



Broadcasting Decision CRTC 2010-716

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Ottawa, 28 September 2010

Canwest Television GP Inc. (the general partner) and Canwest Media Inc. (the limited partner), carrying on business as Canwest Television Limited Partnership

Winnipeg, Manitoba

Complaint regarding the broadcast of *Jack Van Impe Presents* on CKND-TV Winnipeg

The Commission finds that the 25 January 2009 and 31 May 2009 broadcasts of Jack Van Impe Presents on CKND-TV Winnipeg did not violate established broadcast standards and therefore did not fail to meet the objective of the Broadcasting Act that programming be of high standard.

Background

1. On 2 April 2009, the Commission received a complaint from a resident of Selkirk, Manitoba concerning the program *Jack Van Impe Presents* on CKND-TV Winnipeg. Since the station's licensee, Canwest Television GP Inc. (the general partner) and Canwest Media Inc. (the limited partner), carrying on business as Canwest Television Limited Partnership (Canwest), is a member of the Canadian Broadcast Standards Council (CBSC), the complainant had already been in contact with the CBSC with his concerns. The Commission, in accordance with its usual practice, referred the complaint to the CBSC for resolution.
2. On 29 March 2010, the CBSC issued CBSC Decision 08/09-0691 & -1774, decided 13 November 2009 (the CBSC Decision), in which it set out its determination on the complaint in question.
3. On 9 April 2010, the complainant requested that the Commission review the CBSC Decision.

The program

4. *Jack Van Impe Presents* airs on Sunday mornings from 8:00 a.m. to 9:00 a.m. on CKND-TV. It is hosted by televangelist Jack Van Impe and his wife Rexella. The show's format consists of Rexella reading collections of selected news headlines while Van Impe provides commentary, interpreting world events through the lens of Bible passages and providing predictions about future world events inspired by his interpretation of the Bible. The show is introduced with the tag line "From the heartland of America to every nation on Earth, this is *Jack Van Impe Presents*. The truth in news and commentary."

5. The complainant's concerns apply to the program overall; however, before being able to proceed with their investigations, both the Commission and the CBSC require that specific broadcasts be identified by the complainant. Over the course of his correspondence with the CBSC, the complainant identified the specific broadcasts of 25 January 2009 and 31 May 2009 as illustrative of his concerns. In those episodes, the program's hosts referenced headlines relating to wars, conflicts, terrorism, cyber-warfare and global economic crises, all of which were used to support the hosts' assertion that "judgment day" or "doomsday" is approaching. They identified 21 December 2012 as this day, but clarified that this will not be the end of the world per se, but rather "the beginning of a new world order." Van Impe's DVD entitled "New World Order Rising" is promoted in both episodes and viewers are encouraged to purchase it to better understand his message.

The complaint

6. In his initial correspondence with the licensee and the CBSC, the complainant alleged that this televangelist program "continually spreads hate and warns us about impending doom and the end of the world" in order to get people to buy Van Impe's books and DVDs. In his view, this program is therefore inappropriate for daytime hours when children could be watching, as they will be traumatized.
7. The complainant further alleged that the program spreads hate and bigotry against Muslims and Jews. He cited references to being at war with Islam and statements implying that only Christians will be saved when doomsday comes in 2012, which he contended inferred that anyone who is not Christian will suffer a horrible death.
8. In addition, the complainant asserted that the program is inaccurate, misleading and full of misinformation through its practice of putting news headlines into a context that endeavours to make Bible prophecies sound real.
9. Based on these concerns, the complainant contended that the program should be banned, or, at a minimum, carry an appropriate rating so as to relegate it to late evening viewing, as well as an advisory stating the program is violent and misleading.
10. In his request for a Commission review of the CBSC Decision, the complainant further contended that "[t]his mix of extreme right wing politics with Christianity is dangerous as we have witnessed in the USA", arguing that "[i]t seems anyone can say anything whether it's true or not without consequences." He also requested that the Commission review the guidelines regarding the viability of a program being "religious." Finally, the complainant submitted that CKND-TV does not provide any balance in broadcasting, as required by Public Notice 1993-78 (the Religious Broadcasting Policy), since "[t]here are no Muslim religious programs aired to balance Van Impe's message of intolerance."

The licensee's reply

11. Canwest initially replied to the complainant on 17 March 2009, and, on 3 June 2010, responded to the complainant's allegations set out in his request to the Commission

for a review of the CBSC Decision. Taken together, the licensee's comments address various allegations, including the program's content, the rating and scheduling of the program, and the issuance of advisories, as well as its obligations under the Religious Broadcasting Policy relating specifically to the matter of balance.

