
**CANADIAN BROADCAST STANDARDS COUNCIL
QUEBEC REGIONAL PANEL**

CKTF-FM re comments made on *Les méchants matins du monde*

(CBSC Decision 00/01-0705)

Decided April 5, 2002

G. Bachand (Chair), S. Gouin (Vice-Chair), R. Cohen (*ad hoc*),
B. Guérin, T. Rajan (*ad hoc*)

Since S. Chamberland, who customarily sits on this Panel, is employed by the same corporate group that owns CKTF-FM, he did not participate in this adjudication.

THE FACTS

On February 19, 2001, at about 7:45 am, CKTF-FM (Gatineau) ran the following sketch (translated from the French), which is part of a dialogue between the program's host and a fictitious frequent caller, Robert (originally broadcast on *Les Grandes Gueules*) (the full dialogue, from the start to the end of the "call", can be found in Appendix A):

Robert: By the by, Yves, we might not be talking for a couple of days

Host: How's that?

Robert: Well, I'm goin' Hindu hunting.

Host: [He laughs] Hindu hunting?

Robert: You know what a Hindu is.

Host: Is this the season?

Robert: Yes, the big season.

Host: Okay, okay, gottcha.

Robert: You know what a Hindu is?

Host: Sure I do. Sure.

Robert: You know. The guys with the turbans?

Host: Yeah, yeah.

Robert: Francine Grimaldi with a scooter cap plastered to her forehead.

Host: [He laughs] You can hunt them?

Robert: You bet you can.

Host: What's the quota this year?

Robert: This year you don't have a quota.

Host: Are you going to a reserve, American plan, international?

Robert: Well, no.

Host: American plan. [He laughs].

[All three speak at once]

Robert: Let me explain it to you.

Host: Okay, right on.

Robert: I want to tell you all - those who have always dreamed of having a turban on the hood of your pickup truck or a stuffed head over your fireplace - they know what I'm talkin' about [the music starts]. At the end of winter [the hosts laugh] the Hindu feels the need to find a female to mate with ...

Host: Yes.

Robert: ... thereby increasing the amount of his welfare cheque. [The hosts laugh].

Host: This brings to mind the Mutual of Omaha with

Robert: It's along the same lines.

Host: [Laughing] Yeah, eh?

Robert: So, for anyone who wants to hunt a Hindu, this is how to go about it.

Host: Okay, we're taking notes.

Robert: A month before, you put your curry blocks around your blind [the hosts laugh]. Then I use the Hindu snare which I bait with a stolen VCR or ugly clothing [the hosts laugh]. Preferably brown.

Host: Oh, that works every time.

Robert: Every time. I'm telling you it attracts them like flies to poop.

- Host:** Right. What's the password again?
- Robert:** Go back to your cash [the hosts laugh].
- Host:** It makes me laugh. We'll let it go
- Robert:** The more fearless will surely risk getting near the Hindus by wearing a fake turban on their heads and smelling their rears to appear to be one of them.
- Host:** [He laughs] All right, okay. That's pretty dangerous.
- Robert:** Yes, and I strongly advise against it. It's very dangerous. Because the Hindu in question could invite you to dinner and that's a trap you'll never get out of. So happy hunting to all and I'm looking forward to comparing the size of your turbans.
- Host:** Thank you very much.
- Robert:** My pleasure.

During the course of that broadcast, frequent caller Robert also referred to his "wife" as "My big mamma Rolande". While there were other comments made about his wife, none, in the view of the Panel, were even moderately contentious in terms of the Code (the full dialogue of this portion of the *Grandes Gueules* item is included in Appendix A).

On February 21, a listener sent the following letter to the CRTC, which forwarded it to the CBSC in due course (the full text of all of the correspondence is included in Appendix B):

Lundi dernier, le 19 février 2001, aux environs de 07h45, sur les ondes radiophoniques FM de la station CKTF, 104-1, j'ai entendu, lors de l'émission *Les méchants matins du monde*, quelque chose qui m'a littéralement bouleversé. Lors d'un sketch humoristique, un personnage logeait en effet un appel aux animateurs en place pour leur parler d'une de ses occupations, celle de la « chasse à l'hindou » c'est-à-dire le genre de personne qui porte un turban sur la tête et qui vient de l'Inde. Imitant les descriptions que les chasseurs de gros langage pour nous expliquer comment il pouvait réussir à se retrouver avec une « tête à turban » comme trophée sur son mur. À plusieurs occasions durant toute la durée de ce gag, il y a eu aussi d'autres commentaires qui à mon avis portaient préjudice à ces personnes. Par ailleurs, et je ne sais pas si cela se doit d'être mentionné, ce personnage a fait de plus de nombreuses allusions à sa femme en utilisant pour décrire des termes teintés d'un sexisme qui me semblait plus qu'évident. J'ai beaucoup de difficultés à concevoir que ce genre d'humour raciste et sexiste puisse être toléré dans une société comme la nôtre et sachant que l'un de vos mandats est de vous assurer que nos médias canadiens respectent certaines règles sociales fondamentales, j'apprécierais grandement si vous pouviez vérifier si les commentaires émis lors de cette émission ne sont pas allés plus loin que ce qui est permis par la loi.

