
**CANADIAN BROADCAST STANDARDS COUNCIL
ATLANTIC REGIONAL PANEL**

CFRQ-FM re Morning Show (“Faking It” Contest)

(CBSC Decision 01/02-1137)

Decided March 7, 2003

G. Clements (Vice-Chair), R. Cohen (*ad hoc*), R. Jones,
C. McDade (*ad hoc*), and R. McKeen

THE FACTS

During the morning show on radio station CFRQ-FM (Q104, Halifax) on July 31, 2002, the hosts held a “contest” in which listeners were invited to call in to fake an orgasm on the air in order to win a prize. The stunt was inspired by the hosts’ statement that it was apparently the “Second Annual National Orgasm Day.” The male host, Jeff, first introduced the contest at 6:36 am with the following comments (the full transcript of all relevant comments can be found in Appendix A):

Six thirty-six, it is the Second Annual National Orgasm Day. We want to hear your best fake orgasms. Apparently 80% of all women do indeed fake ‘em, uh, which is a big shock to me. And nobody will readily admit it. We wanna hear ‘em.

Jeff and his female co-host, Lisa, then had a conversation about the Day at 6:40 am, immediately following the song *Bang A Gong*:

Jeff: [...] Six forty, twenty away from seven and speaking of banging...

Lisa: Mm hm.

Jeff: Uh, it is of course Second Annual National Orgasm Day.

Lisa: That’s right! Make it, not fake it, the slogan for this year.

They went on to discuss the statistic that 80% of all women fake orgasms and the fact that one man Jeff had spoken to insisted his wife was not one of that majority. The hosts joked that the wife would not tell him if she was. Lisa then commented that their listeners seemed to be shy, presumably since no one had yet called in to participate. Jeff then played a humorous audio clip of a man yelling “ow!” and claimed that the clip was of a contestant who wished to remain anonymous. He concluded with the comment that “Apparently he [the contestant] had mistaken his blow-up doll for a cheese grater, but that’s all right. He’s okay.” To which Lisa added “a little blood loss”.

The first real participant telephoned at 6:44 am. The hosts commented that they were surprised it was a male since “normally guys don’t fake ’em”. Lisa questioned how the caller proposed to participate: “What, you’re gonna stuff a yogurt in a copy of *Maxim* magazine there or somethin’?” In the caller’s enactment of an orgasm, he moaned and then made a “baa” noise like a sheep. Both hosts laughed and informed the caller that he had won a summertime rock album.

The second participant’s call was broadcast at 6:49 am. The relevant dialogue in that conversation was as follows:

Jeff: Hey, uh, Bob, listen, what’ve you got for us?

Caller: I’m gonna orgasm on the radio.

[...]

Jeff: All right Bob, listen, what’ve you got for us as far as an orgasm goes?

Bob: [staccato moans] J’arrive.

Jeff & Lisa: [laugh] What the hell?

Lisa: Jaree? Oh, *j’arrive*.

Jeff: J’arrive. French.

Lisa: A little bilingual there Bob.

Jeff: He’s en français.

[...]

Jeff: Bob, I gotta tell you, I don’t know about Lisa, but that didn’t do a whole helluva lot for me. [Lisa laughs] Listen Bob.

Lisa: We got extra marks for the, uh, bilingual aspect, I think.

Jeff: Exactly, exactly. So listen Bob, you hang on the line buddy, we got a great prize for ya.

[...]

Jeff: J'arrive, j'arrive. [Lisa laughs] I don't even know if that's like grammatically correct. I mean, I'm not up on my French, but, uh. That's just sad. Bob. Six fifty, ten away from seven o'clock here on the Q. It is Second Annual National Orgasm Day. And we gotta hear from some women. I'm really disappointed.

Lisa: So far, yeah, we, we need some gals, so, you know, if 80% of us are apparently faking it, there's gotta be some well-versed, uh, orgasms that can be, uh, that can be broadcast.

Jeff: Come on, come on ladies. Don't let Lisa down.

At 7:52 am, Jeff and Lisa further discussed the statistic that 80% of women fake orgasms.

Lisa: That's a, that's a statistic I didn't see coming at all.

Jeff: No? What'd you think, it was going to be higher?

