



Ontario government not enforcing regulations on porn videos

Situation puts women at risk

Toronto, Ontario, May 13, 2005: A recent investigation by Global television reporter Gus Kim revealed that many “adult” video stores are bypassing the Ontario Film Review Board (OFRB) process and selling unrated hardcore pornography imported directly from the United States. One store owner interviewed by Mr. Kim said he could obtain rape videos, and movies with titles such as *Baby Face* and *Teen Dreams* seemed to portray underage girls having sex. The store owners were not concerned about getting caught because they said the government was not enforcing the law.¹

In April 2004 when Justice Russell Juriansz of the Ontario Superior Court of Justice struck down the censorship powers of the Ontario Film Review Board in response to a challenge by Glad Day Bookshops, the Ministry of Consumer and Business Services said it would draft new Regulations “to protect the people of Ontario from obscene material”.² To do so, the Ministry introduced an interim Regulation that included the right to refuse to approve adult sex videos containing “material that is degrading or dehumanizing, that is combined with violence, or that involves a person under the age of eighteen...consistent with the Criminal Code and related court decisions”. In their July 2005 Information Bulletin, the Ministry reiterated that compliance with the *Theatres Act* remained mandatory and that “All films are required to be submitted to the OFRB for approval and classification before being exhibited or distributed (including sale or rental) in Ontario”.³

While there are those who like to titter over the subject or dismiss the matter as inconsequential, violent and degrading pornography and child pornography pose a serious threat to the safety of women and children. Indeed, the Ontario Ministry of the Attorney General noted in their factum to the Supreme Court of Canada (*R v. Butler*), “**obscenity’s causal role in the commission of acts of violence against women**”. And, in unanimously upholding the *Criminal Code* obscenity law against a constitutional challenge, the Supreme Court equated degrading and dehumanizing pornography with hate propaganda.

The Global investigation indicated that stores are importing pornographic videos directly from the United States, a fact that sets off alarm bells in anyone familiar with the hyper-violent and degrading products manufactured in that country.

For instance, in films produced by Extreme Associates, “urine, excrement, blood and spit are prominent. No orifice goes unviolated, and the more revolting the means, the better.”⁴ The owner boasts that his films, which depict rape, torture and murder, represent the “depths of human depravity”.⁵ According to a *Wired* story on the American industry, “plenty of porn providers... sell legally risky material featuring bestiality, violence and people who look like minors”.⁶

The Ontario government, quite rightly, moved to “**protect the people of Ontario from obscene material**” in the wake of the destructive Glad Day decision. However, a law is only as good as its enforcement, and if they are not **enforcing** the law, they obviously are **not** protecting the public.

The Ministry of Consumer and Business Services must immediately send enforcement officers to inspect “adult” stores, remove any unapproved material, and lay charges against the porn store operators who apparently consider themselves above the law. If convicted, individuals can face fines of up to \$25,000 or imprisonment for a term of not more than one year, or both, while corporations are liable to fines up to \$100,000. And if the material is violent, degrading or appears to feature minors, they must pass it to the police for prosecution under the *Criminal Code*.

- 30 -

For further information, contact Valerie Smith at valsmith@fradical.com or visit the Free Radical web site at www.fradical.com. For information on the OFRB, Glad Day decision, and violent/degrading pornography, please see the *Action Agenda: A Strategic Blueprint for Reducing Exposure to Media Violence in Canada*, and the Pornography section on the web site.

¹ Global television news, May 11, 2005

² ‘Era of film censorship... is over’, Globe and Mail, June 2, 2004

³ *Regulatory changes to the Theatres Act Now in Effect*, Ministry of Consumer and Business Services Information Bulletin, July 5, 2004

⁴ *Porn provocateur*, Salon.com, June 20, 2002

⁵ ‘Extreme’ judicial activism, The Washington Times, February 10, 2005

⁶ *Legal Threats Stalk Adult Sites*, *Wired*, June 15, 2004