The station's Vice-President, Administration, replied on April 9:

Dans le cas qui vous préoccupe, les propos reprochés ont été tenus par le personnage de « Robert » et tirés d'un extrait de l'émission « Les Grandes Gueules ». Vous comprendrez qu'il

s'agit d'une émission d'humour et nous croyons que l'auditoire saisit nettement le sens caricatural des personnages qui y sont présentés.

Nous regrettons que ces propos tenus aient pu vous offenser. Soyez assuré que les préoccupations de nos auditeurs nous tiennent à coeur et c'est pourquoi tout le personnel en ondes est tenu de respecter notre politique en matière de contenu afin d'offrir une programmation de haute qualité.

The complainant was not satisfied with the broadcaster's response and requested that the matter be referred to the Quebec Regional Panel for adjudication.

THE DECISION

The Quebec Regional Panel considered the program under the following provisions of the Canadian Association of Broadcasters (CAB) *Code of Ethics*:

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 right 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, [sexual orientation], marital status or physical or mental handicap.

CAB Code of Ethics, Clause 15 (Sex-Role Stereotyping):

Recognizing that stereotyping images can and do cause negative influences, it shall be the responsibility of broadcasters to exhibit, to the best of their ability, a conscious sensitivity to the problems related to sex-role stereotyping, by refraining from exploitation and by the reflection of the intellectual and emotional equality of both sexes in programming.

The Quebec Regional Panel Adjudicators listened to a tape of the radio show and reviewed all of the correspondence. The Panel concludes that, with respect to the ethnic remarks, the broadcaster has breached the human rights clause of the *CAB Code of Ethics* but that, with respect to the allegedly sexist remarks, it has not.

The Ethnic "Humour"

The CBSC has frequently been called upon to deal with ethnic comedy and, while the various Panels have occasionally ruled against broadcasters, they have also "tolerated" jokes at the expense of one or another of the targeted communities. While being fully aware of the sensitivities of the peoples affected, the CBSC Panels have understood that, as this Panel observed in dealing with this very broadcaster in *CKTF-FM re Voix d'Accès* (CBSC Decision 93/94-0213, December 6, 1995):

There are those [jokes] which are sanctionable and those which, even if tasteless or painful to some, are not. It would be unreasonable to expect that the airwaves be pure, antiseptic and flawless. Society is not.

In *CHUM-FM re Sunday Funnies* (CBSC Decision 95/96-0064, March 26, 1996), the Ontario Panel added the following perspective:

[H]umour is commonly based on national, ethnic, racial or gender traits, as often as not related to background matters best-known to the comedian. Even stereotypes are not unknown in such a context. Such issues cannot *alone* be the cause of a broadcast sanction. They must be *coupled* with another defining criterion; namely, they must be abusive or discriminatory.

[...]

The issue, ultimately, is to decide *when* a humorously intended comment may *reasonably* be viewed as having gone too far.

Finally, for present purposes, the Ontario Panel decided, in *CHFI-FM re the Don Daynard Show* (CBSC Decision 94/95-0145, March 26, 1996), that the jokes told there about Jewish mothers were gentle rather than harsh. In its terms,

the Jewish mothers light bulb joke, while ethnically pointed, was neither demeaning nor abusive. It was told in the context of a series of light bulb jokes aimed at feminists, Marxists, surrealists, accountants, etc. It poked fun but did not bludgeon. It tickled but was not nasty.

Applying those precedents to the matter at hand, the Panel considers that the comments directed at Hindus with respect to their alleged habits, practices and conventions have unquestionably gone too far. The jokesters did not “poke” fun; they bludgeoned. They did not “tickle”; they were nasty. They did not joke *with* Hindus; they laughed *at* Hindus; they made fun *of* Hindus. They demeaned and denigrated the objects of their “humour”. This was “grit your teeth”, “cringe in discomfort” mockery; it had no cuteness or levity to offer. It did not belong on the public airwaves of Canada. The broadcast of this sketch constituted abusively or unduly discriminatory comment, in breach of the human rights clause of the *CAB Code of Ethics*.

