

CHAPTER ONE

In Search of Reasonable Solutions: The Canadian Experience with Television Ratings and the V-Chip

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. . . television may be the perfect scapegoat for a host of well-intentioned organizations wishing to criticize society.¹

On June 18, 1997, with little fanfare, the Canadian Radio-television and Telecommunications Commission (CRTC), handed down its decision on a television program classification system developed and tested by the Canadian broadcast industry.

The federal broadcast regulatory agency quietly approved a six-level classification system (plus an exempt category) for violence in television programming aired by English-language programming services. The CRTC said it was satisfied that the system—with its levels of C, C8+, FAM, PA, 14+, 18+, which went beyond the commission's requirement for violence to include coarse language, nudity and depictions of sexuality—met the criteria set out in its Policy on TV Violence.

It also agreed that Canadian broadcasters could, as an interim measure, display the ratings on-screen in the fall of 1997 while they worked out the technical bugs holding up the actual encoding of the programs to work with V-chips. The CRTC ruling drew only modest media attention—and no political outcry.

The contrast on that day could not have been more remarkable, for at precisely the same time in Washington, American broadcast industry executives were engaged in a pitched battle with senators, members of Congress, and activist lobby organizations. They were trying to work out a deal that would salvage their TV Parental Guidelines System, and get rid of a raft of antibroadcasting legislation, which was hanging over their heads in Damoclean fashion.

It was a brawl that would go on for nearly another month, until a deal was struck July 10 with public advocacy groups and congressional leaders. The major U.S. networks, with the exception of NBC, agreed to add a series of initials to their existing system that would highlight the presence of fantasy violence, sexual situations, violence, coarse language, and suggestive dialogue in television programming.

The Canadian broadcasters would later opt not to take exactly the same course, stating that their violence-based rating system—working in tandem with already established comprehensive industry codes and the use of advisories—would be of more use to parents than the emerging U.S. contingent.

It was not surprising that these two parallel processes had resulted in similar, yet slightly different, television rating systems. What was fascinating, was the manner and environment in which each was created.

In Canada, the debate about violence on television, classification systems, and the role of the V-chip had been on the government and regulatory agenda far longer than in the U.S. Yet the Canadian broadcast and cable industry had delicately managed to weave together industry, public, and regulatory consensus in a low-key approach that attracted no political heat.

Trina McQueen, president of the Canadian Discovery channel and one of the country's most respected broadcasters, had led the industry team in developing the rating system. She described it as quintessentially Canadian: practical, sensible, and rooted "not in dramatic rhetoric but in reality."

However, in the United States, the entire process was engulfed in controversy almost from the moment it began, when the Clinton administration enthusiastically embraced the technical "magic bullet" offered by V-chip technology. Having initially vowed to take to court any attempt to have their programming rated, the American broadcasters were now bickering with the politicians over how many different types of warning labels should be put on *Ellen's* closet door.

They were searching for rational solutions in an environment that saw a Republican congressman castigate NBC for its 1997 broadcast of *Schindler's List*, thereby exposing the children of America to "violence . . . vile language, full frontal nudity, and irresponsible sexual activity."

To understand how this all began in Canada, the genesis of rating systems and the evolution of the V-chip, one has to go back to the 1980s.

The Canadian circumstance was shaped by the confluence of three things: two singular events and the personality and character of one particular individual who happened at the time to occupy an influential and critical policy-making position within the federal government bureaucracy.

The first pivotal event took place on December 6, 1989, when Canada had its first experience with horrific mass murder. A gunman walked into the École polytechnique in Montreal, Quebec, and began shooting. When it was over, fourteen young women, all engineering students, were dead.

The country was deeply and massively traumatized. It had lost its innocence in a fusillade of bullets, much the same way Scotland would in the aftermath of the Dunblane horror yet to come. After years of pointing to similar events in the United States and

disdainfully saying “that type of thing can’t happen here,” it did. Canadians did not understand how—or why.

One man profoundly affected by the massacre was Keith Spicer, the chairman of the Canadian Radio-television and Telecommunications Commission.

The CRTC is the Canadian government’s federal regulatory authority for broadcasting and telecommunications. It issues radio and television licenses, sets telephone rates, and sees its primary mandate as the protection and promotion of Canadian culture, via Canadian content regulations on radio and television. Its statutory authority is similar to the FCC in the United States, the Independent Broadcast Authority in Britain, and other comparable regulatory agencies in Australia, New Zealand, and France.

Keith Spicer came to the role of chairman with an eclectic background. He was the country’s first Commissioner of Official Languages, promoting and monitoring French/English bilingualism within federal government institutions. He often joked that the best place to learn another language was in bed with an attractive partner of the opposite culture. He had been an author, a motivational speaker, the editor of a major Canadian daily newspaper, and had conducted a major study on Canadian unity at the request of an unpopular prime minister. Spicer was a master of the grand vision and dismissive of practical details.

The CRTC chairman was deeply shocked by what had happened in Montreal. While there was no suggestion of a link between the massacre and violence on television, he nonetheless ordered that two substantial studies be undertaken on the subject. The first looked at how other countries were addressing the issue of violence on television; the second reviewed over two hundred existing scientific studies on the subject.

These reports were released in 1992, and the commission concluded that the evidence was strong enough to say that there was a link—although not necessarily one of direct cause and effect—between violence portrayed on television and violence in society.

The CRTC used these studies as a lever to “request” broadcasters to improve and strengthen their code on the depiction of violence in programming, first developed in 1986. This revised code, while “voluntary,” would still have to be approved by the CRTC. The cable industry was at the same time also told to develop its own antiviolence strategy.

As all this was in progress, the second principal event occurred, again in Quebec. A young teenage girl was raped and murdered. While there was yet again no direct linkage between this tragedy and the portrayal of violence in the media, the victim’s thirteen-year-old sister, Virginie Larivière, was convinced there was.

She initiated a petition, demanding action on television violence. By the time she was finished, she had one and a half million signatures, which she brought to the capital city of Ottawa for presentation to the federal government.

Sensing an unproblematic photo opportunity, the prime minister’s office invited her to bring the petition to Brian Mulroney for him to sign. As he was penning his name with cameras rolling, he chatted with the thirteen-year-old and said that his government would urge the television networks to voluntarily address the issue of violence on television. Ms. Larivière shot back in French and said, not urge, legislate. The prime minister responded with words to the effect that, yes, of course, there would be legislation. All of sudden, a

major commitment was made by the prime minister, captured on news tape, from which escape would be problematic.