Lisa: [laughs] Maybe a bit lower than that, but 80%, wow, that's a, that's a big number.

They then went to the phone where a female had called in. The caller did not want to provide her real name, so they referred to her as "Beth".

Caller: Okay. I had to ask my husband permission first and he kinda gave me a suggestion. He said "Why don't you just go 'uh and get me a beer,'" but, um.

Jeff: Nice.

Lisa: And after you smacked him up the side of the head with a frying pan what'd you say?

Caller: Oh well you know, I just kinda looked at him and said "Hey, that must've been déjà-vu because I said that to you before."

Jeff & Lisa: Ohh! [laugh]

Caller: I said it was "get me a beer and get it now bitch before I slap ya." [Jeff & Lisa laugh]

Lisa: Oh my heavens! So "Beth", you want to fake an orgasm for us, do ya?

Caller: Uh, yeah, I'm doin' it for on behalf of all the women who are too afraid to do so.

Lisa: Okay.

Jeff: Let's see what'cha got.

Caller: Ooo, ooh, [clears throat] gotta clear the throat of frogs, ooh, uh, oh yeah, oh baby, uh, uh, ahh. All right, now get off. [Jeff & Lisa laugh]

Lisa: Oh yes, okay “Beth”, that’s the one, that’s the one. All right “Beth”, listen, we’re gonna set you up with a copy of *Dock Rock*, summertime rock from some of the best classic rock artists. That was fantastic. [“Beth” giggles]

Jeff: “Beth”, you’re a bit of a dirty girl there “Beth”.

Lisa: Mmmm.

Jeff: I tell ya, it was, it was rather stimulating at first, but then that whole “get off” thing.

Lisa: [laughs] It just didn’t end nicely.

Jeff: Bit of a downer, uh, no pun intended.

A listener wrote to the CRTC (which forwarded the complaint to the CBSC in due course) on the same date as the broadcast. He stated:

This morning (July 31/02) during the morning show on Q104 (Halifax), the show had the public phone in and ‘fake orgasms’ on the air. I feel that this might not be acceptable programming for that hour of the day (or at all), as young children could have been listening.

The station’s Program Director responded to the complainant on August 23 (the full text of all correspondence can be found in Appendix B). He explained that

Programming on Q104 is targeted primarily to an audience of adult males. So, compared with most other local stations, you’ll hear content from time to time that’s less suitable for family listening. Audience feedback has told us they enjoy the edgy humour, and irreverent attitude of the station, and we like to give the listeners what they want. We also believe that the standards of good taste lie in the subjective listening of each individual, and invite those who feel that our programming is not to their tastes to switch to a station more appropriate to their needs. However, with our broadcasting licence comes a great responsibility to the community, and we strive to adhere to community standards and the codes established by the Canadian Association of Broadcasters.

The Program Director also stated that “the content of that broadcast has already been the subject of some discussion here at the radio station.” Apparently, the usual morning show host had been on vacation and a substitute was in place. The Program Director informed the complainant that he had already suggested to the host that “having people call in simply to ‘fake orgasms’ seemed fairly blunt” and that the host had told him “he was looking for listener input that was more humorous than lurid.” The Program Director stated that the “faking orgasm” concept is “on the border of what may be acceptable”, but that he “encouraged the morning show team to continue to rely on innuendo more than direct sexual references.”

The complainant wrote back to the CBSC on August 25 stating that he would like to pursue his complaint. He pointed out that there is technology available to him

on his television set which limits what his children can and cannot access. He wrote that he takes “an active role in what [his] children watch on TV” and questioned whether he now has to monitor “the radio station channels which [his] children have their clock radios tuned to when they wake up in the mornings?” The complainant did not feel that the explanation about a substitute host being in place that day was adequate and asked “was there also substitute management and programming directors also?” He also suggested that the Program Director should “do more than ‘encourage’ his people to think about what they are saying and doing on air, and perhaps take a leadership role [...] and direct his people with an established set of guidelines of what is and is not acceptable.”

THE DECISION

The Atlantic Regional Panel examined the complaint under Clause 6, paragraph 3 of the Canadian Association of Broadcasters’ 1988 (CAB) *Code of Ethics* which reads:

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of the broadcast publisher.

