadian Broadcast Standards Council regarding a transparent system of dispute resolution for consumer complaints. Sega Canada has undertaken to initiate a fair and open system of dealing with consumer complaints.

What methods would be used to classify violence in programs that may air on foreign services distributed by cable? Unless a North American classification of programs will likely be limited to Canadian-produced programs and foreign programs for which Canadian rights have been purchased?

Since the interactive software business is global, Sega Canada through its leadership in CDSA has insisted on North American standards.

What would be the most suitable and "user friendly" method of ensuring that information on the classification or rating of programs is put in the hands of viewers?

The use of explanatory brochures, a toll-free telephone help line and on-screen instructions ensure that parents are informed about the rating system and how to use the Password for Parents feature to screen out specific rating levels on a monthly basis.

Would guidelines setting out standards for the depiction of television violence, such as a ban on gratuitous violence and "watershed hours" for scheduling, be desirable once a system is in place which provides viewers with sufficient information on violent content to make programming choices?

We believe that we provide an effective, user-friendly method for parents to supervise game play for children. Once such a system is offered to the consumer, the imposition of other restrictions is unnecessary.

Is it practicable to rate programs available on an on-demand basis from Canadian and foreign-situated video servers?

The Sega Cable Service is a clear example where rating of games on an on-demand service is possible.

## **Conclusion**

By instituting a North American classification system and a user-friendly education system for its use by the consumer, the video game industry has provided the necessary protection for children. Freedom of expression can be respected if such tools are provided to parents.

Sega Canada through its leadership in CIDSA and introduction of Password for Parents in the Sega Cable Service, has demonstrated that voluntary action by companies can be achieved.

Sega Canada's top ten best-selling video games, and 92 percent of our video game library, are rated K/A or T (suitable for ages 6+ and 13+).

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### **13.0 Shaw Communications Inc.**

#### **A Social Concern and a Corporate Responsibility**

The relationship between the program production industry, as a software provider, and the cable industry as the delivery mechanism, has been increasingly synergistic.

Technical change and changing market conditions have influenced the production of film, video and television programming. New methods to view video and television programming contributed greatly to the changes that have occurred over the past fifteen years. These include:

- Cable television's impact on programming: The first change to the mass market concept was the creation of "niche" specialty programming services.
- Pay television
- Video Rentals
- Video Games

Most of the programming developed in this environment enjoys the democratic right of free expression and few objections might be raised if the distribution of programming was narrowly and accurately directed to its intended audience. The problem is that the broadcast-approach to program distribution still prevalent today, requires new capability to select.

The cable television industry realizes that the social problem of violence cannot be legislated away, and accepts a social responsibility to find a viable and long term solution together with other partners in the program distribution industry and home electronics industry and the public at large. This is why Shaw Communications Inc. ("Shaw") has committed to test and help refine "V-Chip"

technology which, if successful and when implemented widely, will give all homes in Canada a new opportunity to choose what is right for the family.

Over the years, Shaw has committed more financial resources and developed ever-growing initiatives to support the creation of entertaining, educational and non-violent television programs for children. At present, the Shaw Children's Programming Initiative, funded at \$27.5 million, directly supports the creation of Canadian programs for Canadian children. In this way, Shaw is not solely involved in finding mechanisms that permit families to restrict the viewing of programming which they find inappropriate for themselves or their children, but, more importantly, we contribute directly and measurably to offering the kind of programming that the whole family can enjoy and learn with.

### **Corporate Support for an Industry Code**

In December 1993, the Canadian Cable Television Association (CCTA) established a Special Task Force to develop a Violence Code for the Cable Television Industry.

- The Code and Action Plan which have been approved by the CCTA focus on four distinct areas:
- Program Origination
- Program Retransmission
- Subscriber Control
- Public Communication

We can also not afford to forget the impact and influence of video programming and video games, both of which are outside the jurisdiction of the Commission, and therefore not included in the scope of the current review. A perfect solution in television without one in video rentals and video games may be akin to perfectly plugging the top half of a sieve.

Shaw strongly endorses the Commission's call for cooperation and proposes that the sphere of cooperation be broadened by inviting the Home Electronics Industry to voluntarily join as an important partner in a campaign to deploy and popularize technology that gives control over program reception to the viewer.

