
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL COUNCIL**

CFNY-FM re Humble & Fred (“Danger Boy on a Cross”)

(CBSC Decision 97/98-0644)

Decided February 3, 1999

A. MacKay (Chair), R. Stanbury (Vice-Chair), R. Cohen (*ad hoc*), P. Fockler,*
M. Hogarth and M. Ziniak

* Due to a conflict of interest, Paul Fockler did not participate in the rendering of this decision.

THE FACTS

In the days leading up to Easter 1998, the Humble & Fred show on CFNY-FM (Toronto) presaged and promoted a forthcoming public duct-taping of a CFNY radio personality known as Danger Boy, but often referred to as Danger *Christ* in the context of this stunt, “to a cross”. The “event”, which was to take place on a well-travelled street corner in Toronto on April 9, the day before Good Friday, created immediate controversy. This controversy was used by the hosts to further promote the stunt and to this end, many clips from callers who commented on the offensiveness, or lack thereof, of this stunt were broadcast in the days leading up to the “event”. The stunt was at times referred to as “the Jesus thing” and the “crucifixion” and was touted as “the most authentic re-creation of the events of Holy week”. It was “explained” as follows by the hosts of the Humble and Fred show:

Here is the thing. On Thursday, we were going to put our producer Danger Boy on a couple of sticks, call it a cross for lack of a better word, and we were going to have the Easter Bunny there, collecting money for charity.

The publicized occurrence ultimately turned out to be the duct-taping of Danger Boy to a life-sized cardboard cutout of CFNY-FM afternoon drive time host Allan Cross, “A. Cross” and donations were collected on site and the money raised was given to the Christian Children’s Fund.

The Letter of Complaint

On April 8, a listener wrote to the CBSC stating that:

I am writing this letter to inform you that the radio station CFNY-FM 102.1 is planning to "crucify" a person called "Danger Christ" with "duct tape" in Toronto on April 9, 1998 as a radio stunt.

I find this extremely offensive. They made comments that "maybe we should crucify the "Easter Bunny" also. The DJs (Howard and Fred) are very aware that this time of year is Christianity's most sacred time, and yet they still insist on mocking this event.

This is a defamation of the Christian faith. Because they state over and over "what is the big deal with this?" They are obviously not respecting others right to choose freely. I have chosen the Christian faith and that is my right. Others may choose the Jewish faith, the Muslim faith and that is their right as well. The "cross" to the Christian represents all that our faith stands for. They (Howard and Fred) have insisted over and over that it is "just two sticks" but then under the same breath they call it a "crucifix". This stunt goes against the Canadian Human Rights Act. They are claiming that it is "just a joke". They are obviously trying to increase their morning show at the expense of defaming the Christian faith. Couldn't they think of something else?

What makes it worse is that they choose to play people's comments on the air (at their discretion) and they choose to play comments that favour their position "it is only a joke... what is the big deal?" only adds insult to injury. They are exercising their right to free speech at the expense of others ... their license should be revoked immediately.

With all the problems in this world we don't need some disrespecting DJ's getting off on the power they possess by using a radio station microphone. Why couldn't they use that power for something really good? No, these buffoons choose to use that power to increase their ratings and their pocket books all at the expense of someone else's personal beliefs.

The Broadcaster's Response

The General manager of CFNY-FM replied to the complainant on April 20 in the following terms:

I am writing in response to your letter of April 8, 1998 to the Canadian Broadcast Standards Council (CBSC) objecting to comments made by morning show personnel of CFNY-FM, (the Edge).

We appreciate the time and effort you have taken to listen to our programming and to provide your comments and concerns. Let me assure you that we take our responsibilities as a broadcaster very seriously. At the Edge, we work to ensure all our programming complies with the Broadcasting Act, the Radio Regulations and the standards expected of us as a member of the CBSC.

Your concerns relate to a series of comments made on the Humble and Fred Show regarding their intention to duct-tape one of the regular guests on the show, known as "Danger Boy", to "A Cross" on the day before Good Friday. You have stated that this plan was offensive to Christians and a "defamation of the Christian faith."

