
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL COUNCIL**

CJSB-AM re the Wendy Daniels Show

(CBSC Decision 92/93-0219)

Decided February 15, 1994

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THE FACTS

During its afternoon show (4:00-5:30 p.m.) on CJSB of August 20, 1993, the station ran an item featuring a character named D. Vinnie Boobazonga. It had apparently run from time to time over the course of the previous twelve months.

The complainant wrote to the CRTC on August 27 and the complaint was referred to the CBSC on August 31. The essence of the listener's complaint was laid out by him as follows:

The feature is intended as a comedic parody of a very macho man who dislikes what he terms "male wimpiness". Vinnie, who calls himself "the boob man", relates his encounters with men described as having earrings or ponytails or as being sensitive, characteristics that irritate Vinnie. He describes these men variously as sissies, pooftas, pansies, blenda puss, chrysanthemum groins and so on. Invariably these confrontations end with Vinnie beating up the unsuspecting "wimp".

Vinnie refers to women as chicks or broads and explains how they like "real" men who have not been influenced by recent changes in traditional male behaviour.

This character promotes sexist attitudes towards women, invokes homophobic feelings and promotes anti-homosexual violence.

The listener called the program host Wendy Daniels and was told that the station manager would return his call. This did not occur. There was, however, a written reply from the General Manager on September 14, in which he apologized for the failure to follow up by telephone. As to the substance of the complaint, he said:

Many of the points set out in your letter to the C.R.T.C. regarding D. Vinnie Boobazonga correctly describe the nature of the character. However, you may not be aware of the fact that Vinnie is portrayed as a jailbird. We have established (on-air) that he has spent seventeen years in the "slammer," and has been sent back to jail on more than one occasion for his neanderthal attitudes and antisocial behaviour. Vinnie is obviously out of sync with the politically correct Nineties.

It is often said that radio reflects society. Unfortunately, there are people who possess attitudes like D. Vinnie's. Perhaps by exposing such behaviour, we raise awareness of the absurdity of intolerant attitudes.

In the normal course of events in such matters, the CBSC, having received the complaint from the CRTC on August 31, requested by letter on September 3 that the logger tapes of the broadcast be held. When the complainant ultimately requested that the matter be transferred to the Regional Council for adjudication, the CBSC (on October 14) requested the delivery of a tape excerpt recorded from the logger tape being held. The broadcaster informed the CBSC at that time that the tape had vanished but they did, on October 21, furnish the Council with a transcript of the excerpt of the tape they would have sent.

THE DECISION

The Regional Council (composed of five members, broadcaster Don Luzzi having been unavailable) would have considered the matter under Clause 15 of the *CAB Code of Ethics* and Clause 4 of the *CAB Sex-Role Portrayal Code*.

Code of Ethics, Clause 15:

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.

Sex-Role Portrayal Code, Clause 4, in pertinent part:

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.

This was, however, a case in which the Council felt unable to consider the matter in the absence of the logger tape.

Furthermore, broadcasters are required, as a component of their Responsibilities of Membership (pp. 38-9 of the *CBSC Manual*), to

- 2.(f) Co-operate fully whenever a complaint is received, by: retaining air checks and other relevant materials;

This is also the responsibility of broadcasters under the CRTC's *Radio Regulations, 1986*:

8. (5) A licensee shall retain a clear and intelligible tape recording or other exact copy of all matter broadcast

(a) for four weeks from the date of the broadcast; or

(b) where the Commission receives a complaint from any person regarding the matter broadcast or for any other reason wishes to investigate it and so notifies the licensee before the expiration of the period referred to in paragraph (a), for eight weeks from the date of broadcast.

(6) Where, before the expiry of the applicable period referred to in subsection (5), the Commission requests from the licensee a clear and intelligible tape recording or other exact copy of matter broadcast, the licensee shall furnish it to the Commission forthwith.

It is clear that the standard of the CBSC in this regard is in no more or less stringent than that to which the broadcaster must adhere as a part of his responsibility under the *Broadcasting Act and Regulations*. There was no justifiable explanation proffered by the broadcaster for the loss of the tapes, whose retention ought to have been viewed as a matter of considerable responsibility for it.

Thus, while there was no determination possible of the listener's complaint in terms of the *Code of Ethics* or the *Sex-Role Portrayal Code*, CJSB failed, as a member of the Council, to adhere to the standards of responsibility of membership established in the *CBSC Manual*. In the circumstances, the broadcaster is required to announce the decision, in the following terms, during peak listening hours within thirty days of the publication of this decision:

The Canadian Broadcast Standards Council has found that CJSB has breached one of the responsibilities or membership of the Council in not retaining a tape of the program about which a listener had filed a complaint. It rendered the Council unable to assess the legitimacy of the complaint made against a segment of the Wendy Daniels show on August 20, 1993.

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