
**CANADIAN BROADCAST STANDARDS COUNCIL
PRAIRIE REGIONAL COUNCIL**

CJKR-FM re a radio contest (Nude Bicycle Riding)

(CBSC Decision 98/99-0476)

Decided November 18, 1999

S. Hall (Chair), D. Braun (Vice-Chair), D. Dobbie, V. Dubois, R. Gallagher and D. Ish

THE FACTS

As the result of "BJ and Hal's Toughest Contest Ever" promotion, on March 10, 1999, CJKR-FM (Winnipeg) promoted the participation of a young Winnipeg woman in a nude bicycle ride from the "centre" of Winnipeg at Portage and Main west to The Bay. A transcript of the banter between the hosts and the "on-the-spot" reporter during the stunt is provided in Appendix A.

The Letter of Complaint

The following letter of complaint and petition of 41 names dated March 15, 1999 was sent to the CRTC's Winnipeg office which forwarded the matter in due course to the CBSC. Since it dealt with two separate contests, the other of which is the subject of the Prairie Regional Council's decision in *CITI-FM re a radio contest (On-air Wedding)* (CBSC Decision 98/99-0477, November 18, 1999), the letter is edited to reflect only the concerns relevant to the matter at hand.

The particulars of [the] contest are as follows;

[...]

- a woman was paid an amount of prize money in exchange for riding, her bicycle naked along a major traffic route early one weekday morning. This contest was held by Power 97 FM.

We, as individuals and as a collective group of West End Christian Community Church, take serious issue with each of these poor excuses to boost ratings.

[...]

As for the second contest, held by the competing radio station, Power 97 FM, it is also one that causes the writers of this letter to express their discontent with how far these stations will go to "gain a listener". In fact, at least one of the writers of this letter has felt particularly offended with the countless derogatory and sexual remarks about women made on Power 97 FM. It is completely tasteless and morally wrong to pay someone to do an embarrassing stunt such as the one performed by this woman. We are tired of women being treated as sexual objects, rather than people of equal value. Power 97 FM continues to perpetuate these negative stereotypical images of women, and it must stop if there is to be any change in the way society perceives both sexes.

We hope that this letter of complaint will be the impetus for the CRTC to contact, investigate and reprimand both of the above stated radio stations. We also hope that you will consider this not one letter of complaint, but many because of the collection of voices behind it. We write for ourselves, and for the hundreds of other Winnipeggers who do not bother to write because they think it will not make a difference. We hope they are wrong.

The Broadcaster's Response

The President and General Manager of CJKR-FM responded to the complainant's letter on April 8, 1999.

POWER 97 did not pay the woman involved in the bike ride on Portage Avenue on Wednesday, March 10th, 1999. As with the eighteen other contestants involved in "BJ and Hal's Toughest Contest Ever" promotion, Ms. M willingly participated for "a chance to win" the Grand Prize of \$10,000. As quoted in *The Winnipeg Sun* on March 11th, Ms. M would, "do it again" given the opportunity.

Regarding POWER 97's programming, it is designed to appeal to a specific lifegroup known as the rock listener. The rock lifegroup tends to enjoy "entertainment with attitude" when it chooses a radio station. To this end, POWER 97 strives to provide its audience with a unique and creative presentation of music, personalities and promotions. While it is difficult to comment on matters of personal taste or tolerance, we believe that POWER 97's programming is relevant and entertaining to its audience.

The complainant was unsatisfied with the CJKR-FM's response and requested, on April 16, that the CBSC refer the matter to the Prairie Regional Council for adjudication. Along with her signed Ruling Request form, the complainant copied the Council on her letter of dissatisfaction to the station's President and General Manager.

Thank you for your response letter, dated April 8, 1999. I also thank you for the clarification regarding the contest: I understand that Ms. M was not paid in order to ride her bicycle naked. I also understand she was a willing participant for a chance to win prize money, as were the other eighteen contestants.

