



Broadcasting Decision CRTC 2007-210

Ottawa, 29 June 2007

Complaint regarding conditions of licence relating to the broadcast of religious programming on CHNU-TV Fraser Valley

*In this decision, the Commission addresses a complaint regarding the apparent non-compliance by Rogers Broadcasting Limited (Rogers) with conditions of licence relating to the broadcast of religious programming on CHNU-TV Fraser Valley. The Commission finds that nine programs broadcast on the station were not consistent with its conditions of licence, and **directs** Rogers to take the measures necessary to ensure that CHNU-TV's program schedule is consistent with those conditions of licence by no later than 1 January 2008. The Commission further indicates its willingness to entertain applications to vary condition of licence 2(a) given the Commission's realization that the condition should reflect the programming realities of the marketplace.*

Introduction

1. In October 2005, Multivan Broadcast Limited Partnership (Multivan)¹ submitted an intervention opposing an application by Rogers Broadcasting Limited (Rogers) to amend conditions of licence (COLs) for the television programming undertaking CHNU-TV Fraser Valley (also known as OMNI BC). Multivan submitted that Rogers was in non-compliance with three COLs relating to the broadcast of religious programming on this station. In Broadcasting Decision 2006-48, the Commission denied the above-mentioned application by Rogers on the grounds that the licensee had not operated the station for a period of time sufficient to assess whether its COLs are inappropriate. The Commission further stated that it would shortly issue a letter requesting that Rogers provide comments regarding its alleged non-compliance with its COLs. In April 2006, the Commission notified Rogers that Multivan's allegations were being treated as a complaint against Rogers.
2. Rogers replied to Multivan's complaint in June 2006, to which Multivan responded in July 2006. During the period between July to December 2006, both parties filed supplementary correspondence clarifying their positions. The Commission has considered all of the correspondence filed by Multivan and Rogers in its consideration of this complaint. In August 2006, following a request by the Commission, Rogers provided logger tapes for the weeks 31 July to 6 August 2006 and 7 August to 13 August 2006, which the Commission analysed.

¹ Multivan Broadcast Corporation (the general partner) and 650504 B.C. Ltd., Douglas M. Holtby, Geoffrey Y.W. Lau, Robert H. Lee, Joseph Segal and RCG Forex Service Corp. (the limited partners), carrying on business as Multivan Broadcast Limited Partnership

3. In this decision, the Commission sets out the conditions of licence related to religious programming to which CKNU-TV is bound, and then considers various programs mentioned by Multivan in its complaint against those conditions.

CHNU-TV's conditions of licence relating to the broadcast of religious programming

4. In Broadcasting Decision 2005-207, the Commission imposed three conditions of licence to ensure that CHNU-TV would retain a religious orientation as committed to by Rogers, and to ensure that CHNU-TV would not become unduly competitive with other commercial stations in the same market. These conditions are as follows:
 1. Not less than 75% of all programming broadcast by the licensee during the broadcast day and not less than 50% of the programming broadcast during peak time hours (7 p.m. to 11 p.m.) shall be devoted to programs drawn from Category 4 – Religion, as set out in Schedule I to the *Television Broadcasting Regulations, 1987*.
 2. The remainder of the programming broadcast by the licensee may be:
 - a) programs that reflect broadly accepted religious, spiritual, ethical or moral values; and/or
 - b) other programming, provided it is contextualized, and each contextual segment is
 - appropriately drawn from Category 4 – Religion;
 - clearly linked and integral to the subject matter of the content being contextualized; and
 - at least equal in duration to the content being contextualized.
 3. The licensee shall broadcast a minimum of 18 hours per week of balance programming, of which 12 hours shall be Canadian and broadcast between 6:00 p.m. and 11:00 p.m. At least 15.5 hours of weekly balance programming shall be original first-run programming.
 - a) Balance programming is programming devoted to providing differing views on issues and events presented during the station's primary programming, which address matters from a Christian perspective, and includes the presentation of different religions.

- b) At least 7.5 hours of the 18 hours of balance programming referred to above shall be faith-specific programming produced by individual non-Christian groups. These programs will include presentation from the Buddhist, Hindu, Jewish, Muslim and Sikh perspectives and be broadcast on weekdays between 9:30 p.m. and 10:00 p.m., and on Saturdays from 8:30 a.m. to 1:30 p.m.