The 1988 Code was superseded by a new *Code of Ethics* that came into effect on August 1, 2002, that is, the day following the challenged broadcast. Consequently, it is the 1988 Code that the Panel is using to adjudicate this matter.

The Atlantic Regional Panel reviewed all of the correspondence and listened to a recording of the morning show. It concludes that the broadcast does not breach the foregoing provision.

Sexual Content on Morning Radio

The various CBSC Panels called upon to adjudicate this issue have determined that sexual innuendo and double entendre on morning radio are not in breach of Clause 6, paragraph 3 of the *CAB Code of Ethics* but that sexually explicit content is not appropriate at times of the day when children might be listening. In *CHOM-FM and CILQ-FM re The Howard Stern Show* (CBSC Decision 97/98-0001+, October 17-18, 1997), for example, the Quebec and Ontario Regional Panels jointly concluded that

descriptive opinion and comment [...] regarding the sex life of Stern and his wife [the use of vibrators on family holidays], details of which were broadcast during hours when children could be expected to be listening to radio is certainly not proper material for Canadian children.

In *CFMI-FM re Brother Jake Morning Show* (CBSC Decision 00/01-0688, January 23, 2002), the B.C. Regional Panel examined several episodes of the station's morning show. In one of these, a co-host referred to his previous night's date on which the woman "starts to do this wild striptease" and "gets down to her thong". He then went on to explain how he threw "her on the workbench" where "she's goin' nuts grabbin' my nuts and I'm just thinking 'this is great!'" The Panel decided that "Such material is unsuitable for times of the day when children could be expected to be listening, let alone when the hosts are fully aware that children are listening."

Where, on the other hand, Panels have considered examples of content that was no more than sexual innuendo, they have ruled differently. In the *CFMI-FM* decision, the B.C. Panel said:

The hosts frequently discuss and make jokes about masturbation, flatulence and bodily functions and engage in discussions about such matters as Jake in his boxer shorts, "blue angel" farts, and a 0-0 sports score as being "dog balls". Although potentially offensive to many listeners, in cases where such material is not sexually explicit, the Panel does not find it in breach of any broadcaster Codes.

In another *CFMI-FM* matter dealing with a sexual component in a contest, namely, *CFMI-FM re Brother Jake Morning Show (Wake up Contests)* (CBSC Decision 01/02-0875, January 14, 2003), the B.C. Panel dealt with two radio contests, one entitled "Wake Up Woody" and the other "Wake Up Wendy". Contestants had to use innovative sexual techniques to wake up their sleeping partner while the *Brother Jake Morning Show* crew listened on the telephone and broadcast the stunt. The Panel concluded:

In the matter at hand, the Panel finds considerable sexual banter that is on the edge but nothing that falls over it. The contest is filled with double entendres and suggestive comments; however, after examining the comments closely, the Panel concludes that there is nothing that is explicit enough to be in breach of the Code provision. The Panel is not even convinced that all children would even understand the innuendo; however, even if some might, the Adjudicators are not of the view that the two contests are sufficiently explicit to fall afoul of the Code. When Panels reach such conclusions, they are constrained to decide that the principle of freedom of speech overrides suggestive or taste-doubtful content.

In the present case the Atlantic Panel finds that there was no explicitness involved. In the first place, the term "fake" was used repeatedly. Not only was there no suggestion of reality, but there was also no detail or description of an explicit sexual act. All the callers seemed to be providing their own take on the sexual silliness that characterized the "contest". At *worst*, the Panel finds that the material may be juvenile, tasteless or inappropriate, but there is nothing about the content that moves it from the inappropriate to the unacceptable. In other words, even if children *might* have been listening (and the station's demographics do not suggest that this might have been the case), the subject

matter would not have presented a problem. The Panel finds no breach of the above-cited provision of the *CAB Code of Ethics* here.

Broadcaster Responsiveness

The CBSC considers the dialogue between the broadcaster and the complainant of sufficient importance that it is a responsibility of membership in the Council. Consequently, it evaluates the broadcaster's responsiveness to the discontented individual in each of its decisions. In the matter at hand, Q104's Program Director wrote a thoughtful and thorough reply to the complainant. Nothing further is required in this instance.

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.

