
APPENDIX B

CBSC Decision 08/09-1238 CFNY-FM re a "Wha' Happened?" segment on the *Dean Blundell Show*

The Complaint

The following complaint dated February 18, 2009 was sent to the CRTC and forwarded to the CBSC in due course:

Dear Sir/Madam,

I would like to express my extreme outrage and disgust as to a certain radio station with respect to their disappointing commentary and music programming. The suspect station is located in Toronto, ON and goes by the call letters CFNY 102.1 - "The Edge". The morning DJ – a man called Dean Blundell – has a thoroughly disgusting morning show where they degrade and insult pretty well everyone. Their content always seems to have a sexual content, with innuendo to the most disgusting and vile acts. This is an absolute disgrace and must cease immediately. The Canadian public airways [*sic*] are no place to be airing this teenage smut and disgusting concepts of how sexually perverse a person can be; it is an outrage. This show must be terminated with the greatest enforcement as soon as possible.

Now don't get me wrong here, I am not an uptight, morally-bound individual. Moreover, I am a very reasonable person and a strong proponent of "freedoms" including speech, expression, thought, ideologies, etc. However, in this case and many others, CFNY 102.1 and Dean Blundell have crossed a line of moral decency. Please feel free to listen to their shows sometimes. They degrade immigrants, Americans, handicapped people, fat people, anyone who doesn't think like they do and all with a perverted sexual twist. The show insults and degrades the intelligence of anyone listening. The *Dean Blundell Show* must end ASAP. I'm actually surprised they haven't been sued for libel and slander, as they are guilty of these charges on a daily basis.

On a further note, their programming is also pathetic. This is supposed to be an FM station playing an FM format of music content. One would think that an FM format might also include a degree of sophistication and intelligence, but not in this case. Instead, they sound like the worst AM station playing the same set of music *ad nauseam*. I suggest if they want to have a music format like their current one then they lose their FM license and move to an AM frequency. Both the music programming and the *Dean Blundell Show* have to change, as they are NOT living up to their promise of being a responsible radio station under their licensed agreement with the CRTC and Canadian Broadcasting Regulations. Besides that, their BBM ratings reflect in [*sic*] great negativity. Would you please supply me with a copy of the CRTC licence that they are signatory to?

Please do something about this immediately as it reflects strongly on your administration of the Canadian Public Airways [*sic*]. I will assume that you condone this type of disgraceful and despicable behaviour if nothing is done. At which point I will contact my local MP and make this a public matter.

The CBSC wrote back explaining that it requires the date and time of a specific episode in order to proceed with a complaint. The complainant responded with the following on March 2:

Thank you for acknowledging my complaint against the CFNY morning show. You require times and dates for the *Dean Blundell Show*? How about the entire years of 2005\2006\2007\2008 – pick a day, any day – each show is guilty of Clause 3. They do the morning show Monday to Friday. Try anytime from September 2008 onwards for a more recent approach.

It is not the music programming I am concerned about it (I realize very little can be done to affect a poorly-managed radio station); it is the commentary – the idle brain dead banter that drones on and on – it was\is always the same old perverted and disgusting aspects of carnal knowledge. The content of that banter is in direct contravention of Clause 3 and perhaps other clauses. I sincerely believe the *Dean Blundell Show* to be a disgusting, demeaning, and vile radio program that contravenes CBSC broadcast codes, ethics and standards.

Clause 3 – Sex-Role Stereotyping

Recognizing that stereotyping images can and do have a negative effect, 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. Broadcasters shall refer to the *Sex-Role Portrayal Code for Television and Radio Programming* [since March 17, 2008, replaced by the *Equitable Portrayal Code*] for more detailed provisions in this area.

Please let me know what further information is required to pursue a formal complaint.

The CBSC wrote back again explaining that he would have to narrow down his time frame even more because the CBSC could not review the tapes of every episode from a program that airs five days a week over a period of seven months. The CBSC also mentioned that broadcasters are only required to hold tapes of their programming for 28 days following the broadcast. The complainant responded on March 4:

This sounds like a complete stonewall. Of course somebody has to review the tapes. I think I will simply get in touch with my member of Parliament. The CBSC will certainly hear about this and I think your approach is nothing short of pathetic. Thanks for nothing.