Analysis of programs mentioned by Multivan

5. Using the logger tapes provided by Rogers, the Commission analysed 16² programs that Multivan alleged did not fall within the conditions of licence cited above. The programs that the Commission analysed are set out below.
- **Programs claimed by Rogers as falling in Category 4 – Religion (COL 1)**
Eye to Eye, The Standard, Women in Focus, 7th Heaven, Touched by an Angel, World Vision
 - **Programs claimed by Rogers as reflecting “broadly accepted religious, spiritual, ethical or moral values”(COL 2(a))**
Dharma and Greg, Everybody Loves Raymond, Friends, Full House, Home Improvement, Malcolm in the Middle, Reba, Saved by the Bell
 - **Programs claimed by Rogers as balance programming (COL 3)**
The Standard, Women in Focus, DIYA, Sikh Versa

Programs claimed by Rogers as falling in Category 4 – Religion

6. Category 4 – Religion is defined as “programs dealing with religion and religious teachings, as well as discussions of the human spiritual condition.” In Public Notice 1993-78 (the Religious Broadcasting Policy), the Commission defined “religious” as pertaining to “anything directly relating to, inspired by, or arising from an individual’s relationship to divinity, including related moral or ethical issues.” The Religious Broadcasting Policy also stated that a religious program is one that deals with a “religious theme;” it may be, for example, a program that examines or expounds religious practices and beliefs or that presents a religious ceremony, service or other similar event.
7. In accordance with the definition set out above, the Commission is of the view that, in order to fall in Category 4 – Religion, a program must, have “religion and religious teachings or discussions of the human spiritual condition” as its primary theme. A primary theme implies that religion and religious teachings or discussions of the human spiritual condition should be a principal element of the subject matter or storyline of the program, and not simply included as a passing reference.

² Although Multivan identified over 20 titles as being problematic, only those programs appearing on the logger tapes were analyzed.

The Standard

8. *The Standard*, which is broadcast each week night in prime-time, is promoted as CHNU-TV's flagship public affairs program. Rogers described *The Standard* as a "religious Category 4 program and a balance program that examines issues from a religious and spiritual point of view and that covers local, national, and international events through the lens of faith."
9. While each monitored episode of *The Standard* integrated some reference to religion, the emphasis was on general public affairs information of interest to a general audience. Examples of topics covered include the conflict in the Middle East and democracy in Iraq. The manner in which these subjects were discussed did not suggest a religious perspective, despite the description of the program provided by Rogers. Furthermore, references to religion appeared only in some segments, typically at the level of a passing comment. As a result, the Commission is not satisfied that this program has religion and religious teachings or discussions of the human spiritual condition as its primary theme. Accordingly, the Commission considers that *The Standard*, as currently constituted, does not fall within Category 4 – Religion.

Women in Focus

10. *Women in Focus*, which features one-on-one interviews with prominent women in British Columbia, was also identified by Rogers as falling in Category 4 – Religion.
11. The single episode that was available for monitoring presented an interview with a local Vancouver broadcaster and concert promoter. Topics covered included this individual's background, career and education, as well as discussions on her life as a single mother and her work/life balance. The only instance of religious content related to the comment that the person interviewed was "very spiritual." The Commission considers that, if this episode is representative of the program, it does not fall within Category 4 – Religion in that it does not have religion and religious teachings or discussions of the human spiritual condition as its primary theme.

Eye to Eye

12. The format of *Eye to Eye* is similar to that of *Women in Focus* in that it presents one-on-one interviews. In the case of *Eye to Eye*, the interviews are with authors. The program was identified by Rogers as falling into Category 4 – Religion.
13. In the episodes monitored, the discussion was entirely focused on books that were not specifically religious, spiritual, or otherwise faith-specific. The guests interviewed included Walter Gretzky, former Radio-Canada correspondent Catherine Bergman (who wrote *From the Japanese*), science journalist Dan Faulk (who wrote *Universe on a T-Shirt: The Quest for the Theory of Everything*), and artist Robert Bateman (discussing his book, *Birds*). Although Rogers stated that the program provides viewers with a "behind-the-scenes look at the life and values" of the spotlighted authors, discussions in the seven episodes monitored focused on the subject matter of the books presented.