APPENDIX A

CBSC File 01/02-1137 CFRQ-FM re Morning Show ("Faking It" Contest)

The following are transcripts of the relevant portions of the Q104 morning show on July 31, 2002.

6:36 am

Jeff: Six thirty-six, it is the Second Annual National Orgasm Day. We want to hear your best fake orgasms. Apparently 80% of all women do indeed fake 'em, uh, which is a big shock to me. And nobody will readily admit it. We wanna hear 'em.

6:40 am

Jeff: Q104, the home of rock 'n' roll. "Bang A Gong, Get It On", T-Rex here in the Outta Control Room, Jeff and Lisa. Six forty, twenty away from seven and speaking of banging...

Lisa: Mm hm.

Jeff: Uh, it is of course Second Annual National Orgasm Day.

Lisa: That's right! Make it, not fake it, the slogan for this year.

Jeff: Uh, I had an interesting call from a guy who said, he said, 'cause I told him, you know, 80%, apparently 80% of all women fake orgasms.

Lisa: Yes.

Jeff: And he said, "Well my wife doesn't." Like she's gonna tell ya.

Lisa: What do you think she writes a memo in triplicate and sends it?

Jeff: "Was that good for you?" "Actually it was a little lacklustre. I had to fake that orgasm honey." [Lisa laughs] We wanna hear your best fake orgasms. We'll set you up with a prize. So far nobody, nobody seems to be brave enough.

Lisa: We've got some, they've all of a sudden got shy on us. I never knew Q listeners to be shy before, but apparently they are shy now.

Jeff: We've actually got one. We had one call from a guy. He didn't want to come on the air. He was anonymous, so I said "all right, you know, if you wanna fake it, we'll tape it." This, this is what he came up with. [audio clip of man screaming "ow!"] Apparently he had mistaken his blow-up doll for a cheese grater, but that's all right. He's okay.

Lisa: A little blood loss.

Jeff: That's right. Six forty-one, nineteen away from seven o'clock. 451-1043, best fake orgasm.

6:44 am

Jeff: Q104, the home of rock 'n' roll. It is six forty-four, uh, sixteen away from seven o'clock here this morning. We're gonna go right to the phones here. Today's the Second Annual National Orgasm Day. Who's this?

Caller : Jody.

Jeff: Jody. Now Jody, normally guys don't fake 'em, but you said you can?

Caller: Oh yeah, I could have a good laugh with anyone.

Lisa: So, uh, what, how, how do you propose to do, what you're gonna stuff a yogurt in a copy of *Maxim* magazine there or somethin'? [Jeff laughs]

Caller: Huh?

Lisa: Never mind.

Jeff: Give us what you got Jody, give us what you got.

Caller: Okay. [moans, then "baas" like a sheep] [Jeff and Lisa laugh]

Jeff: Oh Jody.

Lisa: Ah yes.

Jeff: You don't happen to live in the South Mountain do you? [Jody laughs] Jody, that was pretty darn good buddy and, uh

Lisa: Oh yeah.

Jeff: For that we gotta give 'im somethin'.

Lisa: Oh yes, we'll set you up with a copy of [in sheep voice] *Dock Rock*. We got some summertime rock from some of the best classic rock artists and stay on the line, we'll get some information from you Jody.

Caller: Okay.

Jeff: Thanks buddy. There you go, Second Annual National Orgasm Day.

Lisa: Baaaa.

Jeff: That was pretty good. Whatta ya got? 451-1043.

6:49 am

Jeff: Six forty-nine, eleven away from seven o'clock and today is Second Annual National Orgasm Day. Now, funny thing Lisa. Where we said that 80% of all women fake orgasms, so far we haven't had a woman call in to fake it.

Lisa: This is troubling to me. All men so far.

Jeff: We've actually got a, well I assume it's a man on the phone. Uh, what's your name again Sir?

Caller: Bob Smith. [Jeff laughs]

Lisa: Well Bob, thanks for calling us first of all.

Jeff: Thank you Generic Boy. [Lisa laughs]

Caller: Generic Boy, damn straight.

Lisa: [laughs] Generic Boy.

Jeff: Hey, uh, Bob, listen, what've you got for us?

[banging noise]

Caller: I'm gonna orgasm on the radio.

Jeff: Well yeah, that's –

Caller: That's the whole idea right?

