



Broadcasting Regulatory Policy CRTC 2011-584

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Measures to control the loudness of commercial messages

In response to Canadians' concerns, the Commission will require the industry to limit the loudness of television commercials so that television programs and commercials are at an even volume. To this end, the Commission will publish amendments to its regulations for comment by the end of 2011. The regulations are scheduled to come into force on 1 September 2012.

Introduction

1. Over the years, Canadians have increasingly expressed irritation over the unnecessary loudness of television commercials, which is due in part to the use of audio processing techniques to make commercial messages seem louder than regular programming.¹
2. In 2006, the International Telecommunications Union (ITU) established an international standard to measure the loudness of television programs.² In November 2009, based on the ITU's standard, the Advanced Television Systems Committee (ATSC)³ developed a practice that enables the broadcasting industry to effectively measure and control the loudness of commercial messages.⁴
3. The ATSC's recommended practice sets out methods for broadcasters and television service providers to ensure that commercials are received at an even volume relative to regular programming. This would address the concern of viewers over the need to constantly turn down the volume of commercials.
4. In response to Canadians' complaints about loud commercials and given the availability of equipment based on the above-noted international standards, the Commission sought comment on possible measures to solve the problem.

¹ Other factors include the nature and content of programming, its peak volume and its dynamic range.

² Recommendation ITU-R BS.1770.

³ The ATSC is the international organization recognized for setting standards for digital television, which are used by North American broadcasters.

⁴ Recommended Practice ATSC A/85: Techniques for Establishing and Maintaining Audio Loudness for Digital Television.

5. The Commission received over 7,000 comments in response to its *Call for comments on measures to control the loudness of commercial messages*, Broadcasting Notice of Consultation CRTC 2011-102, 17 February 2011. The complete record for this proceeding can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Comments from the Canadian public

6. Canadians overwhelmingly expressed the view that the excessive loudness of television commercials has been an irritant for years. For example, a typical comment was that "Commercials are broadcast at a much louder volume...and everyone I know finds this incredibly intrusive and irritating. It is like being shouted at by the advertisers..." Canadians also relayed their frustration at the industry's apparent lack of action on the issue, particularly in light of the availability of technical solutions. For example, one individual stated, "since the technology already exists to reduce the perceived and/or actual loudness of commercials, I do not see why changes could not be implemented very quickly."
7. Canadians also felt that market forces alone would not cause the industry to solve the problem and therefore urged the Commission to take action and compel the industry to do so. A typical comment was that the Commission should "regulate volume control so that TV programming, regardless if it is a show or commercial, is consistent."

Comments from the Canadian broadcasting industry

8. The Canadian Broadcasting Corporation (CBC), Quebecor Media Inc., Télé-Québec, V Interactions Inc. and the Broadcasters Technical Coordinating Committee (TCC), which represents a number of broadcasters,⁵ indicated that they were taking or had completed steps to comply with the ATSC's recommended practice. These steps include purchasing and installing equipment, establishing requirements for producers, implementing procedures and training. They also include future coordination between industry players, which the TCC offered to facilitate through a technical working group. Parties stated that they would require up to 16 months to implement these corrective measures.
9. The CBC further argued that television service providers had a role to play in solving the problem given that they sometimes insert advertising in non-Canadian programming and in video-on-demand services. The TCC also noted the role of television service providers in enabling the control of loudness when this is done at the viewer's receiver.⁶ This view was shared by Rogers Communications Inc., which noted that it has the ability to control loudness between channels and within a

⁵ These broadcasters include Corus Entertainment Inc.; Bell Media Inc.; Jim Pattison Broadcast Group; Newcap Inc.; Pelmorex Communications Inc.; Rogers Media Inc.; Shaw Media Inc.; and Thunder Bay Television Inc.

⁶ This is typically done using metadata which is transmitted to the viewer's receiver.

particular programming service. For its part, MTS Allstream submitted that responsibility for controlling loudness lies primarily with broadcasters.

10. Overall, broadcasters and television service providers stated that it was in their best interest to control the loudness of commercials in order to respond to viewers' concerns and that regulatory measures were therefore not necessary.

Commission's analysis and decision

11. The Commission notes that the ATSC's recommended practice was developed in 2009, that equipment is available to comply with this practice and that some broadcasters and television service providers have already taken steps to do so. The Commission considers that the cost of implementing these solutions is reasonable.
12. While the industry has taken steps to resolve this persistent issue, the Commission agrees with Canadians that the loudness of television commercials is an ongoing irritant. Given the reliance of broadcasters on advertising, the Commission considers that market forces alone will not be sufficient to make industry respond to Canadians' concerns and that regulatory measures will result in a consistent and timely approach to solving the problem. In light of the above, the Commission considers it appropriate to require the broadcasting industry to implement solutions by 1 September 2012. The Commission considers that this date will provide the industry with sufficient time to do so.
13. While this issue mainly concerns broadcasters, the Commission recognizes the role of television service providers as it relates to the insertion of advertising and the provision of television services to Canadians.

Conclusion

14. In light of the above, the Commission will require broadcasters and television service providers⁷ to ensure that commercials and regular programming are at an even volume, consistent with the ATSC's recommended practice. To this end, the Commission will publish proposed amendments to the appropriate regulations for comment by the end of 2011. These regulations are scheduled to come into force on 1 September 2012.

Secretary General

⁷ For clarification, "broadcasters" includes conventional television stations and specialty services and "television service providers" includes broadcasting distribution undertakings and video-on-demand undertakings.