
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL COUNCIL**

CIOX-FM re the song entitled "Boyz in the Hood"

(CBSC Decision 99/00-0619)

Decided October 12, 2000

R. Stanbury (Chair), P. Fockler (Vice-Chair), M. Hogarth (*ad hoc*),
S. Whiting and M. Ziniak

THE FACTS

This is the second of two decisions of the Ontario Regional Council of this date which deal with the issue of song lyrics. In the other, *CIGL-FM re a song entitled "The Bad Touch"* (CBSC Decision 99/00-0654, October 12, 2000), the Council has discussed the general issue of broadcaster responsibility for song lyrics in some detail.

In this case, the song entitled "Boyz in the Hood", performed by the band Dynamite Hack, was broadcast on an unspecified date but likely on more than one occasion by CIOX-FM (Ottawa) during the month of May 2000. That portion of the lyrics most relevant to this decision broadcast by CIOX-FM is as follows (the complete transcript of the song as broadcast by the station can be found in Appendix A):

Greeted with a 40 and I start drinking
And from the eight ball my breath starts stinking
Gotta get my girl to rock that body
Before I left I hit the Bacardi
Pulled to the house get her out of the pad
The bitch said something to make me mad
She said something that I couldn't believe
So I grabbed the stupid bitch by her nappy ass weave
Started talking shit wouldn't you know
I reached back like a pimp and I slapped the ho
Then her father stood up and he started to shout
So I threw a right cross and knocked his old ass out

In a letter dated May 29 (which is reproduced in full in Appendix B), initially sent to the CRTC and forwarded to the CBSC in the ordinary course, the complainant deplored the

“violence against women” depicted in the song, as well as “the extreme nature of these lyrics.”

The station’s Manager responded with a letter (reproduced in full in Appendix B), in which he stated, in part, that:

This particular selection is a widely exposed song that is receiving airplay not only on Xfm, but all across North America on radio stations with similar formats.

[...]

From time to time we come across a song that contains specific lyrical reference or subject matter that may not be suitable or compatible with all tastes and interests of our audience. Indeed, that some listeners may find offensive.

This obviously is the case as it applies to your interpretation of the selection in question and the obvious effect it had on you. That’s regretful on our part.

The complainant was unsatisfied with the broadcaster’s response and requested, on June 29, that the CBSC refer the matter to the Ontario Regional Council for adjudication.

THE DECISION

The CBSC’s Ontario Regional Council considered the complaint under the combined effect of all of the codes created by Canada’s private broadcasters. Among these were the Canadian Association of Broadcasters (CAB) *Code of Ethics* and *Sex-Role Portrayal Code*, as well as its *Violence Code*. Among the relevant Code provisions are those cited below, which read in pertinent part as follows:

CAB Code of Ethics, Clause 2

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 which is based on matters of ... sex.

CAB Code of Ethics, Clause 6, Paragraph 3

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of the broadcast publisher.

CAB Code of Ethics, Clause 15

Recognizing that stereotyping images can and do cause negative influences, 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 [...]

CAB Violence Code, Article 7.1 (Violence Against Women)

Broadcasters shall not telecast programming which sanctions, promotes or glamorizes any aspect of violence against women.

The Regional Council members listened to a tape of the song in question and reviewed all of the correspondence. The Council is of the view that the song lyrics in question are in breach of the Code provisions mentioned above.

The Preliminary Issue of the Application of Broadcaster Codes to Songs

Since the other decision of this Council of today's date, namely, *CIGL-FM re a song entitled "The Bad Touch"* (CBSC Decision 99/00-0654, October 12, 2000), deals with this issue at some length, it is unnecessary for any lengthy discussion of the matter here. Suffice it to include the following words of this Council in that decision:

In other words, it is not the intention of the Codes that any material broadcast by one of its programming undertaking members be exempt from consideration thereunder. Whether it is spoken word or set to music, the same rules apply. Music is, after all, no more or less a form of programming than other dramatic, documentary, news or, indeed, advertising material, all of which must conform to the terms of the various Canadian private broadcaster Codes.

It is also appropriate to add that both the music recording industry and Canada's private broadcasters are aware that there are often edited versions of songs, one for direct sale and the other for radio play. They often, therefore, have the choice of which version of a song to play or, in circumstances where they do not, their choice is reduced to whether the song is or is not suitable for airing in terms of the Codes with which they have agreed to comply. As this Council has said in the *Bad Touch* decision,

It should, moreover, be noted that music recording companies, like distributors of motion pictures, generally create more than one version of their respective products. They understand that, in order to facilitate the responsibilities of broadcasters and to render broadcast markets more accessible to their products, they must provide versions that are susceptible of being aired. While broadcasters themselves frequently edit motion pictures, whether for content or to ensure that there are appropriate breaks for commercials, it is obvious that recorded popular songs are not as readily susceptible of broadcaster intervention. The decision for the broadcaster, when there is no edited version of a song, may, therefore, become, in black and white terms, whether to play or not to play. Knowing that, in order to assure air time, recording companies frequently provide a second version which they consider suitable for radio broadcast.

In this case, the Council is unaware whether an edited version of the song was available. That is, however, immaterial. Its decision is made as a function of the song as it was played on the air in the month of May.