### **Program Origination and Program Retransmission**

With the important exception of its Community Programming, and of some non-programming material, the cable industry is predominantly a distributor of programming originated and transmitted by Canadian and US over-the-air broadcasters and satellite program providers. The content of the great majority of programming on Canadian cable television systems is therefore determined by individual licensees who are accountable through their own appropriate regulatory mechanisms.

Significant progress is being made in Canada, through the Action Group on Violence on Television (AGVOT), which has committed to develop a classification system for the broadcasting industry.

US broadcasters and satellite program suppliers pose a different challenge, since they fundamentally operate beyond the reach of Canadian regulations, and can be expected to be sensitive to Canadian needs and aspirations only to the extent that they are able to serve a tangible market in Canada. A degree of regulation applies, indirectly, to satellite based suppliers by virtue of the Commission's power to include them in, or exclude them from the "authorized list" of foreign services. Border stations, broadcasting over-the-air, are not restricted in this way and are strong policy considerations, issues of censorship and other concerns which make it difficult to embark on such restrictions. Fortunately, the US border broadcasters, individually or as a group, have expressed their willingness to cooperate in finding a solution, as evidence by their correspondence with the CCTA during 1994.

The insertion of an electronic classification code is essential in moving the issue of violence in programming away from the spectre of censorship and into the realm of individual freedom and individual choice.

We propose that any classification system be designed in such a way that it permits an informed viewer to determine for him or herself whether or not a specific program could be appropriate for viewing - for themselves, or for members of the family.

Shaw submits and intends to demonstrate that it is now technologically feasible, and economically affordable, to match an electronic program classification code with the ability of the viewer to interpret and act upon this code. Putting the control tools in the hands of the viewer, the consumer, puts the responsibility where it belongs and makes it possible to balance the right of freedom of expression (including the right to transmit) with the right to privacy - the freedom to choose.

Shaw is, therefore, supporting the development of "V-Chip" technology and the eventual deployment of this technology into the homes of Canadians by various means.

### **"V-Chip Technology"**

### **"Helping to Choose What's Right for the Family"**

Shaw is please to support the work of Professor Tim Collings of Simon Fraser University in developing ViewLevel™ and VyouControl™. The combined ViewLevels™ and VyouControl™ system has been developed by Professor

Collings in response to the increasing concerns expressed about links between violence in society and the display of violence on television.

The system is based on encoding programming with an electronic program classification code at the point of transmission (ViewLevel™ Encoding). The code identifies the rating of a program's content, in accordance with agreed upon criteria (ViewLevels™). ViewLevels™ are encoded directly into the video signal, but remain invisible to the viewer. The format used to encode ViewLevels™ data is similar to that used for closed captioning encryption, which is inserted on line 21 of the Vertical Blanking Interval. ViewLevels™ uses only a fraction of the bandwidth available and does not impair the existing use of this bandwidth for closed captioning. ViewLevels™ coexists with closed captioning and, most importantly uses technology already in place at television stations.

Depending on the final configuration and design of the system, as well as the classification system which is ultimately agreed upon, ViewLevel™ would, as a minimum, permit the blocking out of an entire program that contains offending material - subject only to the classification level which a viewer deems appropriate - or perhaps as little as a single objectionable scene.

ViewLevel™ is an attempt to eliminate subjective value judgments from a classification, and to provide objective information to the viewer on how certain material is treated, thereby permitting the final judgment - and the decision to view - to be made by the viewer.

The ViewLevel™ system proposed to assign a more objective rating for violence, language and sex/nudity, by using a scale between 1 and 9 for each area of concern - "1" signifying absence of violence, lower levels describing various levels of implied violence, with higher levels dealing with explicit forms of violence.

VyouControl™ gives full control to the viewer over the programming watched on television. An integrated circuit ("V-chip") can be built into various receivers: television sets, VCRs, converters, decoders). This chip will interpret the ViewLevel™ transmitted on a given program, compare it to the level authorized for viewing and default to an information screen if programming of an unauthorized level arrives. This "matching" of content and authorized viewing can occur as frequently as every five seconds.

