

2016-18b: Andrew Sprague vs Toronto Star

*For immediate release*

A Toronto Star article about a dog used by a Canadian soldier with Post Traumatic Stress Disorder prompted a number of complaints to the National NewsMedia Council.

Complainant Andrew Sprague said that the article, “Edmonton military base rethinks PTSD service dog policy”, which appeared on January 28, 2016, inaccurately described the dog as a certified service dog. He argued the dog is an ‘emotional support’ dog and should be referred to that way, otherwise the paper contributes to public confusion over dogs that have different levels of training and assessment. The complainant alleged that by calling it a service dog, the paper implied it is a certified service dog, as those are the only dogs legally recognized in Alberta, where the story took place.

Subsequently, the complainant took issue with the article’s reference to the precise nature of the donor foundation regarding its charity status. Also, noting the article included the impact on a receptionist with severe allergies, he objected to the paper’s revealing personal health information.

The complainant argued the inaccuracies in the article were sufficient to warrant a retraction.

In responding to the complaints, the Star denied calling the dog a certified service dog. It relied on the owner’s reference to the dog as a service animal, and noted the dog’s accessories as evidence of its service status. But the paper said it makes sense to add clarification regarding the distinction in law regarding service dogs, and appended a fulsome clarification to the story, detailing the designation of the dog’s status under provincial legislation as well as the charitable status of the donor foundation.

The paper argued that the information stated about the receptionist does not reach the standard of releasing personal health information, and stated that the grounds argued by the complainant, when viewed against the overall article, do not approach warranting a retraction.

The complainant’s original focus was that the paper identified the dog used by a soldier with PTSD was a certified service dog. The NNC finds that the paper did not make that statement.

The complainant further argued that calling the animal a service dog rather than an ‘emotional support’ dog implies the dog is a certified service dog. The paper noted the reporter relied on the dog handler’s use of the term service dog, and on his report that the dog was certified in US. The story also reported the military’s understanding that the dog does not have provincial certification.

The charitable status of the donor organization does not have material impact on the overall story.

The paper relied on its lawyer’s advice that information related to the receptionist’s allergies does not unlawfully disclose personal health information.

The complainant, who is a service dog handler and deeply knowledgeable about the issue, stated in correspondence with the paper a desire to educate on behalf of a group and for the public. At the same

time, the NNC is mindful that news stories must be able to use language and terms readily understandable to the general public.

After reviewing the complaints, article, and documents provided by the complainant, the National NewsMedia Council dismissed the complaints.

In dismissing the complaint, the NNC found the article did not call the dog a certified service dog. The argument that the designation is implied because of Alberta regulations is unreasonable. The paper met the complainant's concern about precise language and desire to educate the public by posting an extensive clarification.

The complainant erred in his allegation about the donor organization, and in any event the mis-stated reference to charity has no bearing on the thrust of the story. Relating a receptionist's allergic reaction provided information that is material to the story. Council also noted that retraction is a rare move reserved for the most egregious of flaws in a story.