The prime minister sent the petition to the House of Commons Standing Committee on Communications and Culture and asked for a full investigation of the issue. He said that if the broadcasting industry did not voluntarily take action, the government would be willing to adopt strict laws and regulations. Never mind that any such laws and regulations might not withstand a freedom of speech challenge under the Canadian Charter of Rights and Freedoms. The prime minister's office had put its weight behind the issue of violence on television and had given it additional momentum.

The Parliamentary Committee held public hearings. The CRTC organized a major conference in Toronto, Ontario, at the C. M. Hincks Institute of Child Psychology, involving all elements of the broadcasting industry, educators, social scientists, politicians, community activist groups, and parents.

And a young, inventive professor from Simon Fraser University in British Columbia wrote to Keith Spicer and told him about a computer chip device he was working on. Tim Collings called his gadget the viewer control chip, or V-chip, for short; he said it could screen out inappropriate programming for children if the programming was coded for violent content.

In general, the Canadian broadcast industry adopted a politically astute and socially responsible approach to this delicate issue, learning from what had happened in the United States. Every time a new academic study was issued supporting the causal link between violence on television and violence in society, the American broadcasters would commission another study that would come to the opposite conclusion.

The Canadian broadcast industry collectively said it was time to move past the "my study against your study" confrontational approach. The broadcasters admitted that if they aired advertisements hoping to influence people to buy this brand of soap or that brand of car, how could they definitively say there was no causal link between violence on television and violence in society? Chairman Spicer also had helped set the tone at the various conferences he instigated by making it clear he was not interested in more acrimonious finger-pointing, but rather in building consensus on developing creative solutions.

The broadcasters also declared that Canadian programming was not the problem, that the problem was with the portrayal of violence in U.S. programming. As well, they moved the discussion into other areas that had heretofore not been the subject of much focus: the home VCR and the corner movie video store, and violent blood-and-gore video games. Broadcasters, who found a surprising ally in some parents' groups, pointed out that just because the violent programming was seen on the television set did not mean it had necessarily come from a television station.

The unregulated video rental business, combined with the advent of inexpensive VCR technology, was bringing video material into the home that five to ten years before had only been available in movie theaters. Unsuspecting parents, unfamiliar with the content of these films, often received a rude shock when they found out what they had rented. During a session of the House of Commons committee investigating violence on television, one member of Parliament admitted that his family had gone through that exact experience.

Of equal or even greater concern was when the video went down into the basement

“rec” room, and the kids watched on their own, with parents oblivious to what Freddie was doing on Elm street.

There was one illustrative story of a Canadian sixth-grade teacher who had asked her students if any of them had seen *Silence of the Lambs*. All hands but one went up. At that point in time, this film had not yet played on conventional television. It had been shown on pay TV, which then had a national penetration rate of about 15% of cabled homes. Given the film’s rating, children of this age would not have been allowed into a theater to see it. Only one conclusion was possible: most of these eleven- to twelve-year-olds had seen it at home, via the corner video rental store.

With video games, it was much the same story. Did parents know about the content of the action video games, where young players had the choice of half a dozen different ways to decapitate the bad guy, complete with splattering blood? There was indeed much more to video violence than just television programming.

The Canadian broadcast industry responded to this increased concern about violence on television by government and the regulator by creating a pan-industry organization called the Action Group on Violence on Television (AGVOT), in February 1993, in the wake of the Hincks conference.

Membership included over-the-air broadcasters, both private and public, the cable industry, cable-delivered specialty channels, program producers, and advertisers. AGVOT was assigned to coordinate the industry’s approach to the development of codes and classification systems, and to generate public education on issues related to media literacy. The industry—cajoled by Chairman Keith Spicer—had agreed to a collective approach, something that had not happened before.

As all of this was taking place in Canada, there were other international catalysts that kept the issue very much on the public and media agenda. There was the murder of two-year-old James Bulger in Britain. Two boys under the age of twelve had lured Bulger away and murdered him in a fashion similar to the plot scenario of a horror film, *Child’s Play III*. In the U.S., a two-year-old girl died in a house fire, set by her five-year-old brother. He said he was re-creating what he saw on an episode of *Beavis and Butthead*, an animated program developed for the teen market. Two teenage boys were killed when they lay down on the center line of a highway and were run over by cars. They had been mimicking a scene from a film called *The Program* in which a similar stunt had been tried. The movie was recalled, and that section edited out.

In June of 1993, the Canadian House of Commons received a report from the Standing Committee on Communications and Culture entitled *Television Violence: Fraying Our Social Fabric*. The report called for strong voluntary industry codes, for a program classification system to be designed by the CRTC, and for parents to take more responsibility for what their children were watching.

American broadcasters were also under the spotlight of governmental scrutiny. Just a month before, in the May 1993 ratings sweeps, the U.S. networks had gone all out with murder and mayhem in an effort to garner viewership. Much to their chagrin, they scored high ratings where they did not want them: on Capital Hill. They were called to explain themselves in front of Senator Paul Simon’s committee. U.S. Attorney General Janet Reno

outraged First Amendment advocates when she suggested that limiting violent content would not be unconstitutional.

A number of members of Congress launched bills to tackle the violence issue, talking about rating systems, family-viewing hours, and other initiatives. The White House waded in as well. President Bill Clinton spoke directly to the Hollywood creative community and asked it to take a closer look at what messages it was creating for American youth with its movies and television programs.

Faced with this uproar, the American networks—in spite of loud protests from the production back lots—agreed they would use advisories to warn viewers about violent shows, beginning with the 1993 fall season.

In October 1993, after a number of revisions and considerable negotiations over the wording, the Canadian broadcasters' new Voluntary Code on Violence in Television Programming was accepted by the CRTC. The code banned outright the telecast of gratuitous or glamorized violence. It put in place tough new restrictions on violence in children's programming and set a 9:00 P.M. watershed hour, before which programming containing violence for adults could not be broadcast. Acceptance of the code by the CRTC was conditional on the development of a program rating system by the industry.

Having put their own house in order, the Canadian broadcasters then told the CRTC it was going to have to deal with the violent U.S. programs or else face the fact that the Canadian code would accomplish very little. The tenuous broadcast/cable coalition was badly fractured when the broadcasters suggested the commission consider ordering cable to black out or scramble any American programs that did not meet Canadian standards.

