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## APPENDIX

### CBSC Decision 05/06-0538 CJOB-AM re Spin to Win Contest

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#### The Complaint

The CRTC received the following complaint via e-mail on October 17, 2005 and forwarded it to the CBSC in due course:

On September 30, 2005, my wife's name was called for the "spin to win" contest at CJOB AM 680 in Winnipeg. She had 68 seconds to call in and did so in 10 seconds. She won a prize for 2 to "a luxury hotel in Las Vegas" including airfare. We have both attempted to find out the parameters of this prize with respect to possible choice of travel date and choice (or cost to us for upgrade) of hotel. At first we were told we have a choice of 6 weekends and of 4 hotels. Later, we were told that "it was probably the weekend of Dec 1-4, 2005, and maybe the Riviera Hotel". We have both tried to contact the station and the company providing the prize, as we both have to make arrangements to be away from work and we have to make arrangements for 4 days of child care for 3 small children. We were told that "sometimes people can't use prizes they win" and that we could return the prize to the prize pool if we couldn't use it. We have both been very clear with the station that we intend to use this prize. We have asked that they confirm which weekend we will travel, so that we can make plans. Mr. [L.], Promotions Manager, did not return my call today. I feel as if the station participated in a promotion with no apparent prize available. It has been more than 2 and a half weeks since the prize was won and since we both made it clear that we needed to make plans to travel. The station keeps "promising" to "get back to" us the next day or after the next weekend with "confirmation" but they have NOT done so. We are stressed and frustrated and we are writing to inquire if we have the basis for a serious complaint about CJOB. Please look into this and get back to us.

The complainants also submitted two complaints directly to the CBSC via its website complaint form:

Since winning "a trip for two to a luxury hotel in Las Vegas" from CJOB Winnipeg's Morning Show on September 30, my excitement has decomposed into anxiety and discomfort. I tried hard to work with the prize providers, Jet Vacations, to cooperate and figure out the best arrangements for the trip. After too many unreceived and promised phone calls, I spoke last with [K.] from Jet Vacations about 2 weeks ago. I found her rude and impatient. Instead of treating me as a customer, and a potential future customer and referral source, I felt short-changed in courtesy, in service, and in the accommodations offered.

I called CJOB simply to let them know how I was feeling ... I was trying to make sense of how any business (i.e. Jet Vacations or CJOB) would enter into such a promotional agreement without valuing the potential business arising from it! I was contacted later that afternoon by a young man from CJOB, [J.], in charge of the promotion, who informed me that I was making trouble for him, for Jet Vacations, and I should leave everybody alone because I had created difficulties in making arrangements! I found this call rude and upsetting. My husband, at first

VERY excited about the trip, had been very anxious about confirming a date as soon as possible for arrangements to be made to cover his work duties, my work, and childcare. To meet with rudeness seemed unacceptable to us. We are customers in this situation!

My husband responded to my being upset after [J.]'s and [K.]'s calls by leaving a voice message for [J.], and emailing [C. L.], head of CJOB Promotions. To this date, although [J.] has been pleasant in subsequent calls, he did not apologize for upsetting me, and neither he nor [Promotions Director] answered my husband. The complaint went up a level, and we received a curt reply from [the General Manager], basically supporting his staff. Although we tried to let it go, as time went on, we became more and more anxious about resolving a travel date, which now we had to do through CJOB, and we became tired of [J.] either NOT calling, or calling to postpone us again.

Anxiety led to our contacting CRTC, and they replied, referring us to your organization. We decided to wait for further action, to give [J.] and CJOB some time to redeem themselves. Today, Thursday October 20, I was in contact with [J.], who indicated that rather than we coming to the station to pick up the papers he now had ready, he would send them by courier. About 45 minutes later I received a call from the Station Operations Manager at CJOB. She said her name quickly, and I didn't catch it, but by the time she was done, I didn't want to ask! Essentially, she said she had stopped the courier process; she would not allow the papers to be sent to me as they had received notice of our complaint, and "had to resolve that first". I tried to explain what we continued to find frustrating in our dealings with the station, but she made it clear that we were responsible for upsetting all of them. I felt her anger burning in my ear, and the thought came to me that this was our "punishment" for expecting and demanding polite service.

