



Broadcasting Decision CRTC 2011-160

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Ottawa, 7 March 2011

Complaint regarding the broadcast of *Bully Beatdown* on MTV Canada

The Commission finds that the licensee of MTV Canada did not breach the Canadian Association of Broadcasters' Violence Code by broadcasting the episode of Bully Beatdown in question, and that there is no evidence that this episode should be broadcast only after the watershed hour of 9 p.m.

Background

1. In a letter dated 29 April 2009, the Commission received a complaint concerning the program *Bully Beatdown*, which was broadcast by the specialty service MTV Canada. Since the licensee, MTV (Canada), is a member of the Canadian Broadcasting Standards Council (CBSC), the Commission, in accordance with its usual practice, referred the complaint to the CBSC.
2. On 21 July 2010, the CBSC issued Decision 08/09-1667, decided 1 April 2010 (the CBSC Decision), in which it set out its determinations on the complaint in question.
3. On 22 July 2010, the complainant requested that the Commission review the CBSC Decision.

The program

4. *Bully Beatdown* is a reality program. It is premised on allowing victims of bullying to confront their bullies in a controlled environment. From video submissions provided by bullying victims, a bully is selected and offered the chance to go into the ring and fight a trained Mixed Martial Arts (MMA) fighter. The bully consents to take part, receives training, follows MMA rules, wears protective gear and is offered the chance at a \$10,000 cash prize. If the bully wins the fight, he or she receives the cash prize. If the bully loses, the money goes to the bullying victim.
5. The program is hosted by MMA fighter Jason "Mayhem" Miller. The episode at issue features two brothers, Alan and Ryan. Younger brother Ryan is Alan's bully. Ryan accepts the \$10,000 challenge to enter the ring with MMA fighter Tony "The Gun" Bonello.
6. The program contains a mix of emotional tones. Event-style hype promoting the pending confrontation in the ring is juxtaposed with scenes of a more empathetic nature where Alan expresses personally how hurtful bullying is. The portrayal of the fight itself consists of hand-to-hand combat typical of martial arts. At the conclusion

of the episode, Ryan (the bully) apologizes to Alan (his victim), and both brothers hug to the cheers of the crowd. Alan tells Ryan that he loves him.

7. The original episode at issue aired at 10:30 p.m., 21 April 2009. It was rated 14+ according to the Action Group on Violence on Television (AGVOT) classification code, and was accompanied by the following viewer advisory in audio and video format at the beginning of the program and following every commercial break: “This program contains graphic violence and scenes that some viewers may find disturbing. Viewer discretion is advised.” Under the 14+ classification code, “parents are strongly cautioned to exercise discretion in permitting viewing by pre-teens and early teens.” A 14+ classification icon appeared for 16 seconds at the beginning of the program and following every commercial break.

The complaint

8. The complainant is an anti-bullying activist who has stated that he has endured years of bullying as a young person.
9. The complainant alleged that *Bully Beatdown* conveys the wrong messages to victims of bullying, specifically, that fighting back prevents bullying from happening in the future, and that money and more violence is the solution to bullying. In the complainant’s view, these messages convey to more and more youth that violence is acceptable and that it is not a concern to have bullies put in a ring and beat up by a fighter trained in martial arts.

The licensee’s reply

10. The licensee replied to the complainant on 5 June 2009. The licensee’s comments address programming content, messaging, the assigned classification of the program, and associated viewer advisories.
11. First, the licensee described its programming in general as content that is intended to encourage conversation on a range of issues of interest relevant to its audience – not to decide on who is right or wrong. In the licensee’s view, *Bully Beatdown* shows both sides of the bullying story to encourage its audience to better understand the struggle of the victims and the psyche of bullies, and to acknowledge that bullying is in fact a very real concern for many people.
12. Second, the licensee submitted that the program in no way supports or promotes violence or retaliation on the part of victims of bullying. Rather, the licensee submitted that the program shows how a bully measures up after taking on someone of his own size, and how a bully is instilled with a sense of empathy when faced by someone who might cause him fear or anxiety – much the same way that a bully’s victim is made to feel.
13. Third, the licensee submitted that it had assigned the AGVOT 14+ classification code to the program. This classification allows for “mature themes” and for programming that “contains themes or content elements which might not be suitable for viewers

under the age of 14.” The licensee further noted that the program was accompanied by the following viewer advisory pertaining to violence: “This program contains graphic violence and scenes that some viewers may find disturbing. Viewer discretion is advised.”