The CBSC responded to that e-mail with the following:

The Canadian Broadcast Standards Council (CBSC) has received your correspondence concerning the *Dean Blundell Show*.

I'm afraid we have had a misunderstanding due to the unclear e-mail I sent to you on March 3rd. The CBSC is the Council which deals with complaints about what listeners have heard broadcast by our member stations. Our process works and it is here to serve the public and the stations in order to resolve complaints. But, like any council of this type, we need to follow a neutral process in order that no complaint, complainant or station be given priority over others. We are absolutely a serious organization and I take my work to heart. If I am

explaining our process to you, the complainant, it is so that you can use it. Any tool may do an excellent job, but if you don't know how to use it, how could it work properly?

We (just like the legal system) deal with specific complaints. You may have many complaints, and we can generally accommodate that, as long as you provide the date and time of the broadcasts, and as long as the logger tapes are available. Logger tapes are copies of what went exactly on air, including commercials, advisories, etc. (They are not the same as a copy of the show, which will not have advisories yet, or commercials, and by human error, may not even have gone to air as planned.) By law, broadcasters must keep their tapes for 28 days, after which they can be recycled. In case the broadcaster's response to your complaint doesn't resolve the issue, the CBSC needs to have access to the logger tapes in question in order to review them and decide whether or not these shows breached a code or not. That is why we can only accept complaints about broadcasts which are less than 28 days old.

I hope that this has cleared some of the confusion about our process. If you have any further questions, please do not hesitate to contact me again. I have kept your file on hold while I wait for further information from you.

The complainant replied to that e-mail on March 6:

Understood, [CBSC Communications Coordinator]. If I was aware of the rules and regulations of the CBSC at the time the on-air offences took place, I certainly would have acted on it immediately. I feel very frustrated that there seems to be no recourse for me or any of my fellow Canadians when dealing with these sorts of issues. From what you have explained to me, I am "out of luck", hence my rather terse response to your last e-mail. I sincerely do appreciate that you are trying your best and take your job to heart, but feel "let down" by the system. So far, in spite of you including a reference to not only [the Assistant Program Director] at CFNY and the Parent Company that owns CFNY – namely CorusEnt – there has been absolutely no response from either of their parts. No one wants to be responsible for anything anymore, they just want the \$\$\$.

I still am a firm believer that CBSC current processes and methodology for bringing a complaint to light are pathetic and essentially do not work, at least from my POV and my brief experience with it. That is why I want to involve my MP. Canadian public institutions seem to be failing as a whole these days and it looks like the CBSC is not immune. Many offences have taken place on that show for many years now and I find it hard to believe that I am the only one who has complained about the *Dean Blundell Morning Show* at CFNY. CorusEnt?? Are you there?? Have anything to say about my concerns??

Why are the people at CFNY and CorusEnt not responding? Is it that they feel a response would be an admission of guilt? At this point, if you ever included me in a CBSC feedback status report, I would have to condemn the current approaches to dealing with the complaint process. Why is the CBSC passive and non-pro-active? Why are these outrageously disgusting statements allowed to be aired on the public airways [sic]? Who polices these radio stations for content, quality? Themselves? That would be like asking "the rabbits to guard the lettuce".

In any case, I suppose I will simply by-pass the CBSC and continue this complaint process through my MP and follow it as far as it will go. I am going to take a run at the CBSC as I strongly sense, through my brief experience with it, that [it] is broken and needs a complete overhaul like the rest of our public institutions including all levels of gov't, the CRTC, the CAS, the MCS, the RCMP etc., etc., etc.

Keeping tapes for 28 days is a serious mistake – it is definitely too short a time period. How do you ever audit a radio station? According to GAAP, companies have to keep records for at least 7 years. Why wouldn't a radio station have to comply with that too? All in all, this system is full of holes and is, generally speaking untrustworthy, and unreliable.

As per usual CBSC process, employees at the station and Corus were copied on all of the correspondence. Following receipt of the complainant's March 6 e-mail, CFNY-FM's General Manager wrote to the complainant on March 9:

I would be happy to talk to you more on your comments and concerns. Please feel free to call me at your convenience at my phone number listed below.

