CANADIAN BROADCAST STANDARDS COUNCIL ATLANTIC REGIONAL PANEL

CFRQ-FM (Q104) re a conversation about a concert

(CBSC Decision 06/07-0310)

Decided August 8, 2007

B. A. Jones (Chair, *ad hoc*), G. Clements (Vice-Chair), B. MacEachern, R. McKeen, R. Morrison, T.-M. Wiseman

THE FACTS

On September 23, 2006, the Rolling Stones played an outdoor concert in Halifax. Following the concert, Scott Mars and J.C. Douglas, announcers at CFRQ-FM (Q104, Halifax) discussed the event. The conversation, which occurred at approximately 10:30 pm, went as follows:

Scott: The home of rock 'n' roll, Q104, playing pure classic rock and the best of today's rock. Wrappin' up a little abbreviated Stones Free Ride with fr-, uh, "Rain Fell Down" from *A Bigger Bang*. And the rain fell down on J.C. Douglas. He's drenched, but he's excited like a little school-girl; I can just tell.

J.C.: Like a little school-girl.

Scott: Like a tiny little school-girl.

J.C.: Oh my god. My budding breasts and my, uh, my hard, rock-hard nipples.

Scott: They're quite supple, supple.

J.C.: Thank you very much for saying so, Scott. I appreciate that, uh.

Scott: No problem.

J.C.: Wow, bit of an exciting night tonight.

Scott: Just mildly.

J.C.: Absolutely. I just got back from the, uh, Halifax Commons. There's apparently a, a rock concert goin' on down there. And, uh, yeah, it was, uh, it was somethin'. And the rain was fallin' down.

Scott: And it didn't deter anybody.

J.C.: It really didn't. It's amazing. You know, if you were down there, and you're probably just leaving now, give yourselves a hand. Halifax acquitted themselves very well considering the circumstances. Absolutely amazing. And, uh, yeah, could it have timed itself any worse as far as weather goes? I think the rain started right about the time Sloan hit the stage at four oh three.

Scott: Perfect timing. That's the Maritimes though.

J.C.: Oh my god. We thought maybe they, they started Sloan a little early 'cause they wanted to, you know, beat the weather or something like that. But no, there was no gettin' around that. And, you know, once it started it was just a steady rain. [Scott laughs] It let up a little. It was misty at times, but, and when the Stones were on stage, you could see the torrents of rain. In the video, you could just see from all the angles with the lighting and stuff. It was comin' down on stage two. These guys played liked troopers through the rain and the crowd just kept cheerin' them on like troopers through the whole thing. What an experience.

The show's co-hosts continued to discuss the Rolling Stones concert but it was the foregoing comments that induced a representative from the Women's Innovative Justice Initiative to send a letter of complaint directly to the radio station on October 21. It read, in part (the full text of all correspondence can be found in the Appendix):

After the Rolling Stones concert, performers returned to the studio. One remarked that the other was like "an excited schoolgirl" at which point the second responded "with my budding breasts and rock hard nipples".

This is totally unacceptable – it ridicules and objectifies girls' bodies, which fosters a climate of abuse. This is a very negative thing for girls of any age listening to Q104 to hear, as well as for boys and men. The more sexualization and ridicule that is focused on girls' and young women's bodies, the more negative environment we have to live in. When we see violence against "schoolgirls" for example, please know that it is not random – it is the logical outcome of the distorted attitudes and degradation aimed at girls and young women in our society. Unfortunately, remarks such as those of Sept. 23 contribute greatly to this atmosphere.

I would appreciate knowing what steps if any Q104 is going to take to make sure its performers are not fostering a climate of humiliation and abuse toward girls and young women.

Q104's Director of Programming, J.C. Douglas, responded to her with the following:

Thank you so much for your letter. It's always helpful to be reminded of our responsibility to our listeners and the community, and I'll share your thoughts with the Q104 announcers. Your insights and perspective are very much appreciated.

In an informal environment that thrives on rock 'n' roll "attitude", the line of good taste and social responsibility can blur from time to time, but we at Q104 are committed to contributing positively to our community.

The listener then filed a complaint on November 10 with the CRTC, which forwarded it to the CBSC in due course. The letter outlined her concerns described in her first letter above and added the following:

I complained to the station and received a form letter.