Before addressing your specific concerns, I believe it would be useful to provide some detail regarding this comedy sketch. Throughout the week of April 6, 1998, our morning hosts

humble Howard and Fred, discussed their intention to tape Danger Boy to "A Cross", in order to raise money for charity. On April 9th, from 5:00 a.m. to shortly before 7:00 a.m., Humble and Fred advised listeners that Danger Boy was then on location at the corner of Yonge and Dundas Streets awaiting his duct-taping to "A Cross", as promoted in the preceding days. He was accompanied by Chicken Shwarma, another of our on-air personalities, outfitted in an Easter Bunny costume. Dubbed "Easter Shwarma" for the day, he was handing out chocolates to passers-by and accepting donations.

At 7:00 am, Humble Howard went live to the corner location and Danger Boy was then attached to a life sized replica of our afternoon drive time host, Allan Cross - the "A Cross" to which our earlier promotions referred. Humble also kicked off the fund raising with a \$100 donation. These funds were subsequently offered to The Christian Children's Fund.

Throughout the remainder of the Humble and Fred Show, listeners were advised that Danger Boy had been attached to a replica of Allan Cross in an effort to raise money for charity and that he and Easter Shwarma were continuing to accept donations. Humble explained that all references to "A Cross" had been to this life-sized cardboard cutout of Allan Cross. The show continued with a series of live reports from Danger Boy, each accompanied by the explanation that all reference to "A Cross" had been to Allan Cross, as well as Humble and Fred's usual mix of comedy and music. We also broadcast a number of listener calls regarding the skit, both positive and negative.

This sketch was intended to be a humorous play on words. It was not an attempt to elicit contempt for Christians. Indeed, we believe the fact that Danger Boy was not duct-taped to an actual crucifix is evidence of our sensitivity in this regard.

The Edge appeals primarily to young adults between the ages of 18 and 30. We attempt to serve this audience not only with cutting edge new music, but also through humorous, sometimes irreverent, commentary and sketches by our hosts. Duct-taping Danger Boy to a life size photograph of Allan Cross is an example of this kind of programming.

We regret that prior to the actual sketch you found the references to attaching Danger Boy to "A Cross" in bad taste or offensive. We hope that now these comments can be placed in context you will see that they are neither abusive nor discriminatory, but rather humorous. The Edge is committed to being responsive to its listeners and to the CBSC. I hope this letter serves to allay your concerns. Thank you again for taking the time to express your views.

THE DECISION

The CBSC's Ontario Regional Council considered the complaint under the *Code of Ethics* of the Canadian Association of Broadcasters (CAB). The relevant clause of this Code reads as follows:

CAB Code of Ethics, Clause 2 (Human Rights)

Recognizing that every person has a right to full and equal recognition and to enjoy certain fundamental rights and freedoms, broadcasters shall endeavour to ensure, to the best of their ability, that their programming contains no abusive or discriminatory material or comment which is based on matters of race, national or ethnic origin, colour, religion, age, sex, marital status or physical or mental handicap.

The Regional Council members listened to a compilation tape of the segments relating to the “event” in question and reviewed all of the correspondence. The Council considers that the broadcasts in question do not violate the aforementioned clause.

The Content of the Program

The CBSC has faced situations similar to this on several previous occasions. They occasionally involve serious material (as in the case of the film *The Last Temptation of Christ*) but more often comedically intended situations, very often involving the parodying of religious practices or icons, if not religion itself. In almost all cases which have come before the CBSC as the result of a public complaint, the religion in question has been a Christian religion, whether Protestant or Catholic. This may result from the case that Christianity in its broadest sense is the dominant religion in Canada, therefore, the religion best known to the population and the one which would be likeliest to be publicly parodied. Quite simply, the parodying of less representative religions may not reach the lowest familiarity level of a broad enough segment of the population to “work” with the target audience.

It does not in the end matter *why* this is the case since the principles established in the various CBSC decisions on the subject would be as applicable to *any* religious group. What matters ultimately relates to the clash of the right of freedom of speech and the right of broadcast audiences to be free from abusively discriminatory comment on the basis of religion, as well as other grounds enumerated in Clause 2 of the *CAB Code of Ethics*. Religion is not, after all, immune from farce, sarcasm or parody. The issue to determine is whether the barb has become a poison arrow, and whether, in other words, the humoristic device has stepped over the farcical threshold and into the bitter and nasty territory of abusively discriminatory comment. Disrespectful and even apparently harsh words *may* be on the safe side of that threshold despite the sensitivity of the listener of the same religious persuasion or even the listener who is sympathetically inclined. The Council considers that, broadly speaking, gibes and parodies which are directed *ad religionem* are likelier to pass the test than those which are *ad personam* on the basis of religion although, even in the latter case, they must amount to *abusively* discriminatory comment on that account to fail the test.