Talk of blackouts, scrambling, and other consumer-unfriendly proposals set alarm bells ringing in the Canadian cable industry. Its response was to fund the development and testing of the V-chip, the blocking device invented by Professor Tim Collings of Simon Fraser University in British Columbia. The cable position was that if anyone was to black out programs, it should be the individual consumer who made that decision, not the cable industry.

By mid-1994, again under prodding by U.S. Senator Paul Simon, American broadcasters agreed to the creation of an independent, third-party monitoring organization, which would examine and report annually on the violent content in their programming over a three-year period. At the same time, the V-chip was being put through its first field trial, in Edmonton, Alberta, with sixty families and one broadcaster participating.

In the fall of 1994, the Canadian broadcaster's Violence Code was given its first real test. The Canadian Broadcast Standards Council, an independent organization set up by private broadcasters to administer its various codes, acted on a viewer complaint. It ruled that the program *Mighty Morphin Power Rangers* violated the children's section of the code.² The decision prompted international media attention.

Several Canadian stations and networks took the show completely off the air. One network went back to the American producers and asked for modifications to the program, to have some violent sections deleted so that the program would comply with the code. Eventually, even that network dropped the program from its schedule.

In its decision, the Canadian Broadcast Standards Council pointed again to the dilemma with which the CRTC had not yet been able to come to grips. For even though

Canadian stations had either modified or dropped the program, *Power Rangers* was still available in Canadian homes from an American network. Publicly, the commission praised the council's decision as a validation of its self-regulatory approach. Privately, it knew it was going to have to do something about the lack of a level playing field between Canadian and U.S. signals. Canadian broadcasters were insisting on nothing less.

Through the early part of 1995, there was intense debate within the CRTC. There were suggestions that Chairman Spicer and some of the staff were seriously considering forcing the Canadian cable industry to black out American programs that did not meet Canadian standards. Other CRTC commissioners were just as vehemently opposed to taking any action that would see the commission (therefore the government) placed in the role of censor. Questions were also raised about whether a blackout order would stand up to a court challenge under the Charter of Rights, and whether it would be valid under the provisions of the Canada-U.S. Free Trade Agreement.

The commission had no stomach for another massive consumer revolt. The Canadian broadcast regulator was still showing the bruises from its last exchange with cable subscribers who had been furious over the introduction of a new group of Canadian specialty channels. They blamed the CRTC for forcing them to subscribe to these new services, whether they wanted them or not.

The cable industry, also badly tarred by the specialty service debacle, was lobbying hard against any blackout regulations. They said individual parental control, made possible by the V-chip, was the most practical and consumer-friendly option. If only broadcasters would create a program rating system, the problem could be solved.

Spicer was faced with an impasse within the CRTC. He did get agreement from the other commissioners to take the issue to a public hearing process. If there was enough public support via the hearings, a blackout or scrambling regulation would be more tolerable within the commission.

In April 1995, the CRTC announced it would hold hearings to obtain public input on what it described as its long-term and short-term approaches to dealing with television violence. The long-term strategy involved developing a Canadian rating system and giving parents new tools like the V-chip. On a short-term basis, the commission wanted to hear what should be done about what it described as the unequal application of restrictions on television violence across the broadcasting system, in particular, the programming broadcast by Canadian stations and the programming on American signals distributed by cable in Canada. The hearings would be held that September across Canada.

In June of 1995, bills were introduced in the U.S. Congress, calling for the creation of a television programming rating system and the addition of V-chip technology in all new TV sets.

Two months later, in August of 1995, the cable industry had begun its third and most extensive test of the V-chip in a number of markets across Canada.

The public hearing process did not give Spicer any strong endorsement of blackouts. The creative community and civil libertarians were strongly opposed to anything resembling censorship by government. Some intervenors also tried to tell the CRTC they were concerned as much about sex, language, and nudity as violence. But Spicer derailed that conversation quickly whenever it was raised. Part of his violence strategy was to

deliberately keep these touchy issues off the agenda. He was fearful the focus on protecting children from unsuitable violence in programming would be hijacked by those who would muddy the waters with discussions about morality.

At the final public hearings in Ottawa, cable heavily promoted the V-chip and brought in consumers who had used it in the second trial. The commission listened closely. Less than two hundred households had actually experimented with this new technology, and now two parents were at the witness table, talking about their experiences with the cable-designed rating system, and how the V-chip worked.

Cable also faced the blackout issue head-on, warning the commission that any regulation to scramble or black out U.S. programming would be a technical nightmare, a financial disaster, and would not withstand a legal challenge in the courts. Cable operators suggested that American border stations would go along with a Canadian rating system because they would want to continue to be distributed in Canada. Cable said the V-chip was ready; all it needed was a Canadian rating system.

The Canadian broadcasters told the commission *they* could not proceed on a rating system for Canadian shows until the issue of foreign signals was addressed. They said it was unfair to them and unfair to Canadian families if there were different rules for Canadian and American signals. Would cable rate the U.S. shows? Would there really be an American rating system? While there was pending legislation in the U.S. dealing with a program classification system, American networks had said, at that point, that they would not accept government intrusion into their First Amendment rights. They muttered darkly about going to court if forced to classify the content of their programs.

The Canadian public hearings were generally inconclusive. No easy answers emerged at the end of September 1995.

By January 1996, there was still no agreement at the CRTC on what to do about the American signals. There was an impasse within the commission on any blackout regulations. In the United States, the debate over the multifaceted Telecommunications Act, which now contained the V-chip and program classification system provisions, was heating up. The measures appeared headed for passage.

Spicer and two of his commissioner colleagues trooped off to Washington to find out what was going on. They heard from half a dozen or so members of Congress that the V-chip and rating system legislation would be approved. They also heard that any attempt by Canadian cable operators to interfere with American signals would be fought by the U.S. government. Washington would, however, agree to have U.S. border stations participate in the development of a Canadian classification system that would work with the V-chip.

Within a week of Spicer's return, President Bill Clinton, in his State of the Union speech, said the V-chip legislation would pass. He challenged broadcasters to develop a program classification system to protect children from unsuitable television programming. Clinton also upped the ante, inviting the heads of the American networks to the White House for a television summit to discuss the issue. It was a neat political maneuver that effectively sandbagged the Republicans on a key family values issue running up to the November elections.