I would like a statement from the station repudiating performances that ridicule adolescent girls' bodies and breasts, as well as information regarding what their standards actually are regarding sexism, and how performers are accountable in any way.

Director of Programming J.C. Douglas sent a second, lengthier response on December 11:

Thank you for the opportunity to respond again to your concerns regarding the statement you heard on Q104 on September 23rd. I assure you, my response to your letter of October 21st was not a form letter. I had held a meeting with the three announcers involved in the on-air conversation to listen to the tape of the program in question, and discuss your comments. Imagine my surprise when I discovered that it was I, myself, who had uttered the words in question. In the spirit and excitement of the moment, I didn't recall having said that phrase.

[...]

Given the listening audience that Q104 generally reaches (91% are 18 or older), the late hour of the broadcast (approximately 10:30 pm), and the context of the quote (a humorous take-off of a well known pop culture quotation which most of the Q104 audience would be likely to recognize), we feel that the on-air comments you have referenced do not contribute to the negative environment you've described.

The announcer who used the first phrase, commenting that I seemed like "an excited schoolgirl", was quoting a catch phrase made popular in the 1990's by actor Mike Myers, and used often by his character, Dieter, in the recurring "Sprockets" sketches on the TV show *Saturday Night Live*. In the sketch, Dieter would claim to be as "excited as a little girl", and pull the fabric of his shirt out from his chest, so as to suggest breasts. My retort, "With my budding breasts and rock hard nipples," was simply to address the previous comment and complete the mental image of Dieter's famous line. It was an attempt at humour meant to spoof the level of excitement experienced by a grown man meeting a world famous rock band during their first appearance in Halifax (which was the topic of the conversation). In no way was this intended to ridicule or objectify girls' bodies. It's difficult to imagine that Q104's listening audience would interpret it as such, but we accepted your assertions in the spirit in which they were intended, and discussed them amongst the announce [sic] staff.

Prior to receiving your letter, I would not have seen any potential harm from the words in question. Your comments opened my eyes to an issue that I thought warranted the attention of my staff. Having considered your perspective, and

being sensitive to the issues involved, it was a useful exercise to re-examine our use of potentially offensive language in such cases. However, I'm confident that while certain words and phrases used for comedic intent may inadvertently spark such misinterpretation on occasion, the station's performers are in no way fostering a climate of humiliation and abuse toward girls and young women. It has never been our intention, and never will, to contribute to a negative environment which would lead to the logical outcome of violence against women or girls.

Q104's on-air performers are accountable to the *RTNDA Code of (Journalistic) Ethics*, and the Canadian Association of Broadcasters' *Code of Ethics, Violence Code*, and *Sex-Role Portrayal Code for Television and Radio Programming*, as adjudicated by the CBSC through this process. One of the General Principles of the *Sex-Role Portrayal Code* prohibits the "sexualization" of children in programming. However, the context of the aforementioned comments of September 23rd was a humorous reference to a popular character and catch phrase from recent pop culture, and would not reasonably be interpreted by the adult audience listening at the time to be a sexualization of children.

The complainant submitted her Ruling Request on December 11 with the following additional comments:

I would like to thank program director [Mr. D.] for their [sic] considered letter of Dec. 11, and the steps taken to discuss the matter with staff. The bottom line of that letter, however, asserts that in fact the station views the comments as acceptable, and for this reason I request a ruling from the CBSC as to whether the references to the "budding breasts and rock hard nipples" of "excited schoolgirls" are acceptable. There is no indication of where the station will draw the line in the future, or how it will avoid crossing that line. Accountability mechanisms are an issue particularly when it is the program director making such comments.

