

Review: Report about a complaint made about a beauty pageant organizer

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REVIEW

CBC Television's The National [aired a report November 7, 2010](#), about concerns from a former Miss Teen Nova Scotia International winner about her treatment once she won the pageant and was moving on to a national competition.

The report said Samantha Smith had filed a complaint with police, aiming to investigate if the organizer of the national contest was involved in fraud.

It said she had won the 2009 Nova Scotia pageant and was eligible to participate in the national event. The report said she sent about half of the \$3,000 entry fee but learned the national event had been cancelled. She felt "tricked" as a result, reporter Darrow MacIntyre said.

Smith's dispute was not with the provincial pageant — which has no formal connection to the national event — but with the national event's organizer, Sylvia Stark.

Stark also runs a program called Teddy Bears for Hope whose aim is to send stuffed toys to children in war-torn regions of the world. A clip from a YouTube video on the program was played.

The report said Smith and other contestants were asked to collect bears and their fees were supposedly redirected to the program.

The report noted Stark's earlier involvement in pageant-related legal cases, including a guilty plea more than a decade earlier to obstruction of justice for forging a contestant's signature to avoid paying a prize. It noted that former MP Helena Guergis, once a pageant winner, had successfully sued Stark. Guergis was featured saying that, as a contestant winner, she found herself constantly raising funds for Stark.

CBC said Stark was not available for an interview, but a national pageant spokesman was quoted as saying the event had been postponed, not cancelled, and that Smith would be eligible to compete when it took place in the next year.

The complainant, Richard Schell, direction of operations for Miss Canada International, wrote March 4, 2011, that the report amounted to an attack on Stark. He said MacIntyre did not use information he was offered.

He asserted that Stark had “always been above board” and that the story and the pageant fee-collection shortcomings had hurt fundraising efforts to send 90,000 toys to Africa. He asserted that police did not find sufficient evidence to pursue the matter. He also asserted CBC’s use of the Stark video was an infringement of copyright.

He wanted the story removed from public access.

Esther Enkin, the executive editor for CBC News, wrote Schell on March 18, 2011.

Just because MacIntyre didn’t use all the material he was provided, she said, “that does not mean the story is partisan, or misleading, or inaccurate.”

Enkin said the report only noted that Smith had filed a complaint, accurate at the time. She noted that a spokesman for the pageant was included in the story.

She said that Helena Guergis said she won a judgment against Stark but was unable to collect because Stark filed for bankruptcy. Another contestant also successfully sued Stark.

Enkin said the use of the clip from the website constituted fair editorial dealings under the Copyright Act

Enkin said removing or altering archived stories “would take us into rather treacherous waters” because it is effectively censoring them and revising history. She said the story fairly and accurately reflected the information known at the time.

Schell wrote March 19 to ask for a review. He said three minutes of the nearly four-minute report was negative. He said no fraud complaint was ever filed against the pageant, that the pageant has since filed a complaint against Smith, and that it is unfortunate that CBC has chosen to bring harm to Stark and her company.

He later provided information on the toy program.

[CBC Journalistic Standards and Practices](#) sets out a framework for reporting accurately and fairly and dealing with complaints about the content. *“We do not hesitate to correct*

any mistake when necessary nor to follow-up a story when a situation changes significantly.”

On the matter of “unpublishing” content, the policy states: *“To change the content of previously published material alters that record. Altering the record could undermine our credibility and the public’s trust in our journalism.”* It notes that exceptions can be made when there are legal issues or personal safety considerations involved.

CONCLUSION

The story was accurate at the time and has not been made inaccurate with time.

The extent of the report was that a complaint was made to police and nothing more. There was no suggestion police were conducting an investigation or that they had found anything untoward.

As part of its effort to tell various sides of the story, CBC attempted to reach Stark and said she was not available for an interview. Those practices were consistent with policy. It was fair to include information about earlier disputes because it was potentially germane to the issue at hand. It was important that she, and not a delegate, was sought for comment.

While the thrust of the story laid out the complaint and dispute, there was no requirement of mathematical equivalence to achieve balance. The objective was equitable and fair-minded treatment.

In this instance, I found it sufficient to achieve balance to include the pageant spokesman in the report. The basis of the story was the concern by the contestant and it required more time to present that and the related background.

CBC’s use of the YouTube video was within generally accepted principles of editorial fair dealing under copyright law. When material is made available online for promotional purposes, it is reasonable for news organizations to make use of selected and defined elements for stories.

CBC’s decision not to unpublish the material was in keeping with policy. While it is useful to update stories, unpublishing them is ethically problematic. There have to be profound reasons to do so — negative publicity is not one of them, unless that material is inaccurate or obtained unethically.

There was no violation of CBC Journalistic Standards and Practices.

One question I had to consider in the complaint involves policy that calls for follow-up stories when information changes significantly.

It is impractical to follow anything but a very small fraction of stories when there are anything but substantial developments. I had to evaluate whether the threshold of substance had been reached in this case.

In this instance the police have not upheld the complaint through an investigation. The public record only carries an understanding of the complaint.

There would be no violation of CBC Journalistic Standards and Practices if there were not a follow-up. I would leave to CBC News how to keep track of this evolving story and determine if there is another entry point to it to close the chapter.

Kirk LaPointe
CBC Ombudsman