
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL COUNCIL**

CHOG-AM re the "Jesse and Gene Show"

(CBSC Decision 93/94-0242)

Decided November 15, 1994

M. Barrie (Chair), A. MacKay (Vice-Chair), R. Cohen (*ad hoc*), P. Fockler,
R. Stanbury, M. Ziniak

THE FACTS

On March 30, 1994, CHOG's "Jesse and Gene Show" aired a segment that parodied Member of Parliament Jag Bhaduria. It did this in the context of the celebration of the thirtieth anniversary of the Beatles and the parody consisted of a record offer featuring Mr. Bhaduria singing his favourite Beatles melodies. Over the tunes of several famous Beatles' songs, the voice impersonating Mr. Bhaduria sang lyrics which had been changed to reflect the MP's then politically controversial situation.

On April 7, 1994, the complainant wrote to the Canadian Radio-television and Telecommunications Commission (CRTC), stating in part:

I am writing to express my shock at, and complain about, the blatantly racist broadcasting on the Jessie and Gene Show on Radio Station CHOG AM 640. During the previous few months there have been numerous incidents when this show has promoted hatred against people from the Indian sub-continent. ...

Of late, under the guise of Jag Bhaduria bashing, these attacks have intensified. I accept that as a public figure Jag Bhaduria is fair game... [h]owever... the show really went overboard in ridiculing, and spreading hatred about people from the Indian sub-continent. Under the pretext of celebrating the anniversary of the Beatles, the show broadcast parodies of their songs in a stereotypical accent, with lyrics that were insulting, offensive, defamatory, and exposed the whole community to contempt.

The CRTC referred the complaint to the CBSC, of which CHOG-AM is a member. Following its usual procedures, the CBSC sent the complaint to the station for response.

The Vice-President of Programming at CHOG-AM responded to the complainant on April 28, 1994. He began by denying the general allegation made by the complainant in the following terms: "It has never been, it is not now, nor will it ever be acceptable procedure to broadcast on AM 640, material of the nature in which [*sic*] you describe in your letter." He continued, with regard to the Jag Bhaduria parody, in the following terms:

The parody commercial was not aimed as an attack or hate mongering against individuals from the Indian sub-continent. The parody was designed and set up as a record offer that portrayed Mr. Bhaduria as a singer of famous Beatles tunes. His re-written lyrics were of a graphic and sometimes colourful nature, but at no point did the writers and producers ever propose, intend or interpret the piece to somehow contain an ambiguous message that could be deciphered in the manner you have comprehended.

However, the piece was intended to be, and I acquiesce, 'mission accomplished', to be an amusing but admittedly disparaging, comment on the well documented, reported and publicised behaviour of Mr. Jag Bhaduria - Member of Parliament. It was not racially motivated.

The voice used in the commercial is in fact an impersonation of Mr. Bhaduria, not simply a stereotypical East Indian accent. ... [O]ne of the individuals who works for the morning show is a professional voice over announcer with dozens of national credits and awards to his name. He is also an expert impersonator...

I submit to you that there is no difference when we produce parody material from other well known individuals, our Prime Minister Jean Chrétien for example, the voice used is not simply a French Canadian accent, but actually an impersonation of the PM. ...

Shortly after receipt of this letter, the complainant declared that he was not satisfied with the broadcaster's response, and requested that the CBSC's Ontario Regional Council consider the matter.

THE DECISION

The CBSC's Ontario Regional Council considered this complaint under Clause 2 of the Canadian Association of Broadcasters' *Code of Ethics*. The clause reads as follows:

Recognizing that every person has a right to full and equal recognition and to enjoy certain fundamental rights and freedoms, broadcasters shall endeavour to ensure, to the best of their ability, that their programming contains no abusive or discriminatory material or comment which is based on matters of race, national or ethnic origin, colour, religion, age, sex, marital status or physical or mental handicap.

The Regional Council members reviewed all the correspondence and listened to the program segment in question. The members agreed that the case raised issues similar to those raised in the British Columbia Regional Council decision in *CFOX-FM re the Larry and Willie Show* (CBSC Decision 92/93-0141, August 30, 1993). In that matter, the BC Council stated:

The CBSC is vigilant in its application of Clause 2 to all forms and levels of programming in the sectors of the industry to which the *Code* applies but it is equally conscious of the countervailing importance to the public of the fullest expression of the freedom of speech. It is not *any* reference to "race, national or ethnic origin, religion, age, sex, marital status or physical or mental handicap" but rather those which contain "abusive or discriminatory material or comment" based on the foregoing which will be sanctioned.

All members agreed that public figures, such as politicians, are often held up to criticism and parody. Indeed, it is the most essential component of the principle of free speech that the fullest criticism of political figures and political positions be permitted in a free society. Provided that the satire or criticism is levelled at political persons on the basis of their actions as public figures *and not on the basis of their national or ethnic origin*, it must be permitted, if not encouraged. In this case, the Council agreed with the station that the parody had been directed toward Mr. Bhaduria himself, and not toward Indian people as a group.

To some, the humour may have been in poor taste; however, as the Council has affirmed in many of its decisions, poor taste is not addressed in any of the provisions of the *CAB Code of Ethics* and does not fall within its purview.

Consequently, the Ontario Regional Council decided that the spot was a parody of a particular politician, and was not abusive or discriminatory toward people of any national or ethnic origin. As a result, the Regional Council agreed that CHOG-AM had not contravened clause 2 of the *CAB Code of Ethics*.

This decision is a public document upon its release by the Canadian Broadcast Standards Council and may be reported, announced, or read by the station against which the complaint had originally been made; however, in the case of a favourable decision, the station is under no obligation to announce the result.