Even though she willingly participated, I do wish to clarify that this contest was conceived and promoted by Power 97. Although we (as I speak on behalf of several complainants) find much of your programming to be of ill taste, this particular stunt is exploitative and degrading. As a member of our society, I, and the other complainants, would like to see you try to uphold some sense of moral dignity.

We understand that Power 97 is trying to "appeal to a specific lifegroup known as the rock listener". We object, however, with your stereotypical definition of who would be interested in the programming you offer. For one, many children and teenagers listen to your station and we believe you have a responsibility to refrain from reinforcing the negative attitudes that are already so prevalent in our society today. We know your programming to be particularly degrading towards women in a sexual nature, and therefore offensive. It is this degradation, as well as the contest with which we take issue.

Additionally, the contest itself breaches Clause 11 of the CAB Code of Ethics: "All station contests and promotions should be conceived and conducted in good taste, and particular care should be taken to ensure that they are not likely to give rise to a public inconvenience or disturbance."

As a collective group, we also take issue with the fact that Power 97 initiated a contest in which a person was essentially "dared" to commit a public offence.

We believe that your radio station conceived an inappropriate contest, and also conducted it in poor taste. We believe that a public apology is in order, as well as a promise to endeavour to uphold the morals of our community and city by refraining from holding contests that are "likely to give rise to a public inconvenience or disturbance".

Lastly, as we are unsatisfied with your response to the written complaint forwarded to you by the CBSC, we wish to inform you that we will be contacting the CBSC for a ruling request. Thank you for your time and consideration on this matter.

THE DECISION

The CBSC's Prairie Regional Council considered the complaint under the Clause 11 of the *CAB Code of Ethics* and Clause 4 of the *Sex-Role Portrayal Code*. Those clauses read as follows:

CAB Code of Ethics, Clause 11

- (a) Broadcasters recognize that whereas station contests and promotions are legitimate and useful methods of attracting audiences, they should be conducted in such a manner that the cost of any such contest or promotion is not excessive, particularly in relation to the station's programming budget.
- (b) All station contests and promotions should be conceived and conducted in good taste, and particular care should be taken to ensure that they are not likely to give rise to a public inconvenience or disturbance.

CAB Sex-role Portrayal Code, Clause 4

Television and radio programming shall refrain from the exploitation of women, men and children. Negative or degrading comments on the role and nature of women, men or children in society shall be avoided. Modes of dress, camera focus on areas of the body and similar modes of portrayal should not be degrading to either sex. The sexualization of children through dress or behaviour is not acceptable.

The Regional Council members listened to a tape of the program and reviewed all of the correspondence. The Council considers that the program in question breaches the cited provisions of both of the Codes mentioned above.

Contests

The CBSC has only considered the Contests clause of the *CAB Code of Ethics* on one occasion prior to today, when the Prairie Regional Council has been called upon to deal with two such matters. It considers it useful to review the previous jurisprudence, which was established by the British Columbia Regional Council. In *CFOX-FM re Larry & Willy Show (Bryan Adams Contest)* (CBSC Decision 97/98-0534, May 20, 1998), the Council dealt with a complaint concerning a contest which promised a prize (excellent tickets to a forthcoming Bryan Adams concert) to the first caller who could give the morning show hosts Bryan Adams' middle name. Although not evident in the beginning, it soon became clear after a few "unlucky" callers (with the correct answer) that the hosts were not in fact looking for the pop star's *real* middle name; rather they were looking for a "spoof" name, made up by them. The complaint came from an aggrieved contestant, the one who first provided the "correct" answer. That being the first review of Clause 11 of the *Code of Ethics*, the Council's decision set out the general framework for considering complaints under that heading. It stated:

While its wording is not as straightforward as it might ideally be, Clause 11 does, in the B.C. Regional Council's view, establish its general purpose in the opening words "whereas station contests and promotions are legitimate and useful methods of attracting audiences". The Council understands those words as a general framework for contests and promotions, and the remaining principles established in paragraphs (a) and (b) as examples of the legitimate methods of conducting such contests and promotions. These include the requirement that: i) "the cost of any such contest or promotion is not excessive"; ii) "all station contests and promotions should be conceived and conducted in good taste"; and iii) "particular care should be taken to ensure that they are not likely to give rise to a public inconvenience or disturbance." In other words, the Council considers that the legitimacy and usefulness of contests must be evaluated by reference to those three issues *among others*. The non-limitative nature of the list is, in the Council's view, reflected in the generality of the words chosen in the enumerated examples.

The B.C. Regional Council was, in that case, called upon to consider an issue (relating to fairness) which is not directly relevant to the matter at hand. On that occasion, the B.C. Regional Council added that the wording of the provision "suggest[s] that a notion of 'fair play' should also be at stake in such contests or promotions." It considered that Larry and Willy's "spoof contest" breached the Code on that count. The Council stated that it had

“little doubt that the application of common societal standards would lead any fair-minded person to conclude that the contest was ... not legitimate to the consumer/listener.”

[T]he Council notes that the hosts' choice in setting up the contest as a joke is *not* the issue. There is certainly no requirement that radio contests be serious. What *is* the issue is that the contest was conceived and conducted in such a way as to be *misleading*. Callers had a legitimate expectation that they would win the prize if they were the first to answer the relatively easy question correctly (as stated by the broadcaster, “It is fairly common knowledge that [Bryan Adams'] middle name is Guy, since he performed under that name for a number of years here in Vancouver in his earlier career.”). In fact, the caller who was first in providing the “correct” answer was not awarded the prize. The Council reiterates that it is not that the hosts sought a “spoof” middle name for Bryan Adams which offends the Code; rather it is that the contest was conceived and conducted *to make it look as if* they would award a prize for a certain answer when in reality they did not intend to do any such thing. Such a contest offends the generally accepted notions of fairness and fair play and therefore cannot be said to be in conformity with the requirements of Clause 11 of the CAB *Code of Ethics*.

The Content of the Program

In *CITI-FM re a radio contest (On-air Wedding)* (CBSC Decision 98/99-0477, November 18, 1999), the decision concerned the appropriateness of a wedding between two *apparent* strangers held on air. As the Prairie Regional Council stated there:

In this case, *at this time*, the Prairie Regional Council considers that public order is not so disturbed or inconvenienced by this contest that it can find a breach of the Code.

The result in *this* case must, however, be different. Not perhaps, as the complainant and co-petitioners might wish, on the grounds of an absence of “moral dignity”, but rather on the grounds of public disturbance or inconvenience. While the Council must reserve its right to evaluate the circumstances of every different factual pattern which might in future present itself, the Prairie Regional Council's principal concern with this contest has to do with *where* it was held. Nor, it should be added, has the Council inquired as to whether or not charges were laid or ought to have been laid. That is not the CBSC's issue here. It is perfectly obvious to the Council that a nude woman (or, the Council assumes, a nude man) cycling down the principal avenue of one of the nation's largest cities could *reasonably* be expected to constitute a distraction for *drivers*. This is precisely what the codifiers must have had in mind when they drafted a provision which stated that

particular care should be taken to ensure that they [contests] are not likely to give rise to a public inconvenience or disturbance.

It does not require great imagination to understand that such a distraction on a major thoroughfare would in fact cause that very public inconvenience or disturbance which was envisaged by the codifiers. It would not, in the circumstances, even be unreasonable to be concerned about the prospect of an accident intervening. Accordingly, the decision to

promote such a contest constitutes, in the view of the Council, a breach of Clause 11(b) of the *CAB Code of Ethics*.