On February 8, 1996, the new Telecommunications Act containing the V-chip

provision was passed. It required a V-chip to be built into all television sets with screens larger than thirteen inches. The V-chip would allow consumers to block “sexual, violent, and other material about which parents should be informed before it is displayed to children.” The bill gave the American networks one year to develop a program rating system. If the industry did not or could not accomplish that, a television ratings committee would be established by the U.S. Federal Communications Commission, to provide an advisory rating system that might lead to an imposed structure.

On February 29, 1996, the U.S. network heads met with President Clinton and Vice President Al Gore at the White House. They emerged with the creation of an Implementation Committee, an industry group under the chairmanship of Jack Valenti, president of the Motion Picture Association of America. This committee would be responsible for development and implementation of a rating system, to be in place by January 1997.

It was an incredible sea change. The American broadcast industry, which less than six months before had promised to take to the Supreme Court any attempt to have them classify their programs, had now agreed to develop a classification system.

CRTC Chairman Keith Spicer was thus given room to move. The Americans were going to have a classification system and the V-chip. In a matter of months, the U.S. environment had moved from several years behind Canada to ahead of it. Talk of blackouts and scrambling was now not necessary. On March 14, 1996, the CRTC released its decision, which included the following:

- Canadian broadcasters, by September of 1996, must encode their signals with a V-chip-compatible rating, which would be applied at the very least to children’s programming (programming intended for children under 12), drama programming, reality-based shows, feature films, as well as promotional spots for these programs and movie trailer advertisements;
- The broadcast industry, through the pan-industry Action Group organization (AGVOT), would be expected to develop a four-to-six-level informative and user-friendly program classification system, which will have to be approved by the CRTC;
- The cable industry would have to make available by September 1996 an affordable V-chip device to any customer who wants one;
- By January 1997, all distribution systems in Canada would have to ensure that the American signals they distribute are encoded with a V-chip-based rating;
- If, by that time, the U.S. broadcasters had not implemented a rating system the CRTC judges to be effective and parent-friendly for Canada, Canadian distributors would be required to develop an alternative way to encode these signals with the Canadian rating system.

The Canadian broadcast industry reactivated the AGVOT infrastructure in April 1996. A twenty-six-member committee, comprised of programmers from all the major conventional broadcast services and specialty channels, along with representatives from the production industry and the cable industry, was assigned to develop a classification system. With blackouts off the table and the focus being on the development of a classi-

fication system—a subject now of as much interest to cable as to broadcasters—the broadcaster/cable alliance was back on again.

The committee's mandate was to develop a simple, parent-friendly rating system for violence in programming, which would work with the V-chip technology. Under the direction of the AGVOT Executive chaired by Trina McQueen, president of the Canadian Discovery Channel, the committee would look at how many levels should be developed, keeping in mind a four-to-six-level system seemed to be viewed as being most useful, based upon the public hearing process and previous consumer research undertaken by AGVOT.

The committee was also asked to see how to make the Canadian system meet the needs of Canadian families yet be compatible with the one to be developed in the United States, given the extensive cross-border flow of programming. Research from previous V-chip trials had indicated that consumers strongly thought compatibility with the American system was very important.

It is important to appreciate that the rating system that was being developed by the AGVOT classification committee would be used only by English-language conventional (over-the-air) stations and networks and by English-language specialty services.

Quebec French-language services had made a strong case during the public hearing process that they should be able to use the provincial film classification board ratings, the *Régie du cinéma* rating system, for their programming. They argued their viewers were already familiar with the nomenclature of this system and that it reflected the uniqueness of the French-Canadian culture. The commission agreed.

No similar approach was possible on the English-Canadian side because all the provinces had different movie ratings, and attempts to create a uniform system for English-language feature films were bogged down in bureaucracy. However, as the Canadian pay and pay-per-view cable channels were telecasting uncut feature films, they made the case that they too should continue to use the provincial rating systems, again citing consumer familiarity.

The CRTC accepted that argument as well, and while its decision urged harmonization of the three classification systems, it tacitly acknowledged that Canada would probably end up with a multiplicity of rating systems, in both official languages.

That reality, plus new developments on the technical front, made it quite clear early on in the AGVOT process that another V-chip test would be required before the technology could be considered ready for broad consumer rollout.

One of the most important considerations was just where the encoding data that would trigger the V-chip would be placed in the broadcast signal. The first Canadian tests had placed it in the vertical blanking interval, the VBI. It had been inserted in field 1 of line 21, where the closed-captioning data was transmitted. It had been the least expensive way to do it in the early field trials, as all broadcasters already had encoding equipment for closed captioning. However, in those early trials, the program encoding information sometimes interfered with the captioning data and jumbled the caption text when it was displayed on the receiving television set.

As well, the American Electronic Industries Association (EIA), in establishing technical standards for VBI, had decided V-chip encoding data should be placed in field 2 of line 21. This decision, in essence, created a North American standard. Canada could

not follow a separate technical path if it hoped eventually to have V-chip-equipped television sets in the Canadian market. Sets are built for the entire North American market, and technical compatibility with American standards was deemed essential.

AGVOT was thus faced with the need for a V-chip that would have to be able to read multiple rating systems, function in both English and French, and handle encoding data in field 2 of line 21 in the VBI. It also wanted to field-test its program classification system. The Action Group went back to the CRTC in early August 1996, and asked for more time. It said the September 1996 deadline would be impossible to achieve and requested a one-year extension, to September 1997.

The CRTC demanded a detailed report justifying the delay.³ In early October 1996, it granted the extension and instructed AGVOT to submit its classification system for final approval by the omission no later than April 30, 1997.

During the summer and early fall of 1996, work continued on the development of the classification system. As protection of children had been the underpinning of the Canadian approach to the issue of violence on television, the first key question for the Classification Committee was how to deal with content in children's programming.

It is important to remember that in Canada, the classification system would not be a stand-alone entity. It would, in fact, be a key module of the industry's Voluntary Code on Violence in Television Programming. Therefore, it was important to build the ratings for children's programming on the foundation of the children's section of the CRTC-approved code, where there were strict rules clearly established for the portrayal of violence in children's programming. This was the same code that had been responsible for taking *Power Rangers* off Canadian stations.

While the CRTC itself defined children as all youngsters under the age of twelve, the committee felt that a single children's category would be too broad an age spectrum, and that it needed to be divided into two levels.