The station appears to think the comments are acceptable because they make reference to comedy routines of the 1990's which made jokes about men's excitement and young girls' breasts. With respect, this is hardly persuasive. Two wrongs don't make a right. I accept that the program manager's intention was humour, not to humiliate; unfortunately, regardless of the intention, many women and girls would find such comments humiliating. Humour can play a role in the humiliation of groups including women who may be discriminated against; in fact joke-telling that focuses attention on female body parts is a significant and insidious part of discriminatory behaviour. The station's program manager states that it is difficult to imagine that the comments could be interpreted as humiliating; however, that certainly was my experience as a female listener. I also shared the comments and correspondence with the approximately 80 university students I teach, and many of them found it offensive; not even one made the connection with the "cultural" reference the program manager uses to justify the use of these phrases. Mr. [D] asserts that because the comments in question were used to ridicule states of mind of the male announcers upon attending a concert that they are then somehow acceptable. However, if we examine this assertion carefully, it implies that such excitability is suitable for ridicule, by using stereotypes of girls' excitability connected to very sexual imagery to disparage the men involved. Despite the context of so-called humour regarding men's excited states of mind at concert attendance, these phrases focus in a sexualized way on young girls' body parts, and contravene the

Exploitation provision "Negative or degrading comments on the role and nature of women, men or children in society shall be avoided."

Further, the Code provides that "Equality of the sexes must be recognized and reinforced through the proper use of language and terminology." While guidance is given to clarify that this refers to the use of gender inclusive terms, it is my view that the use of language that focuses specifically on sex characteristics exclusive to females (sexualized nipples and breasts) and stereotypes (schoolgirl "excitability") undermine equality.

Finally, the Code clearly states that the sexualization of children in particular is unacceptable. The station seems to believe that because the phrases occurred in the context of humour, no sexualization occurred when "schoolgirls" were described as having "budding breasts and rock hard nipples." More accurately, I believe the announcer sexualized children for a humorous purpose. I view this as unacceptable under the Code, regardless of the purpose of the sexualization, and would appreciate a ruling.

THE DECISION

The Atlantic Regional Panel examined the complaint under the Article 4 (Exploitation) of the Canadian Association of Broadcasters' (CAB) Sex-Role Portrayal Code for Television and Radio Programming:

Television and radio programming shall refrain from the exploitation of women, men and children. Negative or degrading comments on the role and nature of women, men or children in society shall be avoided. Modes of dress, camera focus on areas of the body and similar modes of portrayal should not be degrading to either sex. The sexualization of children through dress or behaviour is not acceptable.

The Panel Adjudicators read all of the correspondence and listened to a recording of the broadcast in question. The Panel concludes that the broadcast violated Article 4 of the CAB Sex-Role Portrayal Code.

Sexualization of Children

The CBSC has rarely been called upon to deal with such a complaint. The two instances in which it has been an issue are of relevance to the matter at hand. In *CILQ-FM re The Howard Stern Show* (CBSC Decision 97/98-0487+, February 20, 1998), the Ontario Regional Panel was called upon to consider comments made by the host regarding children's "participation" in sexual activities. Stern "joked" that he "tried to get it on" with a friend's children at a party. In response to a statistic about the rate of syphilis among babies in New York raised by one of his on-air colleagues, Stern asked, "who are they getting it on with?" and commented, "nothing better than a good baby". He also told a joke: "What's the worst thing about having sex with your sister? [...] Breaking the crib." The Panel found a violation of Article 4 and, in so doing, stated:

The Regional Panel has not previously been called upon to assess the content of talk radio programming of a more serious nature than that involving the participation, real or imagined, of children in sexual acts. However permissive the view of society may be toward consensual sex among adults, there is *no* tolerance in civilized societies for child pornography in any form. As the Supreme Court put this point in defining the three categories of pornography in *Butler v. R.*, it explained that "explicit sex that is not violent and neither degrading nor dehumanizing is generally tolerated in our society and will not qualify as the undue exploitation of sex *unless it employs children in its production*. [Emphasis added.]" In this area, the station has itself acknowledged "that extra vigilance is required where children and sexuality are linked, even if in jest."

In *CFMI-FM* re Satirical Sketch (CBSC Decision 01/02-1062, January 14, 2003), the B.C. Regional Panel dealt with a complaint about a satirical audio sketch. Unrelated comments made by U.S. President George W. Bush were edited together to create a fictional speech for intended humorous effect. One portion of the mock speech stated, "To all the men and women in our military so far from home, I gave a fourth grade girl. And now every sailor, every soldier, every marine will come." The Panel concluded that the sketch inappropriately sexualized children:

[T]he Bush satire is a comedic attempt to deal with a subject that is unrelated to children and does not inherently require *any* reference to children to be complete. The references to children in both cases were someone's concept that sexualizing children is or can be humorous. The BC Regional Panel does not take that position. It considers that neither explicit nor suggestive references to the sexualization of children (under 12) in the flippant, offhand way evident in this satirical broadcast are acceptable. There is neither reason nor excuse for the inclusion of that reference in the Bush satire. It should have been excised; alternatively the item ought not to have been broadcast. Its broadcast constitutes a breach of Article 4 of the *CAB Sex-Role Portrayal Code*.