14. During the monitored episodes of the program *Eye to Eye*, references to faith and religion were generally very brief (for example, in response to a question about faith, the sole response of one guest was “I am a person of faith.”). The one exception was a self-interview by Jim Cantelon, which discussed his work to engage African churches in the fight against HIV/AIDS. The Commission is therefore not satisfied that *Eye to Eye* consistently falls in Category 4 – Religion, as required under COL 1, given that it does not have religion and religious teachings or discussions of the human spiritual condition as its primary theme.

Conclusions regarding *The Standard*, *Women in Focus* and *Eye to Eye*

15. *The Standard*, *Women in Focus* and *Eye to Eye* are original OMNI BC programs. In the Commission’s view, Rogers must make adjustments to these programs to ensure that they clearly and consistently fall in Category 4 – Religion, as required under COL 1.

Touched by an Angel and *7th Heaven*

16. *Touched by an Angel* and *7th Heaven* are U.S. dramas. These programs are described by the licensee as follows:
- *Touched by an Angel*: a trio of angels is sent to Earth to tell depressed and troubled people that God loves them and has not forgotten them. The show shares strong, non-denominational Christian messages in its storylines.
 - *7th Heaven*: the parents of a Christian family “face the challenge of trying to raise seven children in California to live a moral and spiritual life in the modern world.” Christian ideals are paramount to the resolution of various issues faced by the family, with each episode addressing a real-life issue from a Christian viewpoint. The show often involves an exploration of religious practices.

17. Given the clear emphasis on religion and religious themes in each program, the Commission finds that both *Touched by an Angel* and *7th Heaven* have religion and religious teachings or discussions of the human spiritual condition as their primary theme. These programs therefore fall in Category 4 – Religion, and are suitable for broadcast as provided by COL 1.

World Vision

18. Multivan also raised concerns about the broadcast on CHNU-TV of the brokered program *World Vision*, a series presenting this Christian organization’s efforts in humanitarian relief and community development. The Commission examined four episodes of the program and finds that, given its emphasis on Christian charitable works, the program has religion and religious teachings or discussions of the human spiritual condition as its primary theme. As such, *World Vision* falls in Category 4 – Religion.

Programs claimed by Rogers as reflecting “broadly accepted religious, spiritual, ethical or moral values” (COL 2(a))

19. Rogers argued that the following U.S. situation comedies cited by Multivan and analysed by the Commission – *Everybody Loves Raymond*, *Full House*, *Friends*, *Home Improvement*, *Reba*, *Saved by the Bell*, *Malcolm in the Middle*, and *Dharma and Greg* – all fall within COL 2(a), which allows for a maximum of 25% of CHNU-TV’s program schedule to consist of programs reflective of “broadly accepted religious, spiritual, ethical or moral values.”
20. Rogers cited *Everybody Loves Raymond*, *Home Improvement* and *Full House*, in particular, as examples of programs that centre around family life and that put a humorous spin on the daily trials and tribulations of family relationships. Recognizing that the programs are not overtly religious, Rogers maintained that they “most certainly espouse positive moral and ethical values,” noting in particular storylines based on premises such as “family comes first” and “nothing is more important than friends.”
21. The Commission notes that, as stated in Decision 2005-207, the intention of COL 2(b) is to provide a measure of programming flexibility for CHNU-TV, while ensuring that the service it provides remains a distinct alternative to commercial services in the same market. While the Commission agrees with the licensee’s arguments that wholesome and/or family-friendly programs are consistent with the type of program that the condition of licence contemplates, the 25% flexibility to broadcast programming outside of Category 4 – Religion does not give the licensee free reign to broadcast any family-friendly program it chooses. Such programming must be reflective of “broadly accepted religious, spiritual, ethical or moral values,” as the COL states.
22. COL 2(a) does not refer to *any* set of values. Rather, it specifically identifies that these values must be religious, spiritual, moral or ethical. The COL offers further clarity by saying that these values must be “broadly accepted.” Accordingly, the Commission is of the view that, in order for programming to fit within the parameters of this COL, it must have a primary subject, theme, discussion or debate that relates to broadly accepted religious, spiritual, moral or ethical values. In the case of a situation comedy, such values must be clearly present and intrinsic to the plot or storyline. In the Commission’s view, religious values deal with organized religion, beliefs and practices and an individual’s relationship with spirituality or the soul. Moral values centre on personally held beliefs, codes of action concerning right or wrong and guides to good and evil, while ethical values deal primarily with that set of laws, practices and values commonly accepted in a society as defining good and bad behaviour or distinguishing right from wrong.