Committee members turned to research undertaken by Dr. Wendy Josephson of the University of Manitoba. In her study prepared for the Department of Canadian Heritage,⁴ she noted that age eight had been identified as a watershed stage in connection with how children processed what they saw on television, particularly in terms of being able to distinguish reality from fantasy. The result was a rating level for programming suitable for all children, and one for those eight years and older.

With these two categories in place, establishing the levels of the rating system for nonchildren's programming emerged over subsequent committee sessions. After exploring a number of combinations, the programmers decided that four classification levels could accommodate the scope of programming, ranging from that designed for a broad general audience to programming with content intended only for adult audiences.

The guidelines for violence content were built word by word. The goal was to provide useful information for parents and ensure there were demonstrable gradations of content as the rating level increased. The descriptive information was structured to make the system easy to understand and use.

The challenge of building the classification system was substantial. It would have to be capable of dealing with the wide range of programming offered by English-language services through over-the-air local stations, national networks, and cable-delivered

specialty services. It would be applied to programming aimed at preschoolers, to unedited material targeted at adult audiences, and everything in between.

A key difference between the Canadian and American environment was that the CRTC had mandated AGVOT to develop a classification system that would rate *only* violent content. In the U.S., there were broader priorities. The wording of the 1996 Telecommunications Act said the industry must “establish rules for rating video programming that contains sexual, violent, or other indecent material.”

However, as the Canadian programmers constructed their system, they felt that a rating scheme that dealt only with violence would not adequately serve the needs of viewers, particularly parents. These programmers who regularly dealt with the public knew what the commission had not wanted to hear, that parents were just as concerned about content other than violence.

It was their view that a system that rated only violent content could cause negative feedback from viewers. There would be occasions when a program would contain no violence yet not be suitable for younger audiences due to language, nudity, sexuality, and/or mature themes. A violence-only rating system would not be functional in informing parents about this other content.

Furthermore, in research conducted for AGVOT in 1994,⁵ 70% of respondents had strongly agreed that coarse language, nudity, depictions of sexuality, and mature themes should be included in a television classification system, even though violence would be the most important content element to be rated.

The committee then developed a rating structure that blended all of these content elements into a comprehensive classification system, providing even more information to parents than had been requested by the CRTC. The compatibility issue with the Americans was also important. The Americans would be rating for content other than violence. If the two systems were to be similar, Canadian programmers would have to include more than just violence in their rating system.

The Canadian rating system was pretty much finalized by late November 1996. The preliminary framework of what had been developed in Canada had been informally conveyed to the Americans. The Canadian system had to be completed to allow enough time for the manufacture of the integrated circuitry that would be installed in the new, stand-alone V-chip boxes developed by Tim Collings and a Toronto manufacturer, which the cable industry wanted to field-test in January.

While the system, assigned the working name of The Canadian Television Rating System (CTR), was designed to blend all the controversial program elements into a comprehensive system, the broadcast community was firm in its intent to follow the letter of the CRTC’s public notice. It would submit only the *violence* portion of the system to the commission for its approval.

The hearings had dealt with violence but not the other content elements. Broadcasters would not agree to have the CRTC pass judgement on these other content issues. There was no quarrel from the commission on this, as senior officials admitted privately that the last thing they wanted was the CRTC to become a moral censor or an arbiter of good taste or decency. Therefore, the system was laid out for submission to the

regulatory body in an “above the line, below the line format” with all the violence content information above the line, and all the other content descriptors below the line.

By December 1996, AGVOT was well into organizing an extensive V-chip trial, scheduled to begin early in the new year. On December 19, preceded by dozens of leaked reports, the U.S. Implementation Committee released its initial (later revised) TV Parental Guidelines System to mixed reviews. While some congressional leaders and lobby groups argued that it did not go far enough, President Bill Clinton said the industry should be given a chance to make it work, and change it later if that was what American parents wanted.

In January 1997, the American networks began rating their programs. Because there were no V-chips in the United States, and none expected until they were built into television sets sometime in 1998, the networks put small icons on the screen to advise viewers of the rating.

In Canada, the V-chip trial had been scheduled to commence at the beginning of January and continue for sixty days. However, there were delays in manufacturing and shipping the five hundred V-chip boxes necessary for the trial; therefore, the test did not officially begin until February 7, 1997.

Families were being recruited for the trial, and boxes were being installed in homes as they became available. Programming services were testing their new equipment, ensuring that the encoder in particular interfaced smoothly with their existing operational configuration. It was a critical issue, as the V-chip information would be feeding into their programming stream, and broadcasters did not want to jeopardize in any fashion the integrity of their signal.

The 1997 trial had almost three times as many broadcasters taking part compared to the previous trial nearly a year earlier. A total of 28 programming services participated: 14 conventional stations in 5 markets, 3 national networks, 7 specialty services, and 4 U.S. border stations, who volunteered to take part in this Canadian experiment.⁶

A national research firm was hired to recruit the five hundred families for the trial, which the cable industry had agreed to fully fund. To qualify, respondents had to be cable subscribers and parents or guardians with children aged three to twelve living in the household. Participants had to agree to have the V-chip installed in their homes for a three-to-four-week period, commit to use the system, and to participate in subsequent research interviews.

It was much more difficult to recruit families for the trial than had been expected. In one market alone, almost five thousand households were contacted before eighty-nine were found who were eligible and agreed to participate. It was validation of separate research conducted for the Canadian cable industry, which indicated that consumer interest in technology to block programming had dropped significantly from 66% in 1995 to 55% in 1997.

Consequently, rather than the recruitment goal of 500, only 374 households actually took part. The trial ended on March 16, and the research data collection began, with V-chip households interviewed through a combination of telephone interviews and focus group sessions.

Concurrent to the trial, AGVOT undertook a national public opinion survey on the proposed rating system. Some 1,548 English-speaking adult Canadians were interviewed

between March 11 and 31, 1997. (This sample size provided a margin of error of plus or minus 2.5 percentage points, 19 times out of 20.)

These interviews were conducted in-home, giving participants the opportunity to thoroughly read a description of the Canadian rating system. The research findings were very positive.

- 91% approved of a system that rated programming mainly according to the level of violence it contained but also took into account the presence of coarse language, sexual content, or nudity;
- 86% approved of rating children's programs as either C, meaning they are suitable for all children, or C8+, meaning they are suitable only for children age eight and older;
- 88% approved of rating those programs not made for children with one of four levels: programs that are suitable for all ages; programs that contain content that may not be suitable for younger viewers; programs suitable for viewers 14 years and over; and programs suitable for viewers 18 years and over.

