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**CANADIAN BROADCAST STANDARDS COUNCIL  
PRAIRIE REGIONAL COUNCIL**

CKNG-FM re "Blond Moments"

(CBSC Decision 96/97-0060)

Decided December 16, 1997

S. Hall, (Chair), D. Braun (Vice-Chair), K. Christensen,  
D. Dobbie, V. Dubois, D. Ish

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**THE FACTS**

On November 29, 1996, as part of its Morning Show, CKNG-FM sought stories of foolish mistakes from its listeners who were urged to call and "tell on themselves". As a reward for laughing at their own stupidity, prizes were handed out to those who called. The segment challenged by the listener which is the subject of this decision was entitled "Blond Moments".

A listener who tuned in to CKNG-FM at about 11 a.m. heard the post-Morning Show announcer refer to the Morning Show's "Blond Moments" segment. The announcer allowed a caller to tell her story of folly at that time because she had been unable to call in to the station earlier that morning. The short reference to the Morning Show's "Blond Moments" segment went as follows:

If you were listening to the Morning Show this morning Gary and Audie, they were doing "blond moments" if you've had any. Now I don't want you to call in but I have Ann on the line right here and I understand that you have a doozie and you couldn't call in. You are on your break right now, so, what blond moment did you have today?

The caller went on to tell the story of how she brushed her teeth with Melaluca pain reliever that morning. After sharing some laughter with the announcer, she was given a prize for her story.

## The Letter of Complaint

On January 2<sup>nd</sup>, 1997, a listener sent a complaint to the CRTC. This letter was in turn forwarded to the CBSC. It stated in part

On Friday November 29, I happened to tune to CKNG-FM Power 92 at about 11:00 a.m. and heard the D.J. conducting a contest called "blond moments" in which listeners would phone in and tell how they did something stupid, and be rewarded with a prize. It was also stated that it was one in a series of similar spots.

Obviously, this is a bad thing. It equates having Scandinavian ancestors with being stupid. These types of generalizations are the very heart of prejudice. To many women, doing something stupid isn't their fault, it's "those blondes, making them be stupid". To many men blond hair equals bimbo, and to many bimbos blond hair equals bimbo as well. These days no one talks about lazy Blacks or sneaky Asians and yet this type of racism against Scandinavian based people continues, aided by hair dye. No one dyes their hair blond to be more intelligent or become a better person; but to be sexy, weird or kinky. Judging someone by their ancestors and blaming them for your problems is racism.

I worry greatly about the ongoing effect this is having on blond children. Little girls are constantly told by the media that they have to grow up to become stupid bimbos, while boys see themselves as laid-back weirdos. I worry that they will give up trying to live the image instead.

If the media want to make fun of someone why don't they say Bleached blondes instead. I have no problem with attacks on these 'falsies'. [Emphasis original.]

## The Broadcaster's Response

The Assistant Program Director of CKNG-FM wrote to the complainant on January 2, 1997 [the following italics are original]:

The reference to *blond moments* by the announcer was not intended to be prejudicial or racist. It was not intended to offend those of Scandinavian descent. The choice of phrasing may have been inappropriate but the motivation was not malicious. Listeners were simply being encouraged to tell on themselves, those participating had the good nature to laugh at themselves. Your letter suggest in part, *the media want to make fun of someone*, ;[sic] the radio station was offering listeners the opportunity to *make fun of themselves*.

Your letter further suggests, *If the media want to make fun of someone why don't they say Bleached blondes instead. I have no problem with attacks on those "falsies"*.

Power 92 does not intend or encourage *attacks* on any nationality. As stated, the choice of words may not have been desirable, but the intent of the contest was not intended to be undesirable.

Thank you for taking the time to voice your concerns. We are always pleased to hear from our listeners regardless of the nature of the correspondence. Your point has been duly noted.

## **Further Correspondence from the Complainant**

The complainant was unsatisfied with this response and requested, on January 10, 1997, that the CBSC refer the matter to the appropriate Regional Council for adjudication. The complainant's "Ruling Request" form was accompanied by a letter which read in part as follows:

I have received the response from the broadcaster and I am a little puzzled. Are they apologizing or excusing themselves? They seem to be saying that they didn't do anything wrong, and that they won't do it again.

Their spokesperson said that the viewers were "being encouraged to tell on themselves, those participating had the good nature to laugh at themselves." So what does that have to do with calling it "Blond Moments"? Were only people of Scandinavian descent allowed to phone in? That doesn't seem fair to people of other racial makeups who might want to laugh at themselves!

I also get the impression from the wording that I am being blamed for not having good humour. Isn't that like saying that a woman who was raped was at fault for not having the good nature to have sex? Why should I laugh at jokes that include me because of my ancestors? Do blacks laugh at nigger jokes? I know they don't, and I think that there are millions of light haired people who are very tired of these type [*sic*] of clichés.

I heard this spot recently and they have changed it to "Embarrass Yourself", so it seems possible to laugh at yourself and blame yourself, and not someone else. This whole incident only shows how common it is for the media to equate blondness with weirdness. The result of this is that truly weird people see and hear this attitude and dye their hair, and thereby create a self-fulfilling proof to the media and the world.