The complainant apparently took the General Manager up on his offer and spoke with him on the telephone. The complainant sent a follow-up e-mail to the General Manager on the same day:

[General Manager] – I want to thank you very much for getting back to me and explaining the "situation" from your point-of-view. It's amazing how communications can help to solve problems. My grievances with the CFNY morning show were addressed and your explanation of [the Program Director's] game plan made a lot of sense. I want you to know that you handled my concerns in a professional and diligent manner. I really appreciated our conversation.

I am also very happy to hear that you are in the midst of a "change of course" and looking at addressing some of the current "less than ideal" situations. I hope your efforts make the grade. Thank you and Good Luck.

The complainant then made note of a specific date and time and contacted the CBSC again on March 23:

Hello [CBSC Communications Coordinator] – I now have a date and time for the CBSC to investigate. With respect to the CFNY-FM 102.1 the Dean Blundell morning show. Check the tapes from 8:00-8:15 AM on Friday March 20th. I think you will find this type of content to be a fairly typical occurrence on the Dean Blundell morning show – this type of radio content should be stopped immediately. If you or the CBSC does not agree, then the Dean Blundell morning show, at least, should have a serious warning message to the listening audience as to the nature of the show's content and how it can be offensive, rude, disgusting and shocking to some of the listening audience. The fact that younger people can "tune in" and listen to such smutty filth is truly disgusting.

Thank you [CBSC Communications Coordinator] – it will be interesting to see "if the system actually works".

Broadcaster Response

The station then responded to the complainant's specific concerns about the March 20th episode on April 13:

The Canadian Broadcast Standards Council (the "CBSC") has asked us to respond to your email of March 23, 2009, in which you raised concerns regarding comments made during the

Dean Blundell Show that aired on CFNY-FM on March 20, 2009. Specifically, you state that the content broadcast between 8:00 am and 8:15 am that day should be preceded by a warning to the audience that the show's content may be "rude, offensive, disgusting and shocking" to some of the listening audience. You also mention that young people can tune at this time and hear what you have described as "smutty filth".

Between 8:00 am to 8:15 am on March 20, 2009, two segments [were] broadcast. One of the segments involved an interview with the Punjabi Hockey Night in Canada broadcasters, and the other segment was a segment called "Wha' Happened", a call-in segment during which listeners relay bizarre, personal anecdotes.

We have reviewed the segments, and cannot find anything during the hockey night in Canada interview that fits your description. As far as the "Wha' Happened" segment is concerned, we agree that some people might find the discussions offensive, but we don't believe the segment breached the Canadian Association of Broadcasters' *Code of Ethics* (the "Code"), which is administered by the CBSC and to which we adhere.

The CBSC has stated that a program may contain sexual overtones, but should not be sexually explicit (CJVC-FM re *Local Exotic Dancer Bar Commercial*, CBSC Decision 97/98-0282). Where a program is not explicit and does not contain any suggestion of reality or description of an explicit sexual act, the CBSC has further stated that it would not find a breach of the Code (CFQR-FM re *The Morning Show*, CBSC Decision 01/02 -1137). The CBSC has also found that a program filled with double entendres and suggestive comments was not explicit enough to be in breach of the Code (CFMI-FM re *Brother Jake Morning Show*, CBSC Decision 01/02-1137). While we agree that the comments made during the program were of a sexual nature, we do not believe that the comments were of a sexually explicit nature. The material was presented using euphemisms and innuendoes and it was delivered in a comedic manner.

The CBSC has also said that, where programming is directed at an adult audience, "there is no overriding societal interest in curtailing the broadcaster's right to freedom of expression", and that in those circumstances, crude and vulgar language should be regulated in the same way as other matters of bad taste, i.e. via the on/off or dial button (CIQC-AM re *Galganov in the Morning*, CBSC Decision 97/98-0473).

In view of the foregoing, we do not believe that the program violated the Code. We do regret, however, that you were offended by some of some of our programming. We meet daily with the morning show to discuss content and keep them on-side of the code. We take our responsibilities as broadcasters very seriously, and work hard to make sure all of our programming complies with the *Broadcasting Act*, the *Radio Regulations* and the Code and standards required of us as a member of the CBSC.

