



Broadcasting Decision CRTC 2007-98

Ottawa, 23 March 2007

Sex-Shop Television Inc.
Across Canada

*Application 2006-1149-3
Public Hearing in the National Capital Region
29 January 2007*

Télé Sex-shop – Category 2 pay television service

*In this decision, the Commission **denies** an application for a broadcasting licence to operate a new Category 2 pay television programming undertaking.*

The application

1. The Commission received an application from Sex-Shop Television Inc. (Sex-Shop Television) for a broadcasting licence to operate a national, French-language Category 2¹ pay television programming undertaking to be known as Télé Sex-shop.
2. The applicant proposed to offer an adult pay service dedicated to the themes of sex appeal, sensuality, eroticism and sexuality. Programming could also include documentaries, news coverage and magazines focusing on the industries associated with these themes and the personalities involved in these industries. All of the programming would be drawn from the following categories set out in item 6 of Schedule 1 to the *Pay Television Regulations, 1990*: 2(a) Analysis and interpretation; 2(b) Long-form documentary; 3 Reporting and actualities; 7(a) Ongoing drama series; 7(b) Ongoing comedy series (sitcoms); 7(c) Specials, mini-series and made-for-TV feature films; 7(d) Theatrical feature films aired on TV; 7(e) Animated television programs and films; 7(f) Programs of comedy sketches, improvisation, unscripted works and stand-up comedy; 7(g) Other drama; 8(a) Music and dance other than music video programs or clips; 8(b) Music video clips; 8(c) Music video programs; 9 Variety; 10 Game shows; 11 General entertainment and human interest; 12 Interstitials; 13 Public service announcements; and 15 Filler programming.

Interventions

3. The Commission received interventions opposing the application from individuals who expressed the belief that adult programming is an affront to their sensitivities and personal values.

¹ The Category 2 services are defined in *Introductory statement – Licensing of new digital pay and specialty services*, Public Notice CRTC 2000-171, 14 December 2000.

Applicant's reply

4. Sex-Shop Television submitted that no Canadian broadcasting undertakings intervened to oppose their application.
5. Sex-Shop Television reiterated that the programming offered on its digital pay television service would be entirely discretionary and accessible only to subscribers who request it from their broadcasting distribution undertaking (BDU).
6. Sex-Shop Television noted that digital BDUs offer parental control systems to their subscribers so that parents can block services they do not want their children to access.

Commission's analysis and determinations

7. The Commission notes the interventions opposing the service proposed by Sex-Shop Television.
8. The Commission further notes that it has issued licences for adult programming numerous times in the past, imposing conditions of licence aimed at ensuring that the programming meets general community standards within the context of a discretionary service intended for an informed public.
9. The Commission also notes that the applicant, in its application, refused to accept a condition of licence requiring it to comply with sections D.3 and E.1 of the *Industry code of programming standards and practices governing pay, pay-per-view and video-on-demand services*, Broadcasting Public Notice CRTC 2003-10, 6 March 2003 (Public Notice 2003-10). Sections D.3 and E.1 address adult programming and the scheduling of this type of programming, respectively.
10. The applicant explained its refusal by submitting that Télé Sex-shop would not be a pay television service offering a predominantly film format but, instead, would broadcast a variety of adult programming categories, including original Canadian programming produced for Télé Sex-shop, only a percentage of which would have been rated by the Régie du cinéma du Québec (the Régie). The applicant submitted that, when airing programming rated by the Régie, Télé Sex-shop would post the rating and accompanying explanations in text and audio form immediately before the program starts, along with the customary cautions. For programs not rated by the Régie, Télé Sex-shop would apply its internal policy on adult programming.
11. The Commission notes that the standards and practices set out in Public Notice 2003-10 were developed by the pay television industry in collaboration with the Commission, and are designed to help licensees ensure that the programming they provide meets generally accepted community standards within the context of a discretionary service.

12. The Commission is of the view that the reasons given by the applicant are not sufficient to justify a departure from the requirements for adult services set out in Public Notice 2003-10. Accordingly, the Commission **denies** the application by Sex-Shop Television Inc. for a broadcasting licence to operate a national, French-language Category 2 pay television programming undertaking to be known as Télé Sex-shop.

Secretary General

This decision is available in alternative format upon request, and may also be examined at the following Internet site in PDF or HTML format: <http://www.crtc.gc.ca>