Friends, Everybody Loves Raymond, Full House, Home Improvement, Reba and Saved by the Bell

23. *Friends* is a sitcom centered on the relationships among six long-time friends in New York City. Although some of the values identified by Rogers (such as loyalty among friends) may be present, the frequent use of offensive language and the incorporation of adult themes surrounding sexual relationships and behaviour is a clear indicator that such programming does not reflect broadly accepted religious, spiritual, moral or ethical values.
24. The primary focus of the five remaining programs – *Everybody Loves Raymond, Full House, Home Improvement, Reba* and *Saved by the Bell* – is to entertain. While each of these programs displayed occasional themes or portrayals of moral or ethical values to varying degrees in one or two episodes, moral or ethical values are referenced in passing only or simply as comedic devices in the majority of episodes viewed. Spiritual or religious values as primary themes are entirely absent. Instead, the majority of the episodes viewed for each of these programs tended to refer to more general positive themes surrounding family dynamics and human relationships, such as getting along with one's family or the importance of friendships, rather than any specific or consistent treatment of a religious, spiritual, moral or ethical value as a primary theme, which are the defining criteria set out in the licensee's condition of licence. Therefore, while the licensee is correct that these programs include elements that could be characterized as "family friendly," they do not reflect the values contemplated in COL 2(a).
25. Based on its monitoring, the Commission is of the view that the broadcast of *Everybody Loves Raymond, Full House, Home Improvement, Reba, Saved by the Bell* and *Friends* by CHNU-TV is inconsistent with the station's obligation to reflect broadly accepted religious, spiritual, moral or ethical values, as set out in COL 2 (a), due to the lack of any consistent presence of such values as primary themes.

Dharma and Greg and Malcolm in the Middle

26. *Dharma and Greg* is a situation comedy about a young married couple (a "free-spirit" wife and conservative lawyer husband). Based on its monitoring, the Commission is of the view that this program conveys moral or ethical values, especially honesty and compassion for others, in a consistent fashion and typically portrays the characters struggling with the challenge of deciding on the appropriate course of action to resolve moral or ethical dilemmas. As such, the Commission finds that the majority of episodes monitored featured moral or ethical values as primary themes.
27. *Malcolm in the Middle* is a situation comedy about a dysfunctional family. Each episode viewed conveyed moral or ethical values as a primary theme, including the importance of honesty, truthfulness, and charity; respect for equality (of gender and of persons with disabilities); and, the importance of taking action to "do the right thing". Despite being unconventional and brash, a strong and consistent emphasis on moral and ethical values was dominant and obvious.

28. Given that both *Dharma and Greg* and *Malcolm in the Middle* convey moral or ethical values as a primary theme, the Commission finds that the broadcast of both programs is consistent with CHNU-TV's COL 2(a) which allows for the broadcast of programs that "reflect broadly accepted religious, spiritual, ethical or moral values."

Programs claimed by Rogers as balance programming (COL 3)

29. COL 3 defines balance programming as "programming devoted to providing differing views on issues and events presented during the station's primary programming, which address matters from a Christian perspective, and includes the presentation of different religions."

DIYA and Sikh Versa

30. Multivan argued that *DIYA* and *Sikh Versa* are not faith-specific balance programs, as claimed by Rogers.
31. The Commission's review of the logger tapes of these programs reveals that each is clearly devoted to religion and religious culture. The episodes of *DIYA* (which, according to Rogers, means "lantern," "guide" or "source of light") consisted of religious instruction on Hinduism, while the episodes of *Sikh Versa* consisted of faith-specific content concerning Sikhism, as well as ethical discussions. The Commission therefore agrees with Rogers that these programs qualify as balance programming, as required under COL 3(a) in that they are clearly devoted to the presentation of differing views from the station's overall Christian perspective. They also provide programming from a Hindu and Sikh perspective, as required under COL 3(b).