The Sex-Role Portrayal Issue

While the Prairie Regional Council is uncertain of the precise nature of the promotion of “BJ and Hal’s Toughest Contest Ever”, it is prepared to assume, for these purposes, that the offer by the station was for *anyone* who would ride a bicycle in the stated location in the nude and that Leigh M volunteered, although any man might have done so equally. Accordingly, there is not, in a strict sense, any problem in terms of the Code with such an “equal opportunity” contest. The Council has no knowledge of anyone else, perhaps a male contestant, having volunteered for the stunt, thereby forcing the broadcaster to make a choice as to who would ultimately perform the stunt for a chance to win the relatively large sum of money. It is the case that the contestant who actually performed the stunt turned out to be a “saucy”, “hot 18-year-old young lady”, in the words of the hosts BJ and Hal.

While, consequently, the Council can make no finding as to the creation of the *concept itself* of the stunt under the *Sex-Role Portrayal Code*, it has considered how the stunt *unfolded*, as attested by the logger tapes. In the Council’s view, the dialogue between the “on-the-spot reporter” and the in-studio hosts raises some concerns with respect to the “negative or degrading comments on the role or nature of women”. There are a couple of examples in the several minutes of dialogue, beginning with the first exchange:

Host 1: It is 10 to 8, I think we're just about ready to do Leigh M [the cyclist].

Host 2: We sure are.

Host 1: So to speak. [Both laughing] I was ready at 6:00 this morning to do that. [Laughing].

It continues:

Host 1: Now Leigh's going to ... Has Leigh got her clothes off yet?

Chuck: Leigh's got her clothes off. Sweet Jesus!

Host 1: I know, I know. Man I wish I was there, damn it.

...

Chuck: I'm biking right beside her.

Host 1: How does she look?

Chuck: Right now? Hold on, I'm done. [Laughing]

[...]

Chuck: Well, we are approaching a red light so we're going to pull up beside some cars right now.

Host 2: You have her sit straight up on that saddle, buddy, when you stop. [Laughter]

While the examples do not approach the level of those in the *Howard Stern Shows* which were the subject of CBSC decisions in *CHOM-FM and CILQ-FM re the Howard Stern Show* (CBSC Decisions 97/98-0001+ and 0015+, October 17 and 18, 1997) and *CILQ-FM re the Howard Stern Show* (CBSC Decision 97/98-0487, 488, 504 and 535, February 20, 1998), they do reflect a demeaning and degrading attitude toward women. While the CBSC has not rendered a decision against any broadcaster with respect to nudity on television in the case of any of the broadcasts hitherto presented to it, Clause 4 also provides that “camera focus on areas of the body and similar modes of portrayal should not be degrading to either sex.” The Prairie Regional Council understands that the *principle* established in Clause 4 is not meant to be restricted to television; the operative word is “focus”, supported by the addition of the phrase “similar modes of portrayal”. This is clearly a case in which BJ, Hal and Chuck *were* focussing on Leigh M’s state of undress and making comments degrading to her as a woman. The focus of the stunt, which, as the Council has noted above, ought not to have taken place on a public street at all, could simply have been that someone was doing this bicycle ride, naked, at a rather inclement time of year, that people were reacting, that horns were honking, that the police had gotten involved, and so on. There was a story to tell, even one to perhaps have an on-air laugh over with respect to the extent that someone was prepared to go to have a chance to win \$10,000, but the broadcasters did not stop there. They talked about “doing her”, utterly without justification; they focussed on how she looked rather than what she was doing; they wanted her to “sit straight up on that saddle” in order, evidently, to “show her wares”. Consequently, the Council finds the station in breach of Clause 4 of the *Sex-Role Portrayal Code*.

CONTENT OF THE ANNOUNCEMENT OF THE DECISION

CJKR-FM is required to announce this decision forthwith, in the following terms, during prime time and, within the next thirty days, to provide confirmation of the airing of the statement to the CBSC and to the complainant who filed a Ruling Request, on behalf of her and her co-petitioners.