In the matter at hand, the parsing of the sentence reveals the problem. One of the commentators, Scott, used the simile "excited like a little school-girl". The other, J.C. (who was also, as noted above, the Director of Programming), replied, "Like a little school-girl", encouraging Scott to take an additional step, retorting, "Like a tiny little school-girl." In the Panel's view, had they gone no farther, there would have been no issue. "Like a little school-girl" would have been understood in the same way as "like a little school-boy" would have been, namely, with the emphasis on "little", as in naïvely excitable, girlishly, boyishly or youngishly thrilled. Indeed, there are many kinds of excitement, most of which have no sexual connotation. A child may be excited by birthday or holiday presents, getting a new puppy, being at an amusement park, meeting a famous singer or sports personality, and so on.

The dialogue between Scott and J.C. did not, however, end at such an innocuous place. The Director of Programming added "[my] budding breasts" and "my rockhard nipples". In the view of the Panel, the reference was clearly sexual and, when the reference to "budding" breasts was added to "little school-girl", the

intent to refer to children was unmistakable. In the circumstances, the Panel's conclusion cannot be otherwise than that the broadcaster unacceptably sexualized children, contrary to the prohibition contained in Article 4 of the CAB Sex-Role Portrayal Code.

The Panel feels compelled to add that it considers the respect for the Code provision prohibiting the sexualization of children to be an extremely important matter. That the Director of Programming expressed his "surprise when I discovered that it was I, myself, who had uttered the words in question" was surprising to the Panel. It would have expected that the use of such phraseology would have been *shocking* to the commentators at the time of the on-air bantering. That it was not is a matter of concern. The Panel trusts that this decision will serve to emphasize the importance of *avoiding* any such overt sexualization of children on the airwaves.

Broadcaster Responsiveness

The CBSC always assesses the broadcaster's responsiveness to the complainant, which is a fundamental responsibility of membership in the Council. It expects that response to be thoughtful and focussed on the substance of the complaint. In the matter at hand, the initial complaint was sent directly to the station, as the CBSC encourages members of the public to do. The broadcaster then, logically and appropriately, sent its reply directly to the complainant. The Panel considers that that first reply by the Director of Programming was brief, casual and fairly dismissive. As a point of information, had it been the sole response to the complainant after the registration of a complaint with the CBSC, it may not have been seen to meet the broadcaster's requirement of responsiveness. Since the CBSC was not involved in the complaint process at that stage, the broadcaster was not obliged to respond more fully. Even in such a situation, though, the Panel would recommend that it is good practice for broadcasters responding to evidently thoughtful and concerned complainants in a corresponding manner. In any event, there was a second opportunity once the CBSC was involved in the process. The Panel does find that the Director of Programming's response of December 11 was particularly detailed and thoughtful. The fact that the complainant did not agree with its substance is beside the point; the broadcaster is not, of course, obliged to agree with the complainant. No matters, after all, get to this stage of the CBSC's adjudicative process without such disagreement. The second letter more than fulfilled the broadcaster's obligation of responsiveness on this occasion.

ANNOUNCEMENT OF THE DECISION

CFRQ-FM is required to: 1) announce the 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 during the time period in which the conversation about the concert was broadcast; 2) within the fourteen days following the broadcasts of the announcements, to provide written confirmation of the airing of the statement to the complainant who filed the Ruling Request; and 3) at that time, to provide the CBSC with a copy of that written confirmation and with air check copies of the broadcasts of the two announcements which must be made by CFRQ-FM.