The Standard

32. As mentioned above, *The Standard* is CHNU-TV's flagship public affairs program. Rogers was of the view that the program qualified as a balance program for the purposes of COL 3.
33. Of the five episodes of *The Standard* that were monitored, only one appeared to contain elements of balance programming (a discussion and debate on the distribution of bibles in British Columbia schools), while another referenced an alternative religious perspective (Buddhism) via an interview with actor Steven Seagal. While the segments of this program that Rogers characterized as "commentary" featured some religious perspective, including a segment on the *Gospel of Judas*, the Commission is not satisfied that such minimal references to religious perspectives satisfy the balance requirement which, as articulated in COL 3, requires the broadcast of programs "devoted to" the presentation of differing views from the station's overall Christian perspective.

Women in Focus

34. *Women in Focus* features one-on-one interviews with prominent women in British Columbia. It was identified by Rogers as a balance program for the purposes of COL 3.

35. As noted above, the single episode that was available for monitoring presented an interview with a local Vancouver broadcaster and concert promoter. Topics covered included this individual's background, career and education, as well as discussions on her life as a single mother and her work/life balance. The only instance of religious content related to the comment that the person interviewed was "very spiritual." Based on its analysis, the Commission finds that *Women in Focus* does not satisfy the definition of balance programming set out in COL 3 in that it is not devoted to the presentation of differing views from the station's overall Christian perspective.

Conclusion regarding *The Standard* and *Women in Focus*

36. *The Standard* and *Women in Focus* are original OMNI BC programs. In the Commission's view, Rogers must make adjustments to these programs to ensure that they clearly and consistently qualify as balance programming as required under COL 3.

Conclusion

37. Given that CHNU-TV is licensed as a religious television station providing an alternative to commercial stations in the market it serves, all programming broadcast on this station must be consistent with its COLs relating to the broadcast of religious programming. Accordingly, the Commission **directs** the licensee to make the necessary adjustments so that its programming is at all times consistent with those COLs.
38. Specifically, Rogers must ensure that the programs *The Standard*, *Women in Focus* and *Eye to Eye* fall within the definition of Category 4 – Religion, as per COL 1. *The Standard* and *Women in Focus* must also satisfy the licensee's obligations regarding the broadcast of balance programming as set out in COL 3.
39. Given that each of these programs is an original OMNI BC production, the licensee has direct control over their content. The Commission is therefore of the view that the licensee can make the necessary adjustments to these programs immediately. The Commission therefore **directs** Rogers to demonstrate, by no later than 1 September 2007, that it has taken the necessary measures to ensure that these programs comply with the Commission's determinations regarding *The Standard*, *Women in Focus* and *Eye to Eye*, as set out above.
40. Given the Commission's determination that the U.S. situation comedies *Friends*, *Home Improvement*, *Everybody Loves Raymond*, *Full House*, *Reba*, and *Saved by the Bell*, do not meet the requirements set out in COL 2(a), Rogers must either remove these programs from CHNU-TV's schedule or provide the contextualization as provided under COL 2(b).
41. However, in recognition of the nature of foreign program acquisition cycles and associated contractual obligations, the Commission will allow the licensee time to make the necessary adjustments to its program schedule.

42. The Commission therefore **directs** Rogers to demonstrate, by no later than 1 January 2008, that it has taken the necessary measures to ensure that the program schedule of CHNU-TV complies with the Commission's determinations set out above.
43. The Commission received no representations indicating that that the fulfillment of condition of licence 2(a) as interpreted by the Commission is not feasible in light of the availability of programming.
44. If the licence holder finds that it is unfeasible to live up to the Commission's interpretation of condition of licence 2(a) due to lack of programming supply, the Commission is prepared to entertain applications to vary condition of licence 2(a) given the Commission's realization that the provision should reflect the programming realities of the marketplace.

Secretary General

Related documents

- *CHNU-TV Fraser Valley – Licence amendments*, Broadcasting Decision CRTC 2006-48, 24 February 2006
- *CHNU-TV Fraser Valley, CIIT-TV Winnipeg – Acquisition of assets, new transmitter in Victoria, and new licences*, Broadcasting Decision CRTC 2005-207, 20 May 2005
- *Definitions for new types of priority programs; revisions to the definitions of television content categories; definitions of Canadian dramatic programs that will qualify for time credits towards priority programming requirements*, Public Notice CRTC 1999-205, 23 December 1999
- *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993

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