Incitement to Violence

While the Quebec Panel does not for an instant believe that the sketch was intended as an incitement to violence, it does consider that the hunting metaphor was, if anything, inflammatory in the circumstances. In that respect, the Panel simply refers to previous CBSC decisions dealing with similar metaphorical circumstances. In this Panel’s decision in *CKAC re an episode of the Gilles Proulx Show* (CBSC Decision 98/99-1108, February 21, 2000), a show in which the host “advocated” the dropping of an atomic or a neutron bomb on the home of the host’s radio arch-rival André Arthur, it said:

The Council does not for a moment believe that there was any intention on the part of the host to advocate violence. In a way, its conclusion is simplified by the exaggerated nature of the host's "violent" suggestion. Had it been a *realistic* suggestion, it *might* have been reasonable for the Council to conclude that the host had *in fact* been advocating a criminal act; however, the utter absurdity of the "suggested" use of nuclear or neutron bombs, which are obviously inaccessible weapons, makes it clear that this is simply a hyperbolic device used as a part of the well-known rivalry between the two Quebec radio hosts.

Similarly, in *Comedy Network re Open Mike with Mike Bullard (Leah Pinsent film)* (CBSC Decision 99/00-0482, January 31, 2001), the National Specialty Services Panel concluded that Mike Bullard was "trying to be funny and could not reasonably be understood to be seriously advocating violence against paedophiles." It found that

there was no serious intention to advocate violence by the host and his guest. The Panel considers that, at worst, Mike Bullard's comments may be taken to be in bad taste, which, as the CBSC Panels have always said, is a matter to be regulated by the viewer's use of the on/off switch. The CBSC's sanctions are reserved for the more serious breaches of Canada's private broadcasters' own Codes and standards. Taste, by itself, is a marketplace issue.

The issue is no different in the present case. There is bad taste present, to be sure, and a breach with respect to the issue of abusively or unduly discriminatory comment but no additional breach on the basis of any incitement to violence.

The "Sexist" Comments

Simply put, the Panel does not consider that the comments about Robert's "wife" amount to sexism in violation of either Clause 2 or Clause 15 of the *CAB Code of Ethics*. First, they are directed toward a spouse, even if a fictitious spouse, and tend to be less focussed on women than on the spousal relationship itself. Second, they are of the tickling, rather than bludgeoning, variety, in any event. There is no breach here.

Repeat Breaches

The Quebec Regional Panel has dealt previously with the issue of abusively or unduly discriminatory content on the basis of national or ethnic origin in *CKTF-FM re Voix d'Accès* (CBSC Decision 93/94-0213, December 6, 1995), referred to above. In that case, this Panel concluded that the humour had indeed gone too far:

What may constitute the limits of acceptability in each challenged case will need to be appreciated in its context. Certain cases will clearly fall on one side or the other of the boundary. Others will lie uncomfortably on the line. The matter at hand was, however, free of doubt; the depiction of "Newfies" as "assholes" was clearly unacceptable. Whether intended seriously or in jocular fashion, the use of that term in reference to this or any ethnic, racial, national or other discernible group was derogatory, abusive and discriminatory and in violation of clause 2 of the *CAB Code of Ethics*.

The Panel is concerned that the same issue has arisen here, with, as would be expected, the same conclusion on the part of this Panel. While the previous decision related to a joke broadcast seven years before the challenged broadcast in the present file, the Panel notes the similarity of the breaches in both cases. It is the expectation of the Panel that CKTF-FM will take whatever steps may be necessary to ensure that a Code breach of this nature will not recur.

Broadcaster Responsiveness

The Panel always takes the time to consider the broadcaster's responsiveness to the complainant's concerns, which is a part of each broadcaster's CBSC membership requirements. In the present matter, the broadcaster's representative has side-stepped, even if inadvertently, the complainant's concerns in referring to the "cartoonish nature of the characters" which was not at all his issue. It was not the buffoonish nature of the speakers or their allegedly comedic intention but rather the ugly words spoken by Robert that were the problem. The CBSC has frequently said that the comedic nature of words (or images) will not, on that account alone, render them inoffensive. In any event, the Vice-President's response manages to stay just on the right side of the CBSC requirement of responsiveness.

