



Broadcasting Decision CRTC 2017-292

PDF version

Ottawa, 18 August 2017

Complaint regarding CTV News Channel and CITV-DT Edmonton news reports relating to Canadian Forces Base Edmonton dog policy

The Commission finds that neither CTV News Channel nor CITV-DT Edmonton breached industry regulations and standards.

Background

1. In January 2016, CTV News Channel and CITV-DT Edmonton (Global Edmonton) covered the story of a Canadian Forces member with post-traumatic stress disorder (PTSD) who was prohibited from taking his emotional support dog to certain areas of Canadian Forces Base (CFB) Edmonton.
2. In October 2016, the Canadian Broadcasting Standards Council (CBSC) issued a decision¹ regarding a complaint relating to the above-noted broadcasts.
3. On 13 October 2016, the complainant asked that the Commission review the CBSC decision.

The broadcasts

4. In January 2016, CFB Edmonton posted notices restricting the areas on the base where dogs were allowed. A sergeant who had a dog to help him cope with his PTSD complained about these restrictions.
5. Both CTV News Channel and Global Edmonton covered the story. The stations' news reports included interviews with Sergeant Jeffrey Yetman, who described how his dog had helped him with his PTSD and explained that he was concerned that not being allowed to have his dog with him at all times would negatively affect him and other PTSD sufferers in similar situations.
6. The reports also provided statements from Canadian military authorities, who stated that their goal was to balance the interests of soldiers who owned animals for therapeutic purposes with the interests of other individuals, such as children or people with allergies or fear of dogs.

¹ CBSC Decision 15/16-0673 & -0686

The complaint

7. The complainant argued that Sgt. Yetman's dog should not have been called a "service dog" in the reports because it did not meet the definition of "service dog" as set out in Alberta's *Service Dog Act*.² Specifically, the complainant submitted that:
 - certification is important because only proper training assures that assistance dogs will behave safely in public places;
 - since Sgt. Yetman's dog did not meet the legal definition of "service dog," it should have been called an "emotional support dog" or similar term; and
 - by labelling the dog a "service dog," the reports wrongfully gave the impression that CFB Edmonton was denying the Sergeant his rights.
8. The complainant further argued that CTV News Channel should not have referred to Sgt. Yetman as a "veteran" since although transitioning out of the military, he was still an active member. The complainant noted that Veterans Affairs Canada reserves the term "veterans" for former members of the Canadian Armed Forces.

Licensees' replies

Use of the term "service dog"

9. Both Bell Media Inc. (Bell), licensee of CTV News Channel, and Corus Television G.P. Inc. (the general partner) and Corus Media Global Inc. (the limited partner), carrying on business as Corus Television Limited Partnership (Corus), licensee of Global Edmonton, noted that the reports explained that part of the controversy related to the dog's training by a non-accredited company.
10. Bell further indicated that the reports used the term "service dog" in a colloquial rather than a strict legal sense and was intended to mean simply a dog providing some sort of support or therapy to its owner. Bell also indicated that the reports explained that the dog was trained by a company in the U.S. that was not accredited.
11. Corus noted that the focus of the reports was not certification but rather Sgt. Yetman's coping with PTSD and how he felt about the new standing orders posted by CFB Edmonton. Although certification was not the primary topic, it noted that the reports nonetheless mentioned a lack of consistency in service dog standards.

² Under the *Service Dog Act*, only dogs trained by a company accredited by a specific assistance dog organization meet the definition of certified service dog and are given unfettered access to public buildings. In the reports, it was explained that the Sergeant's dog, Diego, was trained by a company that was not accredited by that particular organization, but documents were shown on screen labelling Diego a "service dog" and indicating that he had passed various PTSD-related assistance training. The complainant argued, however, that there is no publicly available evidence that the company that trained Diego actually does meet any sort of certification standards.

Further, it stated that the use of the expression “service dog” was not meant to mislead, but rather to provide a universal term easily understood by most viewers.

Use of the term “veteran”

12. Bell argued that “veteran” can be used to describe current Canadian Armed Forces members who have taken part in combat missions.

The CBSC decision

13. The CBSC examined the complaint under clause 5 of the Canadian Association of Broadcasters’ *Code of Ethics*, which states that it shall be the responsibility of broadcasters to ensure that news shall be represented with accuracy and without bias, as well as article 1 of the Radio Television Digital News Association of Canada’s *Code of Ethics*, which states that electronic journalists will inform the public in an accurate, comprehensive and fair manner about events and issues of importance.

14. The CBSC concluded that the licensees had violated neither of these codes. In particular, it found that the term “service dog” as used in the news stories did not constitute a breach of either code as:

- the term as used in the news stories did not constitute any misrepresentation of the actual problem faced by Sgt. Yetman; and
- using Alberta’s *Service Dog Act*’s definition would not have shed more light on the problem faced by the Sergeant.

15. The CBSC also found that the word “veteran” as used in the news stories did not constitute a breach of either code as:

- there was no obligation on the part of the broadcasters to adhere to a definition published by Veterans Affairs Canada; and
- the more colloquial definition of “veteran” found in the *Shorter Oxford English Dictionary*, namely “a person who has grown old in or had long experience of military service,” was sufficient under the circumstances.

16. Finally, the CBSC determined that the broadcasters had fulfilled their obligations of responsiveness by providing detailed replies to the complainant and addressing the complainant’s concerns.

Commission’s analysis and decision

17. Section 5(1)(d) of the *Television Broadcasting Regulations, 1987* and section 3(d) of the *Specialty Services Regulations, 1990* prohibit licensees from broadcasting

“false or misleading news.” As the Commission has stated in the past,³ given the protections afforded by section 2(b) of the *Canadian Charter of Rights and Freedoms* and the objectives set out in the *Broadcasting Act* (the Act), the breach of these provisions must be flagrant for it to take action on a complaint.

18. Section 3(1)(g) of the broadcasting policy set out in the Act states that the programming originated by broadcasting undertakings should be of a high standard. In determining what constitutes programming of high standard within the meaning of the Act, the Commission considers, among other things, the standards in effect in the broadcasting community, including the codes examined by the CBSC.
19. With respect to the accuracy of terminology, the CBSC’s general approach is that “an insignificant and immaterial erroneous statement will not automatically amount to a breach of the Code. In order to determine the significance and materiality of any challenged statement, the adjudicating Panel will naturally examine the context of the report.” In this instance, the broadcasters provided sufficient context that the colloquial use of the terms “service dog” and “veteran” did not constitute a breach of either code examined by the CBSC.
20. In light of all of the above, the Commission finds that there is no evidence of harm requiring regulatory intervention with respect to either CTV News Channel or Global Edmonton. Specifically, neither station’s use of the terms “service dog” or “veteran” reaches a level of inaccuracy that would constitute a breach of industry regulations and standards. Further, the stations’ use of the terms was not flagrantly false or misleading or inconsistent with the high standard objective of the Act.

Secretary General

³ *Proposed amendments to the Commission’s false or misleading news provisions*, Broadcasting Regulatory Policy CRTC 2011-308, 11 May 2011