12. First, with respect to the content of the program, the licensee stated that *Jack Van Impe Presents* is "a religious program featuring American televangelist Jack Van Impe and his wife citing passages from the scripture and compares what is written to how it relates (in his opinion) to the events going on in the world today." It submitted that the program adheres to all regulatory requirements governing content concerns about violence, language and abusive comment, and that the program was screened by its programming department to ensure suitability for broadcast based on these regulatory requirements. Canwest also explained that disclaimers stating that the program expresses the opinion of the hosts, and not the licensee, are aired at the beginning of the program and after commercial breaks.
13. Second, in response to the complainant's request that the program be rated, the licensee noted that it voluntarily added a PG rating to the program even though there is no regulatory requirement to do so. As explained by the licensee, this classification is assigned to programs that may contain themes not suitable for children younger than eight years of age. It argued that a higher rating "would not be warranted since the content [of the program] does not contain any profanity, nudity/sex, or violence." It also noted that this choice of rating does not restrict broadcasters from airing such programs prior to the "watershed" period (i.e., 9:00 p.m. to 6:00 a.m.), which is "usually reserved for adult content."
14. Third, with respect to the complainant's concerns about balance, the licensee explained that, since CKND-TV is not a religious station, it is not required to provide religious programs (such as a Muslim religious program, as suggested by the complainant) to balance *Jack Van Impe Presents*. It stated that, consistent with the Religious Broadcasting Policy, it provides instead balance on matters of public concern in its overall programming schedule, through local and national newscasts, its public affairs program known as *16:9*, which "highlights a wide range of issues of public concern from myriad perspectives," and scripted programming that appeals to a wide variety of audiences.

The CBSC Decision

15. The CBSC examined the complaint under eight separate clauses of three industry codes that it administers,¹ and found no violations. Specifically, it found no evidence of hateful or discriminatory comments, of attacks on other religions, or of portrayals of violence. It further concluded that the program contained no misleading content as

¹ The *CAB Code of Ethics* (Clauses 2 – Human Rights, 8 – Religious Programming, and 11 – Viewer Advisories); the *CAB Equitable Portrayal Code* (Clause 2 – Human Rights), and the *CAB Violence Code* (Clauses 1 – Content, 3 – Scheduling, 4 – Classification and 5 – Viewer Advisories). These and other codes noted in the present decision can be found on the [Canadian Broadcast Standards Council website](#).

the content was clearly presented as opinion only. Finally, the CBSC stated that “[viewer] advisories have never been required for programming that merely contains interpretations of politics, history, or religion.” The full text of the CBSC Decision, which includes transcripts of the program, is available on its website.²

Commission’s analysis and determinations

16. In its examination of the present complaint, 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 broadcasts in question based on applicable broadcasting regulations and policies. The Commission’s review focussed specifically on the following:

- the prohibition against broadcasting abusive comments, as set out in section 5(1)(b) of the *Television Broadcasting Regulations, 1987* (the Regulations);
- the principles established in the Canadian Association of Broadcasters’ (CAB’s) *CAB Violence Code*, set out in one of CKND-TV’s conditions of licence;³ and
- the licensee’s obligations under the Religious Broadcasting Policy.

Taken together, the applicable regulations and policies contribute to the Canadian broadcasting policy objective set out in section 3(1)(g) of the *Broadcasting Act* that programming be of high standard.

17. Accordingly, the Commission considers the issues to be addressed in making its determination are the following:

- concerns about the content of the program; and
- adherence to the Religious Broadcasting Policy.

Concerns about the content of the program

Allegations of abusive comment

18. In order for the Commission to consider that a violation of section 5(1)(b) of the Regulations has occurred, three criteria must be fulfilled. First, the comments must target at least one of the protected groups enumerated in that section of the Regulations; second, the comments must be abusive; and, third, the comments, when taken in context, must be likely to expose an individual or group of individuals to hatred or contempt.

² See the [CBSC Decision](#).

³ See Decision 2001-458.

19. Upon examination of the broadcasts in question, the Commission finds no evidence of hateful comments targeted at any protected group. The hosts referenced many examples of places throughout the world characterized by real and potential conflict, and made various references to “terrorists” as well as a comment about being “at war with Islam,” a comment that was contextualized by the host as referring to military conflicts with Islamic nations or groups. The Commission considers that Van Impe made it clear that he was not painting all such groups with the same brush, distinguishing those people involved in such conflicts from “peace-loving Muslims.” As a result, the Commission finds that nothing in these comments suggests that the hosts were advocating hatred or violence against Muslims.
20. Moreover, contrary to the complainant’s allegations, the only comment in the broadcasts in question that referenced Jews in any way came from the host quoting Iran’s president, who said that he must wipe out Jews. The use of these words by Van Impe served to support his opinion that more conflicts in the world are coming in the future. The Commission considers that there was nothing in his tone or commentary that would condone these actions whatsoever.
21. Finally, the Commission notes that, given the point of view of the hosts (who are evangelical Christians), it is reasonable that they would be promoting their religion as the path leading to salvation and away from the ills of the world that they cite. The Commission recognizes that they are free to express their views in this regard, and considers that it was not done in a manner that disparaged any other religion in any way.
22. For all of the above reasons, the Commission concludes that the broadcasts did not violate section 5(1)(b) of the Regulations, relating to the broadcast of abusive comment.

