



Broadcasting Decision CRTC 2018-39

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Ottawa, 31 January 2018

Complaint regarding The Weather Network/MétéoMédia's use of the term "30 Days"

The Commission finds that there is no evidence of harm requiring regulatory intervention with respect to The Weather Network/MétéoMédia's use of the term "30 Days" in weather segments.

Background

1. In April 2017, The Weather Network/MétéoMédia broadcast weather information described on screen as depicting a period of 30 days. A viewer complained that the featured temperature graphs displayed dates for only 27 or 28 days depending on the feed.
2. On 12 October 2017, the Canadian Broadcast Standards Council (CBSC) issued a decision¹ regarding the complaint relating to the above-noted broadcasts.
3. On 21 October 2017, the complainant asked that the Commission review CBSC's decision.

The broadcasts

4. On 13 April 2017, The Weather Network displayed weather information for different cities in British Columbia, including an hourly forecast, a 7-day forecast and a 14-day forecast. One segment, labeled "Vancouver 30 Days," featured a temperature graph. On the high definition (HD) channel, the graph displayed dates starting on 9 April and ending on 6 May, for a total of 28 days. A similar graph on the standard definition (SD) channel displayed 27 days.
5. A similar segment was broadcast on MétéoMédia for Québec. Again, only 28 days were displayed on the HD channel and 27 on the SD channel.

The complaint and the licensee's reply

6. An individual complained that The Weather Network/MétéoMédia was misleading viewers by using "30 Days" to describe certain weather forecasts when in fact it was only showing 27 or 28 days, depending on the channel.

¹ Decision 16/17-1869 & -1872

7. Pelmorex Weather Networks (Television) Inc. (Pelmorex), licensee of The Weather Network/MétéoMédia, explained in its reply to the complainant that technical limitations prevented it from displaying 30 days. It agreed that the graph title was misleading and committed to changing it. Pelmorex informed the CBSC at a later date that it had changed the title to “Next 4 weeks.”
8. The complainant filed a request for a ruling with the CBSC, arguing that further action may be required because the solution to the issue “should have been done when [the forecast] made its debut.” The complainant also requested a ruling on whether the broadcaster took too long to respond to the complaint.

The CBSC decision

9. The CBSC examined the complaint under provisions set out in the *Canadian Association of Broadcasters’ Code of Ethics* and the *Radio Television Digital News Association of Canada Code of Journalistic Ethics*. It concluded that the segments identified by the complainant did not breach either code.
10. The CBSC stated that “inaccuracies that do not affect the overall purpose of the message will not amount to a code breach.” The CBSC considered that the complaint is “hair-splitting, and even verging on the frivolous.” The CBSC recognized that The Weather Network/MétéoMédia clearly showed the dates on the bottom of the screen, and therefore “it is unlikely that a viewer would somehow be misled.” The CBSC noted that the broadcaster has since modified the title of the segment. Finally, the CBSC considered that “the broadcaster fulfilled its obligations of responsiveness and nothing further is required in this regard in this instance.”

Commission’s analysis and decision

11. Section 5(1)(d) of the *Television Broadcasting Regulations, 1987* prohibits licensees from broadcasting false or misleading news. In *Proposed amendments to the Commission’s false or misleading news provisions*, Broadcasting Regulatory Policy CRTC 2011-308, 11 May 2011, the Commission stated that 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 breach of these provisions must be flagrant for the Commission to take action on a complaint. The Commission does not consider it to be the case in this instance, particularly since the inclusion of specific dates suggests that Pelmorex was not trying to mislead viewers or broadcast false news.
12. While Pelmorex did give a late reply to the complainant, this was corrected as soon as the complainant brought it up. Therefore, no further action is required from the broadcaster in this regard.
13. In light of the above, the Commission finds that there is no evidence of harm requiring regulatory intervention with respect to The Weather Network/MétéoMédia. Further, the Commission is satisfied with the broadcaster’s actions to remedy the situation.

Secretary General