Jeff: That's the whole idea. What're you doin' there anyway?

Lisa: What're you doin', the dishes?

Jeff: Are you really?

Caller: No man, I'm goin' to work.

Jeff: You're goin' to work?

Caller: Yeah.

Jeff: All right Bob, listen, what've you got for us as far as an orgasm goes?

Bob: [staccato moans] J'arrive.

Jeff & Lisa: [laugh] What the hell?

Lisa: Jaree? Oh, *j'arrive*.

Jeff: J'arrive. French.

Lisa: A little bilingual there Bob.

Jeff: He's en français.

Lisa: Well with a name like Bob Smith, I never would've guessed.

Caller: Hey, you never know. [Lisa laughs]

Jeff: Bob, I gotta tell you, I don't know about Lisa, but that didn't do a whole helluva lot for me. [Lisa laughs] Listen Bob.

Lisa: We got extra marks for the, uh, bilingual aspect, I think.

Jeff: Exactly, exactly. So listen Bob, you hang on the line buddy, we got a great prize for ya.

Lisa: Mm, a copy of *Dock Rock* heading in your direction all right?

Caller: Yep. Bye.

Jeff: J'arrive, j'arrive. [Lisa laughs] I don't even know if that's like grammatically correct. I mean, I'm not up on my French, but, uh. That's just sad. Bob. Six fifty, ten away from seven o'clock here on the Q. It is Second Annual National Orgasm Day. And we gotta hear from some women. I'm really disappointed.

Lisa: So far, yeah, we, we need some gals, so, you know, if 80% of us are apparently faking it, there's gotta be some well-versed, uh, orgasms that can be, uh, that can be broadcast.

Jeff: Come on, come on ladies. Don't let Lisa down.

7:52 am

Jeff: Seven fifty-two here in the Outta Control Room with Jeff and Lisa and today, Second Annual National Orgasm Day.

Lisa: It is indeed. We touched on this yesterday.

Jeff: Yeah.

Lisa: Yeah.

Jeff: Eighty percent of women apparently. Now this is what this survey says.

Lisa: Yep.

Jeff: Eighty percent of women fake orgasms and –

Lisa: Well!

Jeff: We've been trying to get, we've been trying to get women to call in to fake it but we –

Lisa: That's a, that's a statistic I didn't see coming at all.

Jeff: No? What'd you think, it was going to be higher?

Lisa: [laughs] Maybe a bit lower than that, but 80%, wow, that's a, that's a big number.

Jeff: Well, let's go to the phone lines here. Hi there, Q104.

Caller: Hi.

Jeff: How are you?

Caller: Not too bad.

Jeff: And what is your name?

Caller: You're not going to put it on the radio, 'k?

Lisa: Well, we'll just call you "Beth".

Caller: "Beth", okay.

Jeff: How's that?

Caller: Okay. I had to ask my husband permission first and he kinda gave me a suggestion. He said "Why don't you just go 'uh and get me a beer,'" but, um.

Jeff: Nice.

Lisa: And after you smacked him up the side of the head with a frying pan what'd you say?

Caller: Oh well you know, I just kinda looked at him and said "Hey, that must've been déjà-vu because I said that to you before."

Jeff & Lisa: Ohh! [laugh]

Caller: I said it was "get me a beer and get it now bitch before I slap ya." [Jeff & Lisa laugh]

Lisa: Oh my heavens! So "Beth", you want to fake an orgasm for us, do ya?

Caller: Uh, yeah, I'm doin' it for on behalf of all the women who are too afraid to do so.

Lisa: Okay.

Jeff: Let's see what'cha got.

Caller: Ooo, ooh, [clears throat] gotta clear the throat of frogs, ooh, uh, oh yeah, oh baby, uh, uh, ahh. All right, now get off. [Jeff & Lisa laugh]

Lisa: Oh yes, okay "Beth", that's the one, that's the one. All right "Beth", listen, we're gonna set you up with a copy of *Dock Rock*, summertime rock from some of the best classic rock artists. That was fantastic. ["Beth" giggles]

Jeff: "Beth", you're a bit of a dirty girl there "Beth".

Lisa: Mmmm.

Jeff: I tell ya, it was, it was rather stimulating at first, but then that whole “get off” thing.