The Canadian Broadcast Standards Council has found that Q104 violated the Canadian Association of Broadcasters' *Sex-Role Portrayal Code* in a broadcast of September 23, 2006. In a conversation about the Rolling Stones Halifax concert, the announcers made comments that compared their own excitement at the Rolling Stones concert to the excitement of young girls. In so doing, they made an inappropriate physical reference. This had the effect of sexualizing children, which is a breach of Article 4 of the *Sex-Role Portrayal Code*.

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

APPENDIX

CBSC Decision 06/07-0310 CFRQ-FM re a conversation about a concert

Initial Correspondence

On October 21, 2006, a listener sent a letter of complaint to the radio station:

I am writing concerning the content of performances on the evening of Sept. 23. After the Rolling Stones concert, performers returned to the studio. One remarked that the other was like "an excited schoolgirl" at which point the second responded "with my budding breasts and rock hard nipples".

This is totally unacceptable – it ridicules and objectiifies girls' bodies, which fosters a climate of abuse. This is a very negative thing for girls of any age listening to Q104 to hear, as well as for boys and men. The more sexualization and ridicule that is focused on girls' and young women's bodies, the more negative environment we have to live in. When we see violence against "schoolgirls" for example, please know that it is not random – it is the logical outcome of the distorted attitudes and degradation aimed at girls and young women in our society. Unfortunately, remarks such as those of Sept. 23 contribute greatly to this atmosphere.

I would appreciate knowing what steps if any Q104 is going to take to make sure its performers are not fostering a climate of humiliation and abuse toward girls and young women.

The station responded to her with the following:

Thank you so much for your letter. It's always helpful to be reminded of our responsibility to our listeners and the community, and I'll share your thoughts with the Q104 announcers. Your insights and perspective are very much appreciated.

In an informal environment that thrives on rock 'n' roll "attitude", the line of good taste and social responsibility can blur from time to time, but we at Q104 are committed to contributing positively to our community.

The listener then filed a complaint with the CRTC on November 10, which forwarded it to the CBSC in due course:

On the evening of Sept. 23, after the Rolling Stones concert, Q104 radio performers returned to the studio. One remarked that the other was like "an excited schoolgirl" at which point the second responded "with my budding breasts and rock hard nipples". I complained to the station and received a form letter (correspondence attached).

I would like a statement from the station repudiating performances that ridicule adolescent girls' bodies and breasts, as well as information regarding what their standards actually are regarding sexism, and how performers are accountable in any way.

Broadcaster's Response

CFRQ-FM sent a second response on December 11:

Thank you for the opportunity to respond again to your concerns regarding the statement you heard on Q104 on September 23rd. I assure you, my response to your letter of October 21st was not a form letter. I had held a meeting with the three announcers involved in the on-air conversation to listen to the tape of the program in question, and discuss your comments. Imagine my surprise when I discovered that it was I, myself, who had uttered the words in question. In the spirit and excitement of the moment, I didn't recall having said that phrase.

For the record, this was our original correspondence:

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I would appreciate knowing what steps if any Q104 is going to take to make sure its performers are not fostering a climate of humiliation and abuse toward girls and young women.

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In an informal environment that thrives on rock 'n' roll "attitude", the line of good taste and social responsibility can blur from time to time, but we at Q104 are committed to contributing positively to our community.

Ms. [R.], I maintain that this previous letter explains our position. But I will attempt to provide further illumination on the specifics of this instance.

Given the listening audience that Q104 generally reaches (91% are 18 or older), the late hour of the broadcast (approximately 10:30 pm), and the context of the quote (a humourous take-off of a well known pop culture quotation which most of the Q104 audience would be likely to recognize), we feel that the on-air comments you have referenced do not contribute to the negative environment you've described.

The announcer who used the first phrase, commenting that I seemed like "an excited schoolgirl", was quoting a catch phrase made popular in the 1990's by actor Mike Myers, and used often by his character, Dieter, in the recurring "Sprockets" sketches on the TV show *Saturday Night Live*. In the sketch, Dieter would claim to be as "excited as a little girl", and pull the fabric of his shirt out from his chest, so as to suggest breasts. My retort, "With my budding breasts and rock hard nipples," was simply to address the previous comment and complete the mental image of Dieter's famous line. It was an attempt at humour meant to

spoof the level of excitement experienced by a grown man meeting a world famous rock band during their first appearance in Halifax (which was the topic of the conversation). In no way was this intended to ridicule or objectify girls' bodies. It's difficult to imagine that Q104's listening audience would interpret it as such, but we accepted your assertions in the spirit in which they were intended, and discussed them amongst the announce staff.