I have no sense of any positive resolution of this for my husband and myself. She did NOT want to listen to me, nor to discuss the matter, nor give a time frame for resolution. When I reported this to my husband, who is away at a conference in Toronto, he was very upset. You have, I trust, received his letter already. My relationship with my husband has even felt the strain of trying to deal with this situation. Well, that is my side. I am sorry I participated in the contest as I have enough stress in my life already. This was supposed to be a wonderful, unexpected pleasure for us. I could have done without the anxiety, the time, and the trouble.

My wife won a contest on this radio station: "a trip for two to a luxury hotel in Las Vegas". Not only has the radio station personnel and executive been rude, critical of US and failed to return phone messages, email messages and to forward complaints upward as requested, but they have now "put everything on hold" AFTER confirming by phone that the trip WOULD take place on Dec 1-4, 2005. I will be happy to forward copies of detailed communications that we have sent to CJOB and their cavalier disregard for our concerns reflected in the few responses we DID receive. We were clear in saying that we would not press our opinion that this trip should allow us SOME choice of travel dates, or allow us to PAY to upgrade the hotel. We were only asking that they confirm the DATES so that I could make arrangements to be away from my hospital job as a psychiatrist and my wife from her research job with the federal government AND we could make child care arrangements for 3 small children.

After 2 and a half weeks of frustration and NO CONFIRMATION, and after being offered a choice of 4 hotels and 6 possible weekends, we were told that it "was probably" Dec 1-4, with ONE hotel choice. When even this was not confirmed despite our pleading, I wrote to the CRTC (discussing my letter with my wife who contributed to the content). They advised me to contact the CBSC, which I was about to do when I heard from my wife that CJOB had now confirmed the dates of Dec 1-4. I contacted the hospital (From TORONTO where I am

attending a conference) and requested the time away on the Friday and Monday of that weekend.

TODAY I LEARNED FROM MY WIFE THAT CJOB CALLED TO SAY THAT THEY ARE "PUTTING EVERYTHING ON HOLD" BECAUSE I WROTE TO THE CRTC AND THEY (CJOB) HAVE TO INVESTIGATE. THE OPERATIONS MANAGER WAS SO RUDE AND CRITICAL THAT MY WIFE DOES NOT EVEN REMEMBER HER NAME. I am going to cancel my request for time away that weekend. It is now clearly too late for me to make arrangements for that weekend.

CJOB and "Jet Vacations" (who I understand offered this "prize" in conjunction with West Jet and who are making the "arrangements" for the trip) have clearly misled us, as listening public, gaining from the advertising and pinache [*sic*] of the "sound bite" (quoted from [C. L.], promotions manager) but with a "prize" that is more fanciful than real. They even "offered" to return the trip to the prize pool "if we could not use it" so that they could give it away AGAIN. Our excitement at my wife's good fortune has turned to bitterness and a deep feeling of having been misled and deceived by the radio station and its advertiser, Jet Vacations. It has led to disruption in our home, our workplaces and our ability to anticipate this trip with any optimism. It is an abuse of the advertising POWER of CJOB and Jet Vacations who clearly have very very little investment in our having a trip. CJOB has ignored our pleas to confirm a date and after confirming it, put it on hold because we complained. THIS IS RIDICULOUS!!!

I am more invested in this complaint proceeding than I am in the "free trip", but I will be happy to pursue the issue of the trip, through the courts if necessary, after this complaint is addressed.

I repeat that I have correspondence to and from CJOB confirming that we have brought their procrastination, rudeness and failure to respond to messages to their attention, without any positive results. THEN they confirmed and "put on hold" the confirmation AFTER I made arrangements at work. If this complaint cannot be dealt with by the CBSC, please let me know as I will be happy to complain to Consumer Affairs about misleading advertising (and then retain a lawyer if necessary).

Thank you for your patience with this angry and clearly rambling letter.

## **Broadcaster's Response**

CJOB responded to the complainants on October 24:

The Canadian Broadcast Standards Council ("CBSC") has asked us to respond to your email of October 17, 2005 where you raised concerns regarding the contest "Spin to Win" during the Morning Show (the "Program") that was aired on CJOB (the "Station") on September 30, 2005.

