
APPENDIX

CBSC Decision 09/10-0333 CFNY-FM re comments made on the *Dean Blundell Show* (Justin Bieber fans)

The Complaint

The CBSC received the following complaint dated October 20, 2009 via the CRTC:

This is my correspondence with CFNY's radio manager from Oct. 20th, 2009. [The Program Director] clearly wants to handle the matter I complained about, privately. However, when an entity like CFNY and Corus Entertainment use the public airways [*sic*] to conduct their business affairs, yet continue to allow such offensive material to be broadcast, they should be held accountable and public scrutiny is a good first step.

The complainant then pasted an exchange he had had with CFNY-FM directly on October 20:

I've never found myself in a position to write a broadcaster to complain before, but today things have changed.... Of the many questionable and off-colour remarks this Dean Blundell makes, today was the limit.... He is an embarrassment to CFNY and Corus entertainment ...

Today around 7:20 he is talking about his Tweets and the response to a dig at J. Timberlake [*sic*, actually Justin Bieber] and JT fans' response... His words, "I told them to save their energy to fend off their fathers later that night" ... (admitting he was referring to 12-13 yr. old girls) or to a 12-[year]-old boy, "he'll be a 'chugger' by the time he is 18", implying that the boy's fate is to [be] a gay prostitute, etc....

I've listened to CFNY dating back to the Live Earl Jive and Beverly Hills era of morning shows and many controversial things that have been said and aired from then until now, but this guy is just plain embarrassing... It reflects poorly on you and the entire organization that he continues to say such things ... enough is enough ...

My request ... an on air apology, one-day suspension without pay (acknowledged by him) and please, please start looking for a replacement ...

I eagerly await your reply...

I appreciate your comments and feedback. I just met with the morning show and discussed the segment that you refer to; I was planning on meeting with them to discuss the content of that break prior to receiving your email. I agree that there were some inappropriate comments made. That's really all I will say about the content of our meeting, other than to say your concerns about the content have been addressed. Those comments in that segment are not a direction in which we want to go with the show. Again, thanks for your feedback.

Broadcaster Response

Once the CBSC got involved, CFNY-FM's Program Director sent a second response on November 20:

The Canadian Broadcast Standards Council (the "CBSC") has asked us to respond to your email of October 20, 2009, in which you raised concerns regarding comments made during the *Dean Blundell Show* that aired on CFNY-FM on the morning of October 20, 2009. Specifically, you state that Dean Blundell's comments of that morning make him "an embarrassment" to CFNY and to Corus Entertainment.

We have listened to the broadcast, and confirm that at 7:20 am that morning, Dean Blundell reported the "tweets" he had been exchanging with fans of singer Justin Bieber. Mr. Blundell, who had criticized Mr. Bieber on the social networking site, Twitter, was, in turn, being criticized by Bieber's fans. In response to the various insulting comments he had received from Bieber fans, most of whom are likely teenagers, Mr. Blundell made an off-colour remark that they should save their "energy for puberty or to fend off [your] dad while you're sleeping". Mr. Blundell commented further that the only male respondent to his "tweets" would likely be a "chugger" by the time he turned 18.

There is no question that this segment was juvenile and we can certainly appreciate that some of our listeners would find it offensive. That said, 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 (*CJYC-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). While we agree that the comments in question may have contained innuendo, they were not of an explicit nature.

Moreover, the CBSC has 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). As noted above, the program is directed at an adult audience, and as such, does not need to be rigorously screened.

All of this being said, we agree with you that this segment was neither compelling nor entertaining. Since receiving your email, we have discussed the segment with the members of the morning show and expressed our view that this type of programming does not reflect well on the station or on its hosts. 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 responded to the broadcaster on November 23:

Thanks for taking the time to address my e-mail. I, however, don't agree with your interpretation of events ...

The comments in question were directed at not adult listeners, but to minors that are clearly part of the CFNY listenership (I am sure your marketing demographics could bare [sic] that out) and as such, is the basis of my complaint.

To allude to the fact and direct comments to a female (13-14 yr minor) listener "she should save her strength to fend off the advances of her father later that night" is not what I consider meeting the obligation of broadcast standards, let alone the community at large. To publicly attack a child in such a fashion reflects poorly on you and your management oversight of the Morning Show. Moreover, by responding to my complaint yet glossing over the fact that these were real comments directed at a real person concerning her impending rape confirms my impression that CFNY refuses to takes its public obligations seriously.

So let's move on to the "Chugger" comment. Again directed at a minor, but a male listener this time. By Mr. Blundell claiming a 13 yr male listener's only fate is [to] "become a Chugger by the time he is 18 yrs old". "Chugger" in this situation was a derogatory term for a male prostitute, again there is an attempt to minimize Mr. Blundell's contemptible behaviour.

I take exception in your claim "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)" ...

What Mr. Blundell did is the definition of breach under the code of ethics. His comments were made towards specific situations and specific real people. In doing so, he and you forfeit the claim his actions did "not contain any suggestion of reality or description of an explicit sexual act". They did exactly that.

Your willingness to prevaricate the comments of Mr. Blundell are both disappointing and regrettable.

I believe this matter needs to see the light of day beyond scope of your office and its interpretation of events.

The complainant also wrote directly to the CBSC on November 23:

I just CC'd you concerning this complaint to CFNY and [its Program Director] ... I don't embrace CFNY's claim that they did nothing wrong and did not breach any ethical standards ... I would like to have this matter reviewed beyond [the Program Director]'s interpretation of events ...