### **Shaw's Commitment to Support V-Chip Technology Research and Development**

Shaw has committed \$300,000 in direct financial support to the development of V-Chip technology and the ViewLevel™, VyouControl™ system of Professor

Collings. Moreover, it has committed management resources and the use of its own cable systems to test the technology and to gauge consumer response.

The research and development program is currently underway and consists of two distinct phases:

#### Phase 1

During Phase 1, ViewLevel™ encoding was introduced on various programs supplied in the normal fashion, via satellite, by SuperChannel. These programs were transmitted over the cable system in Edmonton to a test area in Sherwood Park, where 65 subscribers were equipped with VyouControl™ decoders. Phase 1 started on December 15, 1994 and ended on March 15, 1995.

No significant technological problems were encountered during this test and the ViewLevel™ and VyouControl™ systems worked well.

We are currently formally debriefing the response of subscribers to the test. Initial feedback has already provided valuable information which will help to make the system more user friendly. Upon receipt of the complete subscriber response information, more changes will be contemplated for inclusion in Phase 2 of the test.

Phase 2 of the test will expand the trial to a larger number of viewers in more cities across Canada. We are currently in contact with cable operators and broadcasters in Montreal, Toronto, and Vancouver regarding testing in their markets.

In each of the test markets we would propose to have one group of subscribers using a single factor classification system such as the classification system proposed by the Canadian Motion Picture Distributors Association which is currently under review by the AGVOT classification sub-committee. A second group would use the ViewLevel™ system proposed by Professor Collings.

What we need to determine now is the relative effectiveness of different types of classification systems, and, most importantly, the overall use of the equipment by families.

Phase 2 is expected to get underway in early August and we would expect to have some preliminary data available in time for the October hearing.

#### **A Scenario for Implementation**

Just as the Commission has rightly observed, balanced regulation is needed in broadcasting to treat all broadcasters equally - noting especially the potential

imbalance between Canadian and US originated programming - so it should be acknowledged that we need the same approach to video entertainment as a whole.

Extensive and enduring cooperation is therefore, required between many participants to accomplish the following:

Establish a comprehensive classification system

Canada should proceed with the development of a classification system which must then be implemented by all broadcasters and with a view to extending it to other video program distributors. Program producers should be encouraged to deliver their products with electronic encoding in place.

Non-broadcasting stakeholders in the process, such as parents, teachers and the medical profession, should play a significant role in designing the classification process.

Common cause should be made with stakeholders in other countries, especially the United States to establish identical or similar classification systems.

The VyouControl™ technology developed by Professor Collings can be adapted to whatever level of program coding is determined to be most effective.

Consumers would have the opportunity to pro-actively express their personal support for the treatment of violence on television by (initially) purchasing or renting V-chip decoders. Subsequently, manufacturers of home electronics products should be encouraged to build V-chip technology into their products, in much the same way that UHF tuners were brought to market some thirty years ago, and the way in which closed captioning capability is now available in new television sets (V-Chip technology has the additional advantage of using the same bandwidth).

It may even be possible to establish a Canadian standard which would mandate the inclusion of this technology in VCRs, converters and television sets sold in Canada.

A comprehensive communications program

Technology, costs, economics of scale, and many other factors are coming to bring about a rapidly increasing degree of computerization, networking, electronic transactions and other computer based activity.

On the other hand, consumers are increasingly intolerant about lack of control, worried about loss of privacy, suspicious of computer-led manipulation of their behaviour in general and buying habits in particular.

It is important that the public not simply be informed that new choices to control the delivery of programming with violent content can and will be made available to their homes, but that they are involved as the most important stakeholders in the development and implementation of this process.

Shaw, therefore, recommends that the public have a strong effective and independent voice in all aspects of the development of a comprehensive approach to dealing with violence on television.

## **Conclusion**

We must empower Canadian viewers to make their own choices, enable them to implement these choices easily within their own homes, and provide them with the information and support systems that will permit them to make the right choice for themselves.

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## **14.0 TVOntario**

TVOntario is a provincial educational broadcaster serving Ontarians through TVO, its English-language network and La Chaîne, its French-language network. Our programming promotes learning through all stages of life: from preschool to adulthood, from home to business, from literacy to professional development.