The contest "Spin to Win" started on September 12<sup>th</sup> on CJOB. Prior to this date, the prize supplier (Jet Vacations) had committed a trip for two to Las Vegas including air fare and accommodation. Due to unsecured flight and hotel information on September 30<sup>th</sup>, the supplier did not have complete information at this time, which is normal at the beginning of the travel season. You were asked on September 30<sup>th</sup> to wait for CJOB promotions staff to get the accurate information. You and your husband chose to contact the supplier directly, as well as several members of CJOB staff, including the General Manager, on many occasions between September 30<sup>th</sup> and October 17<sup>th</sup>.

On October 18<sup>th</sup>, our Promotions Coordinator left a phone message for you, advising of the confirmed trip dates and accommodation details. He asked you to call us back to arrange a time to come in and pick up the package. As of October 20<sup>th</sup>, you had not returned his call. We contacted you again, and then received this complaint from CBSC.

We apologize if the trip information was not available as quickly as you wished. There are often delays in delivering prizes from our suppliers which is beyond our control, but often necessary when we want to provide exciting and attractive prizes to our listening audience. I assure you that at no time did CJOB "participate in a promotion with no apparent prize available".

The prize package is available at CJOB if you wish to come in and claim. Please call me at [###-####] to make arrangements.

### **Additional Correspondence**

The complainants submitted their Ruling Request on October 24, with the following message:

This "response" is SO inadequate and untrue, I am almost beyond words. My wife contacted Jet Vacations after being advised that the details of the "prize" were not yet available, to determine if we had ANY choice with respect to travel dates or accommodation. We were told we did have. Then [J. S.] phoned my wife and angrily blamed her for upsetting everyone and TOLD her not to call Jet Vacations. He did not respond to my voice message about his rudeness to my wife. [The Promotions Director] did NOT forward my letter of complaint to [the General Manager] as I requested. [The General Manager], to whom I subsequently wrote through a secretary at CJOB, confirmed that he had received no complaint from me and asked that I write to him directly. We wrote a VERY detailed letter of complaint and included the letter I had sent to [the Promotions Director] within that letter. We received a weak reply congratulating us for getting the weekend we had wanted and for the matter being completely resolved. I immediately wrote back to dispel his misconception that we had anything CLOSE to the weekend we wanted and that he had not addressed his staff's rudeness or their failure to communicate my concerns to him as I had requested. He did not respond.

I was delighted that the trip was finally confirmed last week. I was informed of this after NOT receiving a response from a detailed email I sent to [the Promotions Director], lacking which I proceeded to write to the CRTC. When the CRTC informed me that they were not the body I should contact, I made arrangements at the hospital and with my colleagues to be away for the "confirmed dates".

Then, CJOB got a copy of my letter to the CRTC and called my wife, speaking angrily to her AS IF we had no right to complain. She was told that "the arrangements were on hold" because of our complaint. My wife felt bullied and even tried to placate the angry caller by placing "blame" for the complaint on me.

Having been told the arrangements were on hold, I told the hospital I would not be away for those dates. I am NOT satisfied with the response from CJOB who have not yet apologized for their inconsideration and rudeness or for their failure to communicate with us. My wife even tried to teach [J. S.] that "promising" to have a confirmation and to call the next day was not a good idea unless he had the ability to follow through.

We feel that CJOB is blaming US for their rudeness and incompetence and they somehow think that we can drop everything to travel, despite our having made clear from the first day that we needed confirmation in time to make arrangements to be away from work and to have someone care for our children. We did NOT pursue their use of the adjective "LUXURY" for the second rate hotel they offered, but we are making an issue of it now. We did not make an issue of being offered choices for when to travel and where to stay, only to have the choices completely removed and being TOLD when we could go and where we could stay. We are making an issue of this now.

We have consistently told CJOB that we intend to accept this prize, and we still intend to accept this prize. However, since it is "on hold" because of our complaint, we are not going to pick anything up from CJOB until after this matter has been addressed by a panel at CBSC. We will then be happy to correspond with CJOB to discuss the details of this prize. Please consider in the panel's decision how much advance notice you think is adequate for us to arrange to travel.

I repeat my offer to supply copies of all correspondence to the panel. In particular, I suggest the panel consider our letter to [the General Manager], his reply and my reply to him. There was no response to my last email to him.

To CJOB, to whom I assume a copy of this correspondence will be sent, I suggest that they consider apologizing for their rudeness and bullying and for not working WITH us to make this a good experience for my wife and I.