The Canadian Broadcast Standards Council has found that CJKR-FM has breached provisions of the Canadian Association of Broadcasters *Code of Ethics* and the CAB *Sex-Role Portrayal Code*. The Council found that, in CJKR’s contest promoting a nude bicycle ride by a young woman on a main Winnipeg thoroughfare on March 10, the broadcaster gave rise to a public inconvenience or disturbance, contrary to Clause 11 of the *CAB Code of Ethics*. The Council also concluded that various comments made regarding the naked cyclist were demeaning and degrading to women, contrary to Clause 4 of the *CAB Sex-Role Portrayal Code*.

This decision is a public document upon its release by the Canadian Broadcast Standards Council.

Appendix A
CBSC Decision 98/99-0476
CJKR-FM re a radio contest (Nude Bicycle Ride)

The following is a transcript of the broadcast describing a stunt in which a young Winnipeg woman rode a bicycle in the nude in downtown Winnipeg:

Host 1: It is 10 to 8, I think we're just about ready to do Leigh M [the cyclist].
Host 2: We sure are.
Host 1: So to speak. [Both laughing] I was ready at 6:00 this morning to do that. [Laughing]. Well, Leigh M is going to ride a bike naked for a chance at the \$10,000 in BJ and Hal's Toughest Contest Ever. This is a hot 18-year-old young lady and she's saucy and she has no problem doing this for a chance at the 10 Grand at BJ and Hal's Toughest Contest Ever. OK?
Host 2: This morning, huh, Terry L [another contestant] I believe ...
Host 1: Terry L, yes.
Host 2: Agreed to shave all her body hair. We've ..., she's agreed to let us do it, actually. Eyebrows, head, everything, arms, leg, you name it.
Host 1: You name it, there will be nothing left. That's going to happen tomorrow morning.
Host 2: Yes, BJ and Hal have ...
Host 1: Every day, every weekend. I know I can't believe it either what these people are willing to do. Every day, every weekday this month, we throw out a new one at 7:10, a new challenge. If they do it they're in the running for the 10 Grand in BJ and Hal's Toughest Contest Ever. All right, Leigh M will tell you where and how it's all going to happen right after this.
Host 2: 7:51 and we're going to be right back ...

[commercial break]

Host 2: All right, it's 7:53, here with BJ and Hal and as we go ... [horn beeping] [laughing] live out to the main streets of Winnipeg.
Host 1: No luck, Chuck, no luck, Chuck. Where are you?
Chuck: Right now we're at the corner of Portage and Main. Can you guys hear me okay?
Hal and BJ: Oh yeah, yeah, we can hear you.
Host 1: Now Leigh's going to ... Has Leigh got her clothes off yet?
Chuck: Leigh's got her clothes off. Sweet Jesus!
Host 1: I know, I know. Man I wish I was there, damn it.
Chuck: Is that how I say it?
Host 1: Yeah! Now Leigh, is she on the bike yet?
Chuck: Leigh is on the bike and she's just starting to peddle right now.
Host 1: Okay, now where does she got to go. Portage and Main to where?
Chuck: She's going to go from Portage and Main to the Bay.
Host 1: And you're biking alongside of her.
Chuck: I'm biking right beside her.
Host 1: How does she look?
Chuck: Right now? Hold on, I'm done. [Laughing]
Chuck: I'm sorry I can't go any farther. I'm tired, I can't go any farther.
Host 1: They're both on bikes from Woodcock Cycle Works - 157 St. Ann's Road. Thanks to them for helping us out with the bikes. Now are there people turning and... You guys are driving down the median lane.
Chuck: Right now, we're heading down the median lane and cars are wondering what's going on. You can see them. Jaws are dropping, that's literally what's happening.
Host 2: If you're listening to Power 97, you're heading east bound and you're almost downtown at Portage and Main. Blow your horn, we want to hear this stuff. We want to hear the noise out there.
Chuck: Sorry, I can barely hear you guys; the horns are going.

Host 2: There we go. That's what we wanted, Chuck. How's Leigh? Can you put the phone near her.