We trust that this letter has addressed your concerns. We recognize the importance of listener feedback and appreciate all comments.

Additional Correspondence

The complainant wrote back to the Program Director on April 14:

RE: "While we agree that the comments made during the program were of a sexual nature, we do not believe that the comments were of a sexually explicit nature. The material was presented using euphemisms and innuendoes and it was delivered in a comedic manner."

[CFNY-FM Program Director], you didn't find that bit about the Mexican gynecologist a little sexually grotesque? Sickening? Demeaning? Tossing her salad? There is NO INNUENDO there. I mean, c'mon brother, it's 8 o'clock in the morning for goodness sake and one of the worst radio stations in the country is belting out this filthy crap to the potentially largest listening base in the country. The innuendo and nuance you refer to is about as suggestive as a sledge hammer hitting a push pin. Those statements are as crude as they come and there is absolutely nothing subtle or double entendre about them.

Clause 3 – Sex-Role Stereotyping

Recognizing that stereotyping images can and do have a negative effect, 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. Broadcasters shall refer to the *Sex-Role Portrayal Code for Television and Radio Programming* [since March 17, 2008, replaced by the *Equitable Portrayal Code*] for more detailed provisions in this area.

Please look at the above code of ethics. Do you really think that CFNY exhibited to the best of their ability, a conscious sensitive nature towards airing that piece about the foolish girl and the Mexican gynecologist? Intellectual and emotional equality? Yeah, right. Do you sincerely, really believe what you have written to me? I cannot believe what I am reading from you. It sounds just like a canned response. From a person who is simply in it for the money. So you are saying that everything is fine at CFNY and that your broadcasting falls within the CBSC standards? I highly doubt that and intend on proving a point.

[Program Director], this isn't an isolated incident. As a matter of fact, I'm certain it is an ongoing concern with the Dean Blundell morning show. You mentioned that you take the CBSC ethics seriously and meet every morning to discuss ethics and keeping these guys in line. Does this show worry you at all? Is it the type of show you would allow your adult children to listen to?

RE: "The CBSC has also said that, where programming is directed at an adult audience, 'there is no overriding societal interest in curtailing the broadcaster's right to freedom of expression', and that in those circumstances, crude and vulgar language should be regulated in the same way as other matters of bad taste, i.e. via the on/off or dial button (CIQC-AM re Galganov in the Morning, CBSC Decision 97/98-0473)."

[CBSC Communications Coordinator] – Is this true that the CBSC found nothing wrong with the broadcaster's content?

Directed at an adult audience? Have you ever seen the amount of warnings on TV about adult content? Before the show starts, before the resumption of the show after commercials, the *Dean Blundell Show* should have those warnings before the show starts and before resuming the broadcast from commercials.

So instead of having crude and disgusting morning personalities, you off-load the "disgusting content" onto your listening audience and have them air it? Wow – sheer brilliance.

Thanks [Program Director], but your response is completely unacceptable – this issue is not over.

I am going file a ruling request against the CFNY Dean Blundell morning show. This charade has to cease this type of broadcasting content and cease it immediately. If need be, we'll see this matter in front of the courts. I vehemently oppose your statement "As far as the 'Wha' Happened' segment is concerned, we agree that some people might find the discussions offensive, but we don't believe the segment breached the Canadian Association of Broadcasters' *Code of Ethics* (the 'Code'), which is administered by the CBSC and to which we adhere".

In addition, I now find the CBSC to also be in hot water as per your comment, because if it is true, then the CBSC needs a good old fashioned "shaking-up" too.

The complainant filed his Ruling Request on April 14 with the following note:

- 1) I want to find out how to register a complaint against the CBSC. I cannot believe that the CBSC would condone the CFNY on-air statements about a young foolish girl and a Mexican gynecologist. It was thoroughly disgusting and should never have been allowed on the Canadian public airways [*sic*]. It seriously looks like it is time to have a long hard look at the CBSC.
- 2) Would you please have the CBSC respond to me regarding the letter from CFNY – [Program Director], dated April 13, 2009 to me. I wish to appeal this response as it is totally unacceptable.