Lisa: [laughs] It just didn’t end nicely.

Jeff: Bit of a downer, uh, no pun intended.

APPENDIX B

CBSC File 01/02-1137 CFRQ-FM re Morning Show ("Faking It" Contest)

The Complaint

The following complaint dated July 31, 2002 was sent to the CRTC and forwarded to the CBSC in due course:

This morning (July 31/02) during the morning show on Q104 (Halifax), the show had the public phone in and "fake orgasms" on the air. I feel that this might not be acceptable programming for that hour of the day (or at all), as young children could have been listening.

Broadcaster Response

The broadcaster responded to the complainant on August 23 with the following:

I received your comments today in regard to the programming on CFRQ-FM (Q104):

"This morning (July 31/02) during the morning show on Q104 (Halifax), the show had the public phone in and 'fake orgasms' on the air. I feel that this might not be acceptable programming for that hour of the day (or at all), as young children could have been listening."

I'm glad you've taken the time to voice your opinion, and bring it to our attention. You may be encouraged to know that the content of that broadcast has already been the subject of some discussion here at the radio station.

Programming on Q104 is targeted primarily to an audience of adult males. So, compared with most other local stations, you'll hear content from time to time that's less suitable for family listening. Audience feedback has told us they enjoy the edgy humour, and irreverent attitude of the station, and we like to give the listeners what they want. We also believe that the standards of good taste lie in the subjective listening of each individual, and invite those who feel that our programming is not to their tastes to switch to a station more appropriate to their needs. However, with our broadcasting licence comes a great responsibility to the community, and we strive to adhere to community standards and the codes established by the Canadian Association of Broadcasters.

On the morning in question, the main host of the morning show was on vacation, and we had a substitute in place. When I met with the morning team later that day, I suggested that the concept of having people call in simply to "fake orgasms" seemed fairly blunt. (Our usual plan of attack often involves using double entendre and innuendo to mask "naughty" subjects of double meaning. This allows the audience to enjoy bits of adult humour while the children listening are hopefully not subjected to inappropriate material.) The substitute host told me that he was looking for listener input that was more humorous than lurid. And having reviewed the three callers whom he put on the air, each did offer a comedic element in their "performance". However, there's no denying that the nature of the orgasm concept is

sensitive, and I can understand how some people would deem it inappropriate. At the least, it's on the border of what may be acceptable on our radio station. And I've encouraged the morning team to continue to rely on innuendo more than direct sexual references.

Mr. [T], I hope this has helped you understand more about how we see our responsibilities and direct our programming in an appropriate manner. I welcome any further thoughts you have on the matter, or any additional input on our programming. You can contact me at any time, at the address or numbers below.

Thanks again for your time, and the opportunity to exchange views.

Additional Correspondence

The complainant was unsatisfied with the broadcaster's response and sent the following e-mail dated August 25:

I appreciate your quick response in this case however I still have some concerns therefore, I would like the CBSC to have my complaint looked into further. The day in question I personally contacted the station about the programming and was given the brush off by the programming director, which led to my original complaint being filed.

On Friday, (23 Aug/02), I received an answer from [the Program Director], (attached), which was also addressed to you, and was dissatisfied with his response. In my home I have access to programs on my TV which limit what my children can and cannot access. I take an active role in what my children watch on TV; is it now necessary to monitor the radio station channels which my children have their clock radios tuned to when they wake up in the mornings? [The Program Director] insinuates that "if you don't like the show listen elsewhere". The problem, in my opinion, is the kind of crap that we are talking about in my opinion should not even be aired, and unfortunately our kids can be exposed to it also.

[The Program Director] goes on to say that there was a substitute host on that day. Was there also substitute management and programming directors also? He also states Quote "there's no denying that the nature of the orgasm concept is sensitive, and can understand how some people would deem it inappropriate. At the least, it's on the border of what may be acceptable on our radio station. And we have *encouraged* the morning team to continue to rely on innuendo more than direct sexual references." end quote. I feel that if [the Program Director] was taking this situation seriously he would do more than "encourage" his people to think about what they are saying and doing on air, and perhaps take a leadership role as program director, and direct his people with an established set of guidelines of what is and is not acceptable.