Chuck: Yeah, one sec. Leigh? Guys want to talk to you. How are you?

Leigh: Hey guys. Hello?

Host 1: Is it cold out there?

Leigh: Oh my God, yeah! [Laughter]

Host 1: Now you've got nothing on.

Leigh: Nothing on. I got shoes on. I got a ball cap and that's about it. Okay, got to go.

Host 1: Okay. Good stuff. Oh man.

Host 2: Hey, is the man around, Chuck?

Chuck: The van is right behind us.

Host 1: No, the man.

Host 2: The man, the police?

Chuck: The man. 5 0 ?

Host 1: Yeah 5 0 .

Chuck: No 5 0.

Host 1: No 5 0.

Chuck: Well, we are approaching a red light so we're going to pull up beside some cars right now.

Host 2: You have her sit straight up on that saddle, buddy, when you stop. [Laughter]

Chuck: Oh, she's waving at the cars. She's a good sport. [Laughter] Hold on, we've got a guy [inaudible]. Giving her the thumbs up. Yeah, we've got lots of thumbs up here and huh, I don't think that's the only thing that's up right now. There a couple of young guys, you can hear some horns going. [Laughing]

Host 2: This is horrid.

Host 1: God love her. Well, if you're just tuning in BJ and Hal's Toughest Contest Ever, Leigh M is ... [there is some screaming and yelling in the background]

Host 1: What's happening Chuck?

Chuck: Right now, we're being surrounded by cars and 5 0 just put their lights on.

Host 1: You're kidding?

Chuck: No, the cops are here.

Host 1: Okay.

Host 2: Out-run'em. Out-run'em.

Chuck: Hold on. Okay, we've got to stop; the cops are here. We've got to pull over right here.

Host 1: Okay, well, let's listen a bit here. Okay, so Leigh M is riding naked on a bike from Portage and Main to the Bay.

Chuck: Right to the van now.

Host 1: Okay, well, whatever the police ask you to do. If they ask you to cover up ...

Police: A sweater. A sweater.

Chuck: Hold on, the cops are approaching us right now.

Host 1: Okay, let's hear them.

Host 2: Let's listen to them.

Chuck: Gosh, she's got it on. Okay, here we go.

Host 2: They're making her cover up.

Chuck: Yeah, they're making her put it on right now.

Host 1: Are they smiling or are they mad?

Chuck: Okay, she's just getting off the bike right now. Yeah, the traffic stopped right now. We'll take these into the van right now.

Host 1: Hey Chuck. Are they, the 5 0, they got a sense of haha or what?

Chuck: Huh, no. Hold on, I'm going to go in the car with them. [Laughter]

Host 1: No luck Chuck, baby.

Chuck: Hold on, we're going to go right now.

Host 1: Yeah, OK.

Chuck: Yeah, we're walking now.

Host 1: Have they got you cuffed, Chuck?

Chuck: What's that?

Host 1: Have they got you cuffed?

Chuck: I'm not cuffed yet, no. Hold on, she's getting in right now. Hold on, I'm gonna have to ...

Host 1: Okay, well, look, people are tuning in right now, so let's just summarize here. Leigh M who agreed to ride naked on a bike for a chance at \$10,000 to BJ and Hal's Toughest Contest Ever just minutes ago, started at Portage and Main. She was heading for the Bay, but the coppers got her. The police have pulled her over and covered her up! We'll update you right after 8:00 o'clock.

Host 2: All right, Chuck, let's us know what's up.

Chuck: How's it going, guys? [Talking to the police]. You're kidding me. I'm on the street right now and they're taking the bike and they're putting it back in the van and the police are hauling her away.

Host 1: No kidding. Well, let's hope they have a sense of humour about this.

Chuck: Oh, you know what, they're taking her to a side street.

Host 1: Okay, buddy, maybe they're going to frisk her out of this.

Host 2: We'll talk to you after 8, Chuck.