After reading a one-page description of the classification system that outlined the content elements in each level, a large majority of respondents gave the system high marks.

- 84% approved of the Canadian Television Rating System;
- 85% of parents with children under 18 approved of the rating system, while 84% of parents with children under 12 approved it;
- 86% of parents with children under 18 said the system will be helpful for making choices about what their children will be able to watch; the number was 87% for parents with children under 12 years of age;
- 85% of respondents thought the system was easy to understand.

There was also a strong desire for compatibility between the Canadian and American rating systems, with 71% believing it important that the Canadian and U.S. systems be the same or similar.

The approval level from the families who had actually used the system with the V-chip was equally high. They gave it high marks for clarity and ease of distinguishing between the rating levels. Some 80% indicated it was easy to understand the different rating levels. The theme of compatibility with the U.S. system also came through in this research, with 78% saying it was very important or somewhat important that the Canadian and U.S. rating systems be the same or similar.

There were also focus group sessions with parents from the V-chip test households. While some focus group participants found the ratings too broad, there was general consensus that the age and content combination was useful. They said they used the age level as the starting point, then looked at the content elements contained in that level. If their children were more mature than most children their age, they might stay at that level or go higher. Or if they wanted to be extra cautious with their children's viewing, they might use a V-chip setting that would block more content.

They also appreciated the effort to keep the descriptors simple to understand. However, there was a not-so-subtle warning from these parents: for broadcasters to gain the confidence of the population, they would have to classify their programming appropriately, as the system was introduced across the industry.

They also reaffirmed their support for compatible rating systems, suggesting it would be nonsensical that different ratings be applied to the same program by Canadian and American services, given the large number of identical programs.⁷

In addition to the public opinion surveys, the Action Group also consulted a diverse range of individuals and organizations with an interest in children and television and with expertise in classification issues. The reaction to the system overall was quite positive. The endorsement of a number of key groups was important for AGVOT to have in hand when it submitted the rating system to the federal regulatory agency for approval on April 30, 1997.

While AGVOT's regulatory mandate was limited to developing and submitting a classification system to the commission, the broadcasters and cable industry felt it important to give the CRTC a full report on the technical issues that came to the fore during the trial.

There were a number of critical ones. Broadcasters said the software program used to encode their programs needed more work. Because the equipment needed to send the rating data in field 2 of line 21 was so new, there was only one reliable encoding device that had passed the test with flying colors.

Another other key issue for broadcasters was the CRTC requirement that program promotional spots and paid theatrical advertisements also needed to be rated and encoded. With the lack of integration between the encoding hardware and software and a station's overall automation systems, the broadcasters found that they just could not fulfill this requirement at this time.

The other key finding from the trial was the only modest consumer interest in the V-chip box in the configuration that was tested. In the focus groups particularly, it became evident that the high awareness of the V-chip prior to participation in the trial affected the participants' expectations for the technology and their subsequent disappointment with it.

The test families generally spoke highly of the V-chip technology as an important and useful means of monitoring their children's television viewing. However, they did not see it as a replacement for parental involvement and control of what their children watched, merely an additional tool. Furthermore, they believed that what they had tested was not in its final form, expecting that changes and improvements to the technology would be made before it was widely available in the marketplace.

Therefore, there was a general unwillingness to acquire the technology, either by renting or purchasing, at that time. They did not like having an additional set-top box and an additional remote control (a small one at that). They also were frustrated by problems with their VCRs, where the V-chip installation interfered with their ability to tape one program and watch another at the same time.

When asked how they thought the V-chip would work best for them, over half (64%) wanted to have the V-chip integrated in television sets, 18% in a converter, and only 11% in a stand-alone box.

On April 30, 1997, the Action Group filed its inch-and-a-half-thick report and

supporting research with the CRTC. In its Summary Conclusions section, AGVOT underlined that the V-chip, while an important development, was only one piece of the solution.

Canada has the best framework anywhere to deal with violence on television. We have stringent industry codes. We have the Canadian Broadcast Standards Council. Canadian pay and pay-per-view services were the first in the world to rate their unedited feature films. We produce the best non-violent children's programming in the world. We are the only country to have tested V-chip technology, not once, but four times. With the Commission's approval, we will soon have a classification system that works with the V-chip. We have done better than most countries and have avoided the acrimony and political posturing extant in other jurisdictions.

In this report we are submitting a solid classification system for violence in television programming. It tests well with consumers and is supported by extensive and serious research. It answers the criteria set by the Commission.

The comprehensive Canadian Television Rating System which the industry intends to adopt includes other content elements and moves the industry beyond the expectations of the Commission. Canadian programming services are voluntarily undertaking to provide even more information to parents.

With the approval of the Canadian Television Rating System for violence, broadcasters can begin encoding their programming by the end of September. However, there are caveats to that commitment, complicating factors beyond our control. There are issues which need to be settled before full implementation in Canada is possible.

There are serious technological problems, as well as limitations on the software. The encoding software, for example, is less than reliable, a critical factor for programming services which will be adding this rating information into their main programming stream. Certain program elements which should be encoded—promotions and movie advertisements—will have to wait until the technology catches up.

While consumers support the concept of V-chip technology and can see its value as a means of monitoring their children's television viewing, they want it built into their television sets.

As the research indicates, there is a high degree of public support and interest in harmonization of the Canadian system with the American system. We have that now. However, the Americans are uncertain of their direction and timetable.

We are continuing to work on solving the technology issues and on harmonization of the three Canadian systems. Our technical experts acknowledge it will be problematic if Canada maintains three to four different rating systems, as it is highly unlikely that all these systems can be accommodated in V-chip-equipped television sets—the clear preference for consumers.

Canadian programming services and cable companies have demonstrated, by means of the considerable resources and effort they have expended on developing the rating system and the new generation of V-chip technology, that they accept their responsibilities towards Canada's children.

We respectfully request the Commission approve the Canadian Television Rating System for violence, which is clearly supported by solid public opinion research.

This is the beginning of a new dialogue with viewers. It is another principal element of the Canadian approach to violence on television—an approach that is unequalled in the world.