ANNOUNCEMENT OF THE DECISION

CKTF-FM is required to: 1) announce this decision, in the following terms, once during peak listening hours within three days following the release of this decision and once more within seven days following the release of this decision in the time period in which *Les méchants matins du monde* is broadcast; 2) within fourteen days following the broadcast of the announcements, to provide written confirmation of the airing of the announcements to the complainant who filed the Ruling Request; and 3) at that time, to provide the CBSC with that written confirmation and with air check copies of the broadcasts of the two announcements which must be made by CKTF-FM.

The Quebec Regional Panel of the Canadian Broadcast Standards Council has found that, on its broadcast of *Les méchants matins du monde* on February 21, 2001, CKTF-FM breached the human rights clause of the industry's *Code of Ethics*. By airing an allegedly humorous sketch that contained abusively or unduly discriminatory material about members of the Hindu community, CKTF-FM violated the requirements of Clause 2 of that CAB Code.

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

APPENDIX A

CBSC File 00/01-0705

CKTF-FM re comments made on *Les méchants matins du monde*

This is the English translation of the sketch that was broadcast on February 19, 2001, at approximately 7:45 am, on CKTF-FM (Gatineau) (it was originally broadcast on the program *Les Grandes Gueules*):

The phone rings.

Host #1: Is it a love story?

Host #2: Maybe. You never know. A romantic on the phone. Yes, Hello. You're on "*Les Grandes Gueules*".

Robert: Hey there, "*Les Grandes Gueules*". It's Robert.

Host: We've got a romantic on the phone.

Robert: Romantic, that's me.

Host: Hey Robert, how's it going?

Robert: Good, good.

Host: Oh yeah?

Robert: My car started and well, as far as I'm concerned, when my car's running everything else is fine.

Host: Okay, how's your wife doing?

Robert: Don't know. Didn't ask her.

Host: I see, okay.

Robert: And, I'm not gonna start talking to her every day either.

Host: No, no [he laughs]. Of course not.

Robert: There are freaking limits to what a guy can do to please his wife.

Host: Jeez.

Robert: Valentine's or not.

Host: Oh yeah, you're Mister Romance, you are.

Robert: Yup. You know me. Captain Happiness.

Host: Yeah, yeah.

Robert: Mister Emotion.

Host: Mister Emotion.

Robert: Take like last night, speaking of my wife and Valentine's. My big mamma Rolande asks me "Robert, are we gonna take a walk?"

Host: Oh, yeah?

Robert: Oh yeah. I said "Take a walk?" To go where? What is that? I've got a car. I'm not an Inuit. I don't go for a walk in the middle of winter. Boy, that's really good. Take a walk! Yesterday, I called a taxi so he could take me to my car. Plus, do you really think I'm gonna walk with her in front of everyone? I've got a reputation to maintain. What if we ran into one of the dancers I know?

Host: That would be uncomfortable.

Robert: Well, the sex thing, you know. Everybody thinks I'm a Don Juan.

Host: The sex thing?

Robert: Yes.

Host: I like it.

Robert: There were priests in the barn. But that's another story. I'm telling you, it was a lot better before they invented "Les Copines D'abord"¹, dammit.

Host: The "Copines" eh?

Robert: That, that, killed our world.

¹Television show featuring female friends who deal with modern life in an independent fashion. The title means "Girlfriends First".

Host: Tell me about it.

Robert: By the by, Yves, we might not be talking for a couple of days.

Host: How's that?

Robert: Well, I'm goin' Hindu hunting.

Host: [He laughs] Hindu hunting?

Robert: You know what a Hindu is.

Host: Is it the season?

Robert: Yes, the big season.

Host: Okay, okay, gottcha.

Robert: You know what a Hindu is?

Host: Sure I do. Sure.

Robert: You know. The guys with the turbans?

Host: Yeah, yeah.

Robert: Francine Grimaldi with a scooter cap plastered to her forehead.

Host: [He laughs] You can hunt them?

Robert: You bet you can.

Host: What's the quota this year?

Robert: This year you don't have a quota.

Host: Are you going to a reserve, American plan, international?

Robert: Well, no.

Host: American plan. [He laughs].

[All three speak at once]

Robert: Let me explain it to you.

Host: Okay, right on.

Robert: I want to tell you all – those who have always dreamed of having a turban on the hood of your pickup truck or a stuffed head over your fireplace – they know what I'm talkin' about [the music starts]. At the end of the winter [the hosts laugh] the Hindu feels the need to find a female to mate with. ...