Prior to receiving your letter, I would not have seen any potential harm from the words in question. Your comments opened my eyes to an issue that I thought warranted the attention of my staff. Having considered your perspective, and being sensitive to the issues involved, it was a useful exercise to re-examine our use of potentially offensive language in such cases. However, I'm confident that while certain words and phrases used for comedic intent may inadvertently spark such misinterpretation on occasion, the station's performers are in no way fostering a climate of humiliation and abuse toward girls and young women. It has never been our intention, and never will, to contribute to a negative environment which would lead to the logical outcome of violence against women or girls.

Q104's on-air performers are accountable to the *RTNDA Code of (Journalistic) Ethics*, and the Canadian Association of Broadcasters' *Code of Ethics, Violence Code*, and *Sex-Role Portrayal Code for Television and Radio Programming*, as adjudicated by the CBSC through this process. One of the General Principles of the *Sex-Role Portrayal Code* prohibits the "sexualization" of children in programming. However, the context of the aforementioned comments of September 23rd was a humourous reference to a popular character and catch phrase from recent pop culture, and would not reasonably be interpreted by the adult audience listening at the time to be a sexualization of children.

Again, Ms. [R.], I appreciate the chance to clarify Q104's viewpoint. And primarily, I appreciate you bringing the importance of this issue to our attention.

Additional Correspondence

The complainant submitted her Ruling Request on December 11 with the following additional comments:

I would like to thank program director [Mr. D.] for their [sic] considered letter of Dec. 11, and the steps taken to discuss the matter with staff. The bottom line of that letter, however, asserts that in fact the station views the comments as acceptable, and for this reason I request a ruling from the CBSC as to whether the references to the "budding breasts and rock hard nipples" of "excited schoolgirls" are acceptable. There is no indication of where the station will draw the line in the future, or how it will avoid crossing that line. Accountability mechanisms are an issue particularly when it is the program director making such comments.

The station appears to think the comments are acceptable because they make reference to comedy routines of the 1990's which made jokes about men's excitement and young girls' breasts. With respect, this is hardly persuasive. Two wrongs don't make a right. I accept that the program manager's intention was humour, not to humiliate; unfortunately, regardless of the intention, many women and girls would find such comments humiliating. Humour can play a role in the humiliation of groups including women who may be discriminated against; in fact joke-telling that focuses attention on female body parts is a significant and insidious part of discriminatory behaviour. The station's program manager states that it is difficult to imagine that the comments could be interpreted as humiliating; however, that certainly was my experience as a female listener. I also shared the comments and correspondence with the approximately 80 university students I teach, and many of them found it offensive; not even one made the connection with the "cultural" reference the program manager uses to

justify the use of these phrases. Mr. [D.] asserts that because the comments in question were used to ridicule states of mind of the male announcers upon attending a concert that they are then somehow acceptable. However, if we examine this assertion carefully, it implies that such excitability is suitable for ridicule, by using stereotypes of girls' excitability connected to very sexual imagery to disparage the men involved. Despite the context of so-called humour regarding men's excited states of mind at concert attendance, these phrases focus in a sexualized way on young girls' body parts, and contravene the Exploitation provision "Negative or degrading comments on the role and nature of women, men or children in society shall be avoided."

Further, the Code provides that "Equality of the sexes must be recognized and reinforced through the proper use of language and terminology." While guidance is given to clarify that this refers to the use of gender inclusive terms, it is my view that the use of language that focuses specifically on sex characteristics exclusive to females (sexualized nipples and breasts) and stereotypes (schoolgirl "excitability") undermine equality.

Finally, the Code clearly states that the sexualization of children in particular is unacceptable. The station seems to believe that because the phrases occurred in the context of humour, no sexualization occurred when "schoolgirls" were described as having "budding breasts and rock hard nipples." More accurately, I believe the announcer sexualized children for a humorous purpose. I view this as unacceptable under the Code, regardless of the purpose of the sexualization, and would appreciate a ruling.