On May 5, 1997, AGVOT made its report to the commission public. Trina McQueen, president of the Canadian Discovery Channel and chair of AGVOT, described the proposed system with these words:

... a six-level rating system that uses consistent and clear guidelines to evaluate the content of television programs. The guidelines centre on violence, but include language and sexual content as well. The content evaluation is assigned a rating according to the generally accepted stages of child development. Parents are already familiar with this approach in classifying movies, books, games, toys and other children's products.

Explaining the system was based on extensive research and consultation with parents and with public interest groups, she added:

The classification system will work with the broadcasters' Code on Violence and the independent compliance mechanism of the Canadian Broadcast Standards Council to give Canadian parents the most comprehensive and advanced parental control system in the world.

In releasing its report, AGVOT also indicated it was prepared to go further than required by the broadcasting regulator. Pointing out that there were issues still to be resolved that made a launch of the V-chip unlikely by the fall program season, AGVOT informed the commission that it had achieved agreement with all sectors of the industry to display the AGVOT program ratings on-screen as an interim measure.

McQueen added that French-language programmers and premium services had also

agreed to use on-screen icons, but using their established rating systems, as had been agreed to by the CRTC.

Michael McCabe, president and CEO of the Canadian Association of Broadcasters was also at the May 5 news conference. He said this voluntary initiative by all program services would give parents the benefits of the new classification system by the fall of 1997, when the on-screen rating system would be in place. He reiterated that all sectors of the industry remained committed to achieving program coding that worked with V-chip technology and said the industry would continue to work through the unresolved issues.

During the news conference, Ms. McQueen was asked about the multilevel, multicategory rating system that had been used in earlier trials, and why it had not been adopted by the industry. She indicated that while the earlier system had been developed exclusively by the cable industry to test out the evolving V-chip technology, this one had been created by drawing on the expertise of programmers from over twenty different television services.

She also noted that while the earlier cable system had tested well, with a satisfaction rate of around 77%, the AGVOT system tested higher, with approval ratings of between 84% and 88% on various elements of the system. Furthermore, research on the AGVOT system involved a much larger sample size than in the cable industry tests.

McQueen also said that, given the high priority placed by all those surveyed on the harmonization of the Canadian classification system with the rating system used in the United States, developments in Washington would be closely monitored. She added:

If the Americans really make dramatic changes in their Parental Guidelines system, the Canadian broadcasters would look at them, but would not change the principles of the Canadian system which is based on recognizable stages of child development.

She also said the AGVOT proposal was not being presented as a perfect system but rather as “a good system that will evolve and get better with the help of parents and everyone else who cares about children.”

Canadian media coverage of the release of the report was low key and generally favorable. In the United States, the report was embraced by MPAA President Jack Valenti, who had chaired the American rating committee, and was dismissed by Ed Markey, the Massachusetts congressman who was the most outspoken critic of the U.S. rating system.

For the Canadian broadcast and the cable industry, all it could do now was wait and see if its million dollar investment in the development and testing of the classification system and the next generation of V-chip technology would bear fruit.

Within seven weeks, they had their answer. On June 18, 1997, the CRTC released its decision, describing the proposed rating system as a meaningful, parent-friendly program classification system. The commission also said it was confident that the system would be another mechanism to protect children against TV violence.

In its decision,⁸ the CRTC pointed out that the foundation of its violence policy had always been based on protecting children from the harmful effects of television violence, while preserving freedom of expression for creators, and choice for adult viewers.

It noted that its criteria for a classification system was that it be informative and readily understandable to the viewer, and consist of four to six levels. The commission also said any rating system should be responsive to the public's concerns but also be practical for the industry to implement.

The commission said it considered the proposed AGVOT rating system to have met the criteria set out in its violence policy and that it was confident that the implementation of this system, together with the continuing application of the Canadian Association of Broadcasters' Voluntary Code on Violence in Television Programming, would effectively protect children from the harmful effects of television violence.

The CRTC also endorsed the broadcasters' interim proposal to use on-screen icons:

The Commission considers on-screen icons to be a valuable service since they raise public awareness of the classification system and provide all viewers, not just those who choose to acquire V-chip technology, with program content information. Furthermore, the Commission is satisfied that the use of on-screen icons in a manner that will complement the viewer advisories provided for in Sections 5.1 and 5.2 of the Code will assist parents in making informed program choices for themselves and their families.

On-screen icons had never been part of the commission's or broadcasters' plan, but the industry submitted it as a temporary measure. The decision left it up to the broadcasters to establish the protocols for use of the icons, such as the design, size, and frequency of use.

As to the future of the V-chip, the CRTC made it clear that broadcasters were not off the hook. It stated it expected the implementation of encoding and deployment of V-chip devices to occur as soon as feasible. However, having seen other deadlines come and go—defeated by technical developments—the commission wisely avoided placing a date on the consumer rollout of the V-chip in Canada, other than to say it wanted it as soon as possible:

The Commission reaffirms its support for the development of parental control technology, and reiterates that it will continue to monitor all developments and take whatever steps are needed to ensure that the protection of children is a permanent feature of the Canadian broadcasting system.

With the CRTC's approval of both its rating system and implementation strategy, the Canadian broadcast industry began working on the launch of on-screen rating icons for late 1997. However, it also kept a close watch to see how the American system would finally shake out. During the news conference in early May at which the Canadian broadcast industry unveiled its rating system, AGVOT Chair Trina McQueen was asked about the American situation as of that moment. She responded:

I just can't predict what the Americans are going to do, because they have gone through so many evolutions of saying we will never do this, we will always do that. We will go to court, we won't go to court. This is the right system. That's absolutely the wrong system. I don't know anybody who can

forecast what they are actually going to end up with. So, as Scarlet O'Hara said, we'll think about that tomorrow.

When the U.S. broadcasters eventually finally made their deal in mid-July to add the S, V, L, D, and FV initials to their TV Parental Guidelines, AGVOT polled Canadian program services to assess whether there should be any modifications to the Canadian system. In the end, they decided not to add any initials. While the major reason for the implementation of a television program classification in Canada had been violence, the Americans were now much more focused on other agendas, given that three of their four content indicators had nothing at all to do with violence in programming.

The Canadians also strongly believed that their overall system—industry codes, the Broadcast Standards Council, and the most extensively tested rating system in the world—was better than what had evolved in the U.S.