Host: Yes.

Robert: ... thereby increasing the amount of his welfare cheque.
[The hosts laugh].

Host: This brings to mind the Mutual of Omaha with

Robert: It's along the same lines.

Host: [Laughing] Yeah, eh?

Robert: So, for anyone who wants to hunt a Hindu, this is how to go about it.

Host: Okay, we're taking notes.

Robert: A month before, you put your curry blocks around your blind [the hosts laugh]. Then I use the Hindu snare which I bait with a stolen VCR or ugly clothing [the hosts laugh]. Preferably brown.

Host: Oh, that works every time.

Robert: Every time. I'm telling you it attracts them like flies to poop.

Host: Right. What's the password again?

Robert: Go back to your cash [the hosts laugh].

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Robert: The more fearless will surely risk getting near the Hindus by wearing a fake turban on their heads and smelling their rears to appear to be one of them.

Host: [He laughs] All right, okay. That's pretty dangerous.

Robert: Yes, and I strongly advise against it. It's very dangerous. Because the Hindu in question could invite you to dinner and that's a trap you'll never get out of. So happy hunting to all and I'm looking forward to comparing the size of your turbans.

Host: Thank you very much.

Robert: My pleasure.

ANNEXE B

Dossier du CCNR 00/01-0705 CKTF-FM concernant « *Les méchants matins du monde* »

I. La plainte

Le 21 février 2001, un auditeur envoya la lettre suivante au CRTC, laquelle fut acheminée au CCNR :

La présente a pour but de vous faire part d'une situation que je considère inacceptable de la part d'une station de radio qui possède l'une des plus grosses cotes d'écoute en Outaouais.

Lundi dernier, le 19 février 2001, aux environs de 07h45, sur les ondes radiophoniques FM de la station CKTF, 104-1, j'ai entendu, lors de l'émission *Les méchants matins du monde*, quelque chose qui m'a littéralement bouleversé. Lors d'un sketch humoristique, un personnage logeait en effet un appel aux animateurs en place pour leur parler d'une de ses occupations, celle de la « chasse à l'hindou », c'est-à-dire le genre de personne qui porte un turban sur la tête et qui vient de l'Inde. Imitant les descriptions que les chasseurs de gros langage pour nous expliquer comment il pouvait réussir à se retrouver avec une « tête à turban » comme trophée sur son mur. À plusieurs occasions durant toute la durée de ce gag, il y a eu aussi d'autres commentaires qui à mon avis portaient préjudice à ces personnes. Par ailleurs, et je ne sais pas si cela se doit d'être mentionné, ce personnage a fait de plus de nombreuses allusions à sa femme en utilisant pour décrire des termes teintés d'un sexisme qui me semblait plus qu'évident. J'ai beaucoup de difficultés à concevoir que ce genre d'humour raciste et sexiste puisse être toléré dans une société comme la nôtre et sachant que l'un de vos mandats est de vous assurer que nos médias canadiens respectent certaines règles sociales fondamentales, j'apprécierais grandement si vous pouviez vérifier si les commentaires émis lors de cette émission ne sont pas allés plus loin que ce qui est permis par la loi.

En espérant le tout complet et que vous me teniez informé des interventions qui seront faites, je vous remercie à l'avance de l'attention que vous porterez à ma demande et je vous prie de recevoir mes salutations les plus distinguées.

II. La réponse du radiodiffuseur

La vice-présidente, administration répondit au plaignant le 9 avril 2001 avec la lettre qui suit :

Monsieur,

Le 27 mars dernier, monsieur [le] directeur exécutif intérimaire du Conseil canadien des normes de la radiotélévision ("CCNR") nous faisait parvenir une copie de votre plainte du 21 février dernier.

Dans le cas qui vous préoccupe, les propos reprochés ont été tenus par le personnage de « Robert » et tirés d'un extrait de l'émission « Les Grandes Gueules ». Vous comprendrez qu'il s'agit d'une émission d'humour et nous croyons que l'auditoire saisit nettement le sens caricatural des personnages qui y sont présentés.

Nous regrettons que ces propos tenus aient pu vous offenser. Soyez assuré que les préoccupations de nos auditeurs nous tiennent à coeur et c'est pourquoi tout le personnel en ondes est tenu de respecter notre politique en matière de contenu afin d'offrir une programmation de haute qualité.

Nous vous remercions de l'intérêt que vous portez à notre station et vous prions d'agrèer, Monsieur, l'expression de nos meilleurs sentiments.