Children's programming is the heart and soul of TVOntario; well-loved favourites such as Polka Dot Door, Join In! and À la claire fontaine have set standards of excellence for children's programming in Ontario, Canada and abroad. We schedule more children's programming each day than most stations show in an entire week - for a total of 45 hours per week on TVO and 50.5 hours per week on La Chaîne - first-class programming, in which parents can have a great deal of confidence and which children choose to watch.

We strongly support the main objective of the Commission's approach to television violence -- that of protecting children from its harmful effects while preserving freedom of expression. However, much still needs to be accomplished in the areas of:

1. Increased support and incentives for the production and distribution of high-quality Canadian children's programming

TVOntario's experience shows that children will choose high-quality, non-violent programming if it is available for them. Children want to watch drama, action and adventure shows -- shows that are expensive to make. Increasing funding for

Canadian children's drama must be a priority for the Canadian broadcasting industry.

As part of its 25th anniversary activities and beyond, TVOntario is establishing a special children's programming endowment fund to support the production of new children's television programming. Our target for the 25th anniversary year will be \$1 million, and fundraising efforts will continue until the endowment reaches \$3 million.

TVOntario supports the proposal of the Alliance for Children's Television that the 150% credit for Canadian content be extended beyond drama to apply to all eligible Canadian programming for children and youth.

## 2. Education in media literacy for people of all ages

Helping television viewers of all ages to apply critical viewing and media literacy skills is becoming increasingly important. Industry associations should be encouraged to continue their efforts in this direction.

## 3. Development of a classification system for violence in all programs aired in Canada

TVOntario believes that a classification system for levels of violence in programming would have the following benefits:

- provide information to parents so that they can appropriately manage their children's television viewing
- assist the broadcaster to ensure that programs are appropriately scheduled with regard to children's audiences
- enable adult audiences to make informed viewing choices from a diversity of options
- increase accountability amongst broadcasters

Ideally, all programs which are aired in Canada should be classified and efforts should be made towards the development of uniform classifications for North America. Until that happens, individual Canadian programming services should be responsible for classifying their programs based on a national code. The code should be reviewed every five years.

In the event of viewer complaints with respect to a certain classification, they would have recourse to either the Canadian Broadcast Standards Council or to the CRTC.

Licensees should be responsible for adequately informing viewers of program classifications both through on-air advisories and through their listings.

Programs should be classified for the entire broadcast day, and whether or not specific "watershed hours" are observed, programmed in relation to children's viewing levels at that hour.

4. A strategy to deal with violence in foreign programming.

Co-operative development of a common set of standards for classification of violent programming with American broadcasters and regulators is likely to be the most effective strategy to ensure that Canadian measures to limit children's exposure to violent programming are not undermined by foreign-originated signals. This approach could result in available funding being channelled into children's programming rather than being invested in hardware.

We are currently in the process of reviewing and updating our controversial programming policy.

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## **15.0 YTV Canada Inc**

### **Introduction**

In the fall of 1988, YTV received a licence from the CRTC to carry on a specialty programming undertaking for the distribution of a national English language specialty programming service oriented to children, youth, and youth in conjunction with their families. Since its inception, YTV, which is seen by over 9 million Canadian viewers per week, has evolved into a leader in providing quality children's and youth programming.

A wide variety of programs are broadcast on YTV including animation, feature films, music and dance programs, human interest stories, comedy sketches and news segments, all tailored to the child and youth market. This complementary mix of programs that YTV has assembled for broadcast is comprised of programs developed and produced by or in conjunction with YTV or one of its subsidiaries and programs YTV licenses from independent sources.

### **Co-operative Approach to Violence on Television**

YTV does not condone gratuitous violence in any form, and particularly in programming directed to children. We do, however, note that in some instances, contextual action which is contained within a program may be necessary to complete the thematic and/or dramatic value of that program.

## **Adequate Regulation**

YTV believes that the current regulatory framework is more than adequate to assist broadcasters and regulators to control the amount and types of violence on television.

## **Responsibility of Parents and Caregivers**

YTV believes it is the responsibility of parents and parenting adults to be actively involved with their children in the appropriate selection of television viewing choices, based on their specific family needs and preferences.