Allegations of inaccurate or misleading statements

23. In regard to the complainant’s concerns about the program’s use of news headlines, the Commission notes that the use of a news desk and the promotional claim that the program provides “the truth in news and commentary” could lend the program credibility. However, the Commission is of the view that no reasonable viewer could conclude that it is a newscast or journalism of any kind. Rather, the tone, delivery and commentary of the hosts make it clear that, throughout the program, they, as televangelists predicting “the end of the world,” are providing their points of view on, and interpretation of, news of world events. Consequently, regulatory provisions governing accuracy in reporting, as established in industry codes and in the Regulations, are not applicable in this instance.⁴ The Commission therefore concludes that there is no regulatory concern in this regard.

⁴ Journalistic standards are set out in section 5(1)(d) of the Regulations, in the *CAB Code of Ethics*, and in the *Radio Television News Directors Association of Canada (RTNDA) Code of Ethics*.

Allegations that the program spreads fear for the purpose of selling products

24. While the Commission does not dispute the complainant's opinion that the program may frighten some individuals with its message of "impending doom" and "the end of the world," the *CAB Violence Code*, which establishes standards for violence in programming, does not prohibit portrayals of fear and does not prohibit content on the basis that it might frighten some individuals. The Commission therefore concludes that there is no violation of the licensee's condition of licence relating to the station's adherence to that code.

Ratings, advisories and scheduling

25. The Commission notes that, in accordance with Public Notice 1996-36, this type of program is exempt from the requirement to be rated. Accordingly, the Commission considers that Canwest, by voluntarily adding the PG rating following a request by the complainant to do so, went beyond what is required of it in order to address the complainant's concerns. Further, the Commission considers that the licensee's choice of rating was reasonable and encourages it to continue airing the rating in the future.

26. In regard to the complainant's concerns relating to the scheduling of the program, the Commission finds no evidence in the broadcasts in question that merit relegating the program to a post-watershed hour. The purpose of the watershed hour is to ensure that programming containing content intended exclusively for adult audiences, such as unduly offensive language, unduly sexually explicit content and violence intended for adult audiences, is scheduled after 9:00 p.m., a time when young children are less likely to be watching television. The watershed hour provision is not intended to relegate to the evening hours programs that deal with politics, society or religion. For similar reasons, the Commission considers that the presentation of an advisory is also not required.

Adherence to the Religious Broadcasting Policy

27. The selling of products in religious programs is governed by the Religious Broadcasting Policy, which, among other things, establishes ethical guidelines for the solicitation of funds. In regard to the complainant's concerns regarding the selling of products on this religious program, the Commission found no evidence of undue pressure on viewers to buy the DVD being promoted by Van Impe, or of a threat made to viewers through the prediction of divine consequences if they chose not to respond to the offer. The Commission therefore concludes that there is no violation of the licensee's obligations under the Religious Broadcasting Policy.

28. Further, the Commission agrees with Canwest's arguments that expectations regarding balance in religious programming, also set out in the Religious Broadcasting Policy, do not apply in this case, given that CKND-TV is not a religious service. As a general-interest conventional television station, it is not obligated to air other religious programs from a perspective different from that of the program in question in order to satisfy the balance requirements set out in the Religious Broadcasting Policy. Rather, that policy states that balance on matters of public

concern, including religion, can be achieved through the overall programming broadcast on the service, over a reasonable period of time. The Commission is satisfied with the licensee's explanation of how it provides overall balance on matters of public concern throughout its program schedule.

29. In light of the above, the Commission considers that, for the broadcasts in question, no regulatory action relating to the licensee's adherence to the Religious Broadcasting Policy is warranted.

Conclusion

30. In light of all of the above, the Commission finds that the 25 January 2009 and 31 May 2009 broadcasts of *Jack Van Impe Presents* on CKND-TV Winnipeg did not violate established broadcast standards, as concluded by the Canadian Broadcast Standards Council, and therefore did not fail to meet the objective of the *Broadcasting Act* that programming be of high standard.

Secretary General

Related documents

- *Licence renewals for the television stations controlled by Global*, Decision CRTC 2001-458, 2 August 2001
- *Policy on violence in television programming*, Public Notice CRTC 1996-36, 14 March 1996
- *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993