The complainant’s comments on the licensee’s reply

14. In a letter dated 11 June 2009 to the CBSC submitted in response to the licensee’s reply, the complainant called on the CBSC to investigate *Bully Beatdown* and sanction the broadcaster due to the impact that programs like this might have on victims of bullying. Specifically, the complainant contended that the program violates articles 2.1, 2.4, 2.5 and 2.6 of the *Canadian Association of Broadcasters’ Violence Code* (the Violence Code), which limit portrayals of violence in children’s programming.
15. During the time that the complaint was being examined by the CBSC, the complainant provided additional information to the CBSC pertaining to the broadcast of the program before the watershed hour of 9:00 p.m.

The CBSC decision

16. The CBSC examined the complaint under articles 1.0, 2.0, 3.0 and 4.0 of the Violence Code¹ and found no violations thereof.
17. In summary, the CBSC decision concluded that the program does not promote or glamorize violence or otherwise run afoul of Article 1 (prohibition of gratuitous violence). As to Article 2.0 (children’s programming), the CBSC pointed out that this article applies only to programming targeted at children, i.e., persons under the age of 12 years. It noted that the program was clearly targeted to those 14 years and older. With respect to Article 3 (scheduling), the CBSC found that the extent of the violent content was far from the threshold of adult-only violence that would relegate such a program to a post-watershed time. The CBSC panel determined that since the episode of the program that was the subject of the complaint was broadcast after 9:00 p.m., no scheduling issue arose. With respect to Article 4.0, the CBSC found that a rating higher than 14+ (which allows for scenes of violence) would not be required, given its view of the moderate nature of the violence contained in the program.
18. In a letter dated 22 July 2010 to the Commission, the complainant requested that the Commission review the decision of the CBSC, specifically regarding the finding related to Article 3.1.1 of the Violence Code (also known as the watershed hour provision). The complainant asserted that he had supplied to the CBSC, prior to the issuance of its decision, information that showed plans by the licensee to broadcast future episodes of the program prior to the watershed hour of 9:00 p.m.

¹ <http://www.cbsc.ca/english/codes/violence.php>

Commission's analysis and determinations

19. In its examination of this issue, the Commission has taken into account the concerns raised by the complainant, the licensee's replies, and its own review of the logger tapes of the broadcast in question based on applicable broadcasting regulations and policies.
20. The Commission notes the finding of the CBSC that the particular episode that it dealt with was only broadcast after 9:00 pm. However, the Commission has confirmed with MTV (Canada) that the program was also rebroadcast prior to the watershed hour.
21. Article 3.1.1 of the Violence Code states:

Programming which contains scenes of violence intended for adult audiences shall not be telecast before the late evening viewing period, defined as 9 p.m. to 6 a.m.
22. The purpose of the watershed hour provision is to ensure that programming intended exclusively for adult audiences is scheduled after 9:00 p.m. at times when young children are less likely to be watching television. As found in previous Commission rulings concerning the application of the watershed hour provision, such scenes of violence requiring this scheduling restriction are those of an unduly explicit or graphic nature.
23. Having viewed the broadcast, the Commission notes that the violence contained in *Bully Beatdown* consisted predominantly of fight scenes that occurred in the ring in a controlled environment. Although the program contains scenes of punching and kicking and other elements that some viewers may find distasteful, the Commission finds that these scenes were not of such an explicit or graphic nature as to necessitate relegation of the broadcast of the program to post-watershed hours.
24. It is important to note that a generalization that all programming aired before the watershed hour is suitable for all viewers is not wholly accurate. Equally, it is important to note that the watershed hour provision is not intended to relegate to after 9 p.m. those programs that, because of their nature, are contentious or otherwise take controversial stances on serious societal issues. While violence was certainly a component of the program, the Commission concurs with the licensee's position that the overall context of the program is not to support or promote violence or retaliation, but rather to portray both sides of the bully story and to encourage conversation on a range of issues that may be of concern to many people.

Conclusion

25. In light of the above, the Commission finds that the licensee of MTV Canada did not breach the *Canadian Association of Broadcasters' Violence Code* by broadcasting the episode of *Bully Beatdown* in question, and that there is no evidence that this episode should be broadcast only after the watershed hour of 9 p.m.

Secretary General