
APPENDIX
To
CJKR-FM re a morning show parody (Osborne 24) (CBSC Decision 03/04-0393, October 22, 2004)

I. The Complaint

The following complaint dated December 9, 2003 was sent to CRTC and forwarded to the CBSC in due course:

Power 97 fm in Winnipeg

The segment of the morning show that aired at approximately 7:15 in the morning of December 9, 2003 entitled "Winnipeg 24", it's supposed to be a spoof on the TV show "24" I guess. Well, in Winnipeg very recently the body of a young man who had been missing for some time was discovered in the walls of the night club he worked at. What the radio spoof had was one man with a muffled voice crying for help, saying stuff like he was in the wall and running out of air, the other voice answered all of his pleas as though he couldn't quite hear what the man in the wall was saying, and making stupid comments about it. This segment was completely tasteless and senseless, showing a lack of respect for members of the Winnipeg community who lost their family member, friend and colleague in this tragic accident. I really think the radio station owes it to those people to issue a public apology. I have complained to the radio station personally and was not at all satisfied with the response I received. I was told that Power 97 must push the envelope to keep listeners happy. This is so far beyond pushing the envelope I can't even imagine how someone could justify this segment with that statement.

II. Broadcaster Response

The broadcaster responded to the complainant's letter on January 26, 2004, with the following:

The Canadian Broadcast Standards Council ("CBSC") has asked us to respond to your email of December 9, 2003. In your e-mail, you raised concerns regarding comments made during the Wheeler & Hal Morning Show (the "Program") aired on CJKR-FM (the "Station") on December 9, 2003.

As you may know, the Program, like many other contemporary music, news and entertainment radio shows can sometimes be controversial in nature. It attracts listeners, in particular adults in the 18 - 44 category from a wide variety of listener backgrounds including young professionals, blue and white collar workers, looking for entertainment in their drive to work in the morning. The Program uses a blend of sarcasm, humour and information, with a steadily growing audience. In fact, the Bureau of Broadcast Measurement ratings have recently rated the Program as No. 1 for the adult 18 - 44 category.

In particular, your email sets out your concerns regarding a parody of the popular television show "24". The Program parodied this show with a segment entitled "Osborne 24" ("Parody") centering on the recent events in Winnipeg's Osborne Village in which a body was found behind the wall of a bar.

We deeply regret that the comments made in the Parody offended you. We agree that those comments may have been in poor taste. However, be assured that the Program host was not

trying to encourage disrespect for a tragic situation – he was merely making those comments in a humorous context. You will appreciate that humour and taste are extremely subjective elements and relative to the point of view of an individual. The Canadian Association of Broadcasters' Code of Ethics, administered by the CBSC ("Code") clarify that "the broadcaster's programming responsibility does not extend to questions of good taste." The CBSC applies current social norms in its interpretation of the Codes. In previous decisions, the CBSC has acknowledged that a program "will not be everyone's "cup of tea" and it assumes that some members of society would be offended... That is not, however, the criterion by which the program must be judged." In a subsequent decision, the CBSC noted, "it would be unreasonable to expect that the airwaves be pure, antiseptic and flawless. Society is not. Nor are individuals in their dealings with one another... What may constitute the limits of acceptability in each challenged case will need to be appreciated in its context."

The CBSC "believes that it is essential to draw a distinction between a broadcast which is intended to be serious or at least leaves the impression that it intends to be serious and one which clearly does not. It is not that the standard to be applied to the potentially offending statement will be different. It is rather the question of audience perception...the situation is different where the context is clearly comedic. After all, where the audience is given no reason to expect that the substance of the comments made is serious, their attitude could reasonably be expected to be different. A remark which might reasonably be assessed as abusive in a serious context and thus in breach of the Code of Ethics may not be so viewed in the comedic environment...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."

We deeply regret that the Parody offended you for that was not our intent. However, we have taken the time to thoroughly review the tape of the program in an effort to properly respond to your complaints and are of the view that while the language and subject matter of the Parody may have been in poor taste, it did not breach the CBSC Code. We have however, reviewed your concerns internally and have had discussions with our on-air staff about appropriate on-air content and we will continue to exercise greater diligence on such matters so as to demonstrate greater sensitivity to our listeners. Please be assured that we take our responsibilities as a broadcaster seriously. At POWER 97, we work to ensure all our programming complies with the Broadcasting Act, the Radio Regulations and the codes and standards expected of us as a member of the CBSC. Following our internal review of this matter, we are of the opinion that the comments made in the Program were not in breach of the Codes.

We trust the foregoing responds to the concerns you raised in your letter regarding the Program and the parody. At POWER 97, we recognize the importance of listener feedback and appreciate all comments. We thank you for taking the time and initiative to share your concerns with us.