I am not naive enough to believe that this is the only incident by the only broadcaster. However, official action will slow down this tendency in the future and remind people that blond equals Scandinavian ancestors, and not sex bimbo, no matter what the hair dye companies say. Therefore, because of the ambiguous response of Power 92 I am requesting further action.

## **THE DECISION**

The CBSC's Prairie Regional Council considered the complaint under Clause 2 of the *Code of Ethics* of the Canadian Association of Broadcasters (CAB). That provision reads as follows:

### *CAB Code of Ethics, Clause 2 (Human Rights)*

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 listened to a tape of the program in question and reviewed the correspondence. The Council considers that the program in question does not violate the CAB *Code of Ethics*.

### **Did the Broadcaster Discriminate Against Scandinavian People?**

The complainant alleges that the reference to “blonds” in conjunction with stories of foolishness constitutes discriminatory or abusive comment towards people of Scandinavian origin. The Council disagrees. It notes that no specific references to Scandinavia or Scandinavian people were contained in the broadcast in question; rather, the Council finds that the allegation of discrimination based on national or ethnic origin stems from the *complainant’s* inference that persons with light-coloured hair are all of Scandinavian origin.

In this respect, the matter at hand is similar to *CKLZ-FM re Announcer Comments* (CBSC Decision 94/95-0113, December 18, 1996), in which the complainant believed that the use of the expression “Achtung, baby” was meant to be reflective of the broadcaster’s attitude toward the police. The B.C. Regional Council concluded that the complainant’s inference was his own and not one intended by the announcer.

The word “Achtung”, German for “Attention”, is not *per se* offensive. It is in common usage as a warning in modern Germany, at crosswalks, in subways, meaning “Look out!”, “Take care!”, “Take heed!” or the like. It is only its military usage, “Attention!”, and its association in the Canadian experience with Nazi atrocities in the Second World War which may make it offensive and then depending on the context in which it is used.

In the matter at hand, the Prairie Regional Council disagrees with the complainant on her inference on this issue. Moreover, the Prairie Council considers that, in this case as in the *CKLZ-FM* decision, few other listeners would have drawn the inference between blonds and Scandinavians which led to the complainant’s letter. In the Council’s view, the title “Blond Moments” cannot be reasonably said to constitute comment based on national or ethnic origin.

### **Is Hair Colour a Protected Ground under Clause 2?**

To the extent that the complainant’s letter can also be reasonably interpreted as discriminating against *blonds*, the Prairie Regional Council considers it relevant to review previous CBSC decisions relating to Clause 2 of the *Code of Ethics*.

The CBSC has, on a previous occasion, interpreted the human rights provision of the CAB *Code of Ethics* to insert a protection that is not *specifically* included in the wording of that provision. In *CHQR-AM re Forbes and Friends* (CBSC Decision 92/93-0187, August 8, 1994), the Prairie Regional Council added sexual orientation as one of the protected

grounds enumerated in Clause 2. The Ontario Regional Council explained this inclusion in *CHCH-TV re Life Today with James Robison* (CBSC Decision 95/96-0128, April 30, 1996).

In the *CHCH-TV* decision, the Council relied upon the following passage from Mr. Justice La Forest's opinion regarding section 15 of the *Canadian Charter of Rights and Freedoms* in *Egan v. Canada* [1995] 2 S.C.R. 513:

I have no difficulty accepting the appellants' contention that whether or not sexual orientation is based on biological or physiological factors, which may be a matter of some controversy, it is a deeply personal characteristic that is either unchangeable or changeable only at unacceptable personal costs, and so *falls within the ambit of s. 15 protection as being analogous to the enumerated grounds.* [Emphasis added.]

While the Council understands that hair colour may also be a meaningful personal matter, it does not consider that it falls within the class of factors described by Mr. Justice La Forest as a "deeply personal characteristic that is either unchangeable or changeable only at unacceptable personal costs".

Hair colour likely falls into the category of matters considered by the B.C. Regional Council in *CKLZ-FM re Announcer Comments* (CBSC Decision 94/95-0113, December 18, 1996), in which that Regional Council was reluctant to extend the enumerated grounds to assist a complainant with regard to "language used with respect to an *occupation.*" The Council held:

It is not the view of the B.C. Regional Council that it would be possible by definition to extend "race, national or ethnic origin, religion, age, sex, marital status or physical or mental handicap" to include occupation or profession. Such a change, were one merited, would require the intervention of the codifiers.

Similarly, in this matter, the Council considers that any extension of the enumerated provisions to cover such an additional ground as is envisaged by the complainant in this case would require the intervention of the codifiers of the *Code of Ethics*.

## **Broadcaster Responsiveness**

The CBSC always recognizes the broadcaster's obligation, as a CBSC member, to be responsive to complainants. In this case, the Regional Council considers that the broadcaster dealt fairly with the issues raised by the complainant in its letter of response and reacted responsibly by changing the title of the segment. Nothing more could have been expected of it. Consequently, the station did not breach the Council's standard of responsiveness.

*This decision is a public document upon its release by the Canadian Broadcast Standards Council. It 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.*