In an earlier Ontario Regional Council decision, namely, *Comedy Network re Bill Maher Special* (CBSC Decision 97/98-0560, July 28, 1998), which involved irreverent comments about Jesus, the Council held:

When, in fact, the jokes are analyzed one-by-one, they do not, in the view of the Council, even attain a level which could be characterized as disdainful, much less hateful. There is undeniably a level of irreverence but it is light-hearted, not heavy-handed. It is flippant and casual but not disrespectful. ...

In any event, irreverence *vis-à-vis* the Church and clergy is not unacceptable, *provided it does not rise to the level of abusive or discriminatory comment on the basis of religion.*
[Emphasis added.]

In a similar vein, in *CKVR-TV re "Just for Laughs"* (CBSC Decision 94/95-0005, August 23, 1995), the Ontario Regional Council was called upon to deal with a stand-up comedy routine featuring a fictional "Sister Mary Immaculate", played by a comedienne in the role of an Irish nun, who made a number of jokes about religious matters. The Council concluded

While "Sister Mary"'s routine might not have been humorous to the complainant, none of her jokes -- including the reference to homosexuality highlighted by the complainant -- could be construed as abusive or discriminatory to Christians or Catholics.

Similarly, in *CHAN-TV re Last Temptation of Christ* (CBSC Decision 95/96-0011, December 18, 1996), in response to a complaint filed by another member of the clergy, the B.C. Regional Council decided, albeit in the context of a serious motion picture, that "they [do not] find in the film any negative attitude toward either Christians or Christianity itself." Referring again to the CBSC decision in *Comedy Network re Bill Maher Special* (CBSC Decision 97/98-0560, July 28, 1998), the Ontario Regional Council believes that its comments there provide a fair perspective of the CBSC on the issues of blasphemy and excessive statements alleged to be in breach of the human rights provision of the *CAB Code of Ethics*.

Just as the B.C. Regional Council understood that, in that case, "the complainant found the depiction of Christ questioning his faith and succumbing to temptation utterly unacceptable, even hateful", the Ontario Regional Council understands that, in this case, the complainant considers the stand-up comic's remarks irreverent, impious, irreligious, in short, blasphemous. For its purposes, however, the CBSC considers that blasphemy alone would not be sufficient to constitute a violation of the *CAB Code of Ethics*. It would need to be *hateful*, not merely irreverent, comment, *abusively discriminatory*, not merely impious or irreligious. At this point in the 20th century, the CBSC expects that comedians are entitled to question tradition and to tickle formal and possibly outdated values without finding themselves, for that reason alone, exceeding Canadian broadcast standards.

Applying these principles to the matter at hand, the Council believes that the entire concept was irreverent and possibly even in bad taste. If the latter, it is not an issue with which the Council will deal as matters of taste in private broadcasting are generally left by the CBSC to the discretion of the individual either to listen to or turn off. It is only when issues rise beyond mere taste that the Council becomes involved. The principle of freedom of speech would be too compromised by the overlay by the CBSC of, in effect, a micro-managed imposition of its view of mere questions of taste. If the former, the irreverence alone of the planned event could not reasonably be interpreted as anything more nefarious than someone's idea of how to turn humour into a public attention-getter. The Council finds no breach of the Code in this case.

Broadcaster Responsiveness

In addition to assessing the relevance of the Codes to the complaint, the CBSC always assesses the *responsiveness* of the broadcaster to the substance of the complaint. In this case, while the Council considers that the broadcaster's description of the promotion of the "event" was not entirely accurate (references to "crucifixion" and to "a couple of sticks" were omitted from the broadcaster's version of the facts), it is satisfied that the response adequately addressed all of the issues raised by the complainant. Nothing more is required. Consequently, the broadcaster has not breached the Council's standard of responsiveness.

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.