It is YTV's policy to never to broadcast programming which depicts gratuitous violence or explicit scenes of violence. However, part of the YTV schedule includes programming which although is suitable for our older viewers, may not be suitable for our very young viewers. YTV takes care to broadcast its programming in time slots which we believe are age-appropriate.

## **YTV Classification System for Drama Programs**

The classification system defines a variety of categories of acceptable material content for the various age groups comprising the YTV audience with regard to violence, nudity, language, sex and humour.

## **The YTV Policy Statement**

The YTV Policy Statement outlines YTV's position vis-à-vis violence in television programming (the "YTV Policy"). The YTV Policy was based in part on the CAB's Voluntary Code Regarding Violence in Television Programming (the "CAB Code"). The YTV Policy Statement and in particular the YTV Policy, have been amended over the year to reflect the changing values and needs of society and the broadcasting industry as a whole.

## **The Outreach Program**

YTV created the Outreach Program as a simple and accessible tool to assist educators teach media literacy. YTV's own programming is held up for scrutiny by students who learn analytical thinking skills and critical viewing habits.

## **The YTV Internal Review Committee (IRC)**

The IRC proactively reviews questionable or potentially problematic commercials, scenes of programs, music videos and/or entire shows that may be deemed inappropriate for YTV viewers. The IRC meets as required to assess questionable segments of videos to determine the appropriateness and acceptability of its content for telecast, based on established industry guidelines and YTV Policy. The IRC stays informed of industry standards regarding

violence in programming by attending panels and workshops given by outside organizations such as the CAB and CRTC, and then communicates any new developments to the employees of YTV.

The IRC reviews on an annual basis, the execution of the YTV Policy and makes recommendations to a further committee for revisions to the overall policy. This committee, at arms length of the IRC, consists of senior management, the IRC Chair and consults with other members of the IRC.

### **YTV'S Response to Issues Raised in the CRTC Notice**

#### **Establishing the Balance Between Protecting Children and Freedom of Expression**

YTV believes that the best way in which to establish a balance between protecting children and safeguarding the right of freedom of expression is to have the regulators, the broadcasting community and the viewing public cooperate and proactively implement a system that allows viewers, parent and caregivers to make informed choices about the television that they or their children watch.

YTV reiterates its opinion that the CAB Code in its current form, is a powerful tool that provide broadcasters with a very workable approach to making sound programming choices concerning what is and is not appropriate to air without infringing upon the broadcaster's freedom of expression.

#### **Proposed Level Playing Field.**

YTV supports the fundamental guiding principal of the CRTC which calls for a level playing field between all sectors of the broadcast industry.

#### **Classification System**

YTV recognizes the need for and supports the general concept of implementing a standard classification system to rate programs. YTV favours a classification system which has as its primary objective informing and educating viewers so they are better prepared to make appropriate decisions concerning what programs best suit their viewing needs. A standardized classification system, as for example, the one proposed by AGVOT, will enable the viewing public to avoid programming which is violent or sexually explicit.

#### **Adherence to the Classification System**

The most effective manner in which the CRTC could ensure that broadcasters rate programming and comply with the classification system is to make compliance a condition of license. YTV does not support the proposal put forth to create a separate entity to be responsible for rating programs. Such a system would be

unduly expensive and cumbersome to implement since it would require broadcasters to submit, all programs that they intend to broadcast to this independent body. The required use of an independent body would preclude broadcasters from inserting any substitute programming if it had not been previously classified.

#### Arbitration of Classification Disputes

YTV believes that the current method by which the CRTC oversees viewer complaints concerning programs broadcast on YTV is an effective means of addressing issues of rating disputes.

#### Classification of Violence that may Air on Foreign Services

YTV believes that it is the responsibility of the networks, and not the cable companies to classify programs. Since the CRTC does not have jurisdiction over foreign broadcast undertakings, classification for foreign broadcasters would have to be voluntary. A concerted effort should be made to enlist the cooperation of foreign broadcast services in implementing the classification system.

#### Standards on Gratuitous Violence and Watershed Hours

The definitions of "gratuitous violence" and the "watershed hours" contained in the CAB Code are beneficial to both broadcasters and viewers because they ensure that broadcasters select, schedule and broadcast programs in a responsible manner thereby enabling viewers to make more informed programming choices.