The Americans, for example, had added an FV (Fantasy Violence) option to their rating for programming for older children, to alert parents when the violence was “more intense or more combative.” However, the Canadian broadcast system already had strict provisions in place about violence in children's programming, spelled out in various industry codes. This FV label would be the rating applied to programs such as the *Power Rangers*, which had already been taken off the air in Canada because it did not meet violence code guidelines.

Canadian broadcasters therefore thought the FV designator redundant for their system and, furthermore, felt it could possibly be misunderstood by parents to be a “Family Viewing” label, which would add to viewer confusion.

At the other end of the scale, the Canadians considered that no initials to protect children were required for their 18+ rating, as it was clearly designated for adult viewers.

As for sensitive content in other ratings categories, Canadian programmers had a long tradition of using viewer advisories at the beginning of programs, and industry codes even mandated their use in specific circumstances. These advisories enabled broadcasters to supply even more detailed information about content than could be conveyed with initials added to the ratings designators.

On August 28, 1997, Canadian broadcasters unveiled the icons they would use to rate their programming. As AGVOT had indicated to the CRTC when it filed its report, the industry changed the names of two categories because of parental familiarity with the terminology: FAM (Family) became G (for General), and PA (Parental Advisory) became PG (Parental Guidance) (see Appendix).

As was the case with the introduction of the rating system itself, media coverage on the icons was subdued, and there was no reaction from politicians.

Why had things evolved so smoothly in Canada compared to the tumult that occurred in the United States? There were a number of plausible explanations.

The first involved an important change in leadership at the CRTC. Chairman Keith Spicer had adopted television violence as his personal crusade and had made it a priority at the commission. But by the end of the process he was gone, his term expired. His replacement did not have the same emotional attachment to the issue. Madame Françoise Bertrand had quietly and firmly insisted that the integrity of the CRTC's decision on a

classification system and the V-chip be respected by broadcasters. But she was prepared to accept a more pragmatic implementation framework proposed by the industry. If Spicer had still been there, it might well have been a different story.

The second reason involved how the two rating systems had been built and tested. The American system had been fashioned not by programmers but by senior lobbyists. In its first version, it was extremely Spartan in its descriptive information and had not actually been used by consumers before it was introduced as “the final system.” The process was so plagued by leaks that by the time the American rating system was finally made public, it had already run aground on the reefs of congressional opposition and had drawn the ire of advocacy groups.

The Canadian system, on the other hand, had been crafted by programmers, who were actually going to have to use it on a daily basis in their jobs. They knew the type of information the public wanted by the phone calls and letters they received from viewers, and they felt comfortable with the more extensive content information. The key individuals and organizations sought out in the public consultation process also generally endorsed the system’s format and the amount of content information provided. This consultation process was viewed by AGVOT as critical in obtaining CRTC endorsement of the system.

AGVOT was also successful in keeping its system out of the media scrum until it was tested by consumers and submitted to the CRTC. The families who experimented with it and who reviewed it so positively in the national surveys, did so without having their perceptions influenced by inflammatory headlines and editorial punditry. The extensive field trial, which generated a high level of acceptance from the parents who had used the rating system, again provided the CRTC with a solid degree of comfort in approving it. The Americans had no such field testing with which to make their case.

A fourth—and possibly the most important factor—was that in Canada, the rating system would be part of a broad set of instruments already in place to deal with violence on television. The classification system and V-chip would be added to existing strong industry codes that contained prescribed rules for the depiction of violence and the scheduling of programming with violent content. These were rules the industry had drawn up itself and with which they were generally comfortable. There was no such infrastructure or comfort level in the U.S., where some Hollywood program producers talked blackly about how the rating system and the V-chip were the first steps on a dangerous path toward government controlling what went into people’s homes.

There was also an established and valid self-regulatory regime functioning in Canada, the Broadcast Standards Council, which had actually been responsible for taking a program (*Power Rangers*) off the air because it did not meet violence code standards. In the American plan, there would be an as yet unproven Monitoring Board with responsibility to oversee how the ratings were applied.

In addition, there were creative media literacy initiatives under way in Canada such as the Internet-based Media Awareness Network.⁹ This educational site advocated that having children understand how the media worked was the best protection against its influences, and it then provided parents and teachers with the tools to do just that. In the United States, there were none of these supporting devices. All the “eggs were in the one basket” of a rating system.

Another fundamental factor was that television programming produced in Canada is not, for the most part, very violent. Canadian children's programming in particular has an international reputation for its quality and nonviolent approach to storytelling. While there was concern expressed from the production community that a classification regime would result in constraints on creativity, the focus of the debate in Canada stayed on the protection of young children under the age of twelve. The producers were constantly reassured by the broadcast regulator that it had no interest in telling adults what they could or could not watch.

The final reason was that in the United States, for whatever reason, the issue became a political football. Members of Congress and senators became instant experts on program classification, and each asserted they knew best what the parents of America needed. For the conservative right and family values advocates in particular, television was an easy and convenient target for what ailed America. The Dan Quayle/*Murphy Brown* fight had not gone away.

In Canada, how television programs should be classified was a nonstarter as a political issue. With some trepidation, the broadcast industry had released the details of its ratings system submission to the CRTC right in the middle of a federal election campaign. It was a timetable not of their choosing, but the deadline for filing the AGVOT report had been set long before the election was called. However, the politicians ignored the whole classification issue. It was not raised once during the campaign and continues to remain only a hillock on the Canadian political landscape.

Notes

1. Television and Violence—A Few Primary Considerations, Jacques DeGuise, Professor, Department of Information & Communications, Université Laval. Excerpted from *Summary and Analysis of Various Studies of Violence and Television*, published by the Canadian Radio-television and Telecommunications Commission, June 1991.
2. More information on the Canadian Broadcast Standards Council can be found at its Web site: <<http://www.cbsc.ca>>.
3. "Progress on Implementation of a Television Programming Classification System and the V-chip in Canada." AGVOT Report to the CRTC, September 6, 1996.
4. Television Violence: A Review of the Effects on Children of Different Ages. Report for the Department of Canadian Heritage.
5. "Canadian Public Attitudes Toward a Classification System for Television." Environics Research Group, June 1994.
6. A list of participating program services in the five test markets is in Appendix 4 of the AGVOT Report to the CRTC, April 30, 1997.
7. The full research reports are appended to the AGVOT April 30 report to the Canadian Radio-television and Telecommunications Commission.
8. CRTC Public Notice 1997-80.
9. Media Awareness Network Web site: <<http://www.schoolnet.ca/medianet>>.