Offensive Language

With respect to the issue of offensive language, the CBSC Regional Councils have generally referred to the requirement that broadcasters ensure the “proper [...] presentation of [...] opinion, comment or editorial” when dealing with complaints concerning offensive language. In its first decision regarding the use of vulgar or offensive language on the airwaves, *CFRA-AM re Steve Madely* (CBSC Decision 93/94-0295, November 15, 1994), this Council established the “broad social norms” test, which was described in the following terms:

In its determination of what constitutes “obscene or profane language”, Council considered that current broad social norms must be applied. The Council also had to face the fact that some language which may at another time have been broadly considered obscene or profane had now slipped into common and marginally acceptable usage. Terms formerly considered blasphemous or irreligious are today non-religious and inoffensive to the population as a whole, even if perhaps in poor taste. In general, the Regional Council concluded that there may be words which ought not to be used in the medium but whose use could not be raised to the level of profanity or obscenity.

In *CJOH-TV re “White Men Can’t Jump”* (CBSC Decision 94/95-0060, March 12, 1996), this Council observed that the feature film based on the street life of California was “replete with epithets and very coarse street language.” The Council, in finding no Code breach, made the following comments:

The Council is entirely in agreement with the complainant that the language is coarse, even incessantly so for at least the first half hour of the film. The Council is equally of the view that the language used is that of the streets of California portrayed in the motion picture.

Despite that characterization, in reliance of its earlier *Madely* decision, the Council concluded that the language used fell within socially admissible norms:

[T]he Council considers that the same principles are applicable and that it cannot interfere with the broadcaster’s choice to air the film. The Council also adopts the conclusion of the Ontario Regional Council in the *Madely* decision, namely, “While good taste and judgement might have dictated the non-use of the expression on the public airwaves, it was not a sanctionable use.”

In another decision, *CIQC-AM re Galganov in the Morning* (CBSC Decision 97/98-0473, August 14, 1998), regarding a morning talk-show hosted by well-known political campaigner for the rights of English-language Quebecers, the Quebec Regional Council made the following statements regarding the vulgarity of the host’s language:

When the Council considers the language which has offended the complainant in this case, i.e. words such as “kiss-ass”, “son-of-a bitch”, “puke” and “crap”, it is unable to determine that this language is any worse, although certainly more repetitious, than the words used in the matters considered above. Applying the “broad social norms” test, the Council concludes that no Code has been violated. In coming to this conclusion, the Council has taken into consideration the fact that *Galganov in the Morning* addresses primarily an adult audience.

Had the target audience been more youth-oriented, the Council's conclusion may have been different; however, it remains the case that the majority of listeners to the show in question are adults. In the circumstances, the Council sees no overriding societal interest in curtailing the broadcaster's right to freedom of expression and, therefore, considers that concerns about the crude and vulgar language in *Galganov in the Morning* should be "regulated" in the same way as other matters of taste, i.e. via the on/off or dial button.

In this case, the Council agrees that the song "Boyz in the Hood" is replete with examples of what is often called "street language". While the language used in this case is not dissimilar to the language used in the movie *White Men Can't Jump*, the Council cannot fail to observe that, regrettably for some listeners, the safeguards available to television viewers, such as the classification system, viewer advisories and rating icons, cannot reasonably be present in the context of radio programming.

While, in the *Galganov* decision, the Quebec Regional Council held that the language used by the host was not in breach of the Code but *might have been* had "the target audience been more youth-oriented", in the present case, the Council has no information regarding the time of broadcast which might enable it to evaluate the extent to which the target audience was young enough to push its assessment into another place. While logic would suggest that the audience was younger rather than older, the Council is in no position to assume that it was *problematically* younger. Consequently, it cannot find a Code breach on this basis.

Sanctioning, Promoting and Glamorizing Violence against Women

While it is clear that the prohibition against sanctioning, promoting or glamorizing any aspect of violence against women is found in the Code dealing with violence *on television*, the Council does not assume that Canada's private broadcasters had intended their strong and unequivocal prohibition of such aggressively anti-woman behaviour to extend no further than the television screen. The Council considers that, while the *Violence Code* was created to deal with a series of content issues far likelier to be present in that medium than in the different style of programming in the radio sphere, the broadcasters did not believe that that prohibitory principle ought not to benefit women across the broadcast spectrum. Moreover, the Council understands that the freedom of persons from *abusive* or discriminatory comment based on their gender in the human rights provision of the *Code of Ethics* would include an entitlement to be free from the promotion of physical violence in either medium. Moreover, the recognition of the dangers of "stereotyping images" and the mandating of "conscious sensitivity to the problems related to sex-role stereotyping, by refraining from exploitation" in Clause 15 of the medium-neutral *Code of Ethics* would equally intend to provide such protection from physical abusive language content.

In one television decision in which the violence against women was found to be excessive, namely, *CHCH-TV re the movie Strange Days* (CBSC Decision 98/99-0043 and 0075, February 3, 1999), this Council also stated that

[t]he matter is exacerbated by the requirement of Article 7 to the effect that “Broadcasters shall be particularly sensitive not to perpetuate the link between women in a sexual context and women as victims of violence.”

In the present case, the Council has a similar concern. The juxtaposition of lyrics such as “Gotta get my girl to rock that body” with such violent imagery as “I reached back like a pimp and I slapped the ho” clearly perpetuate the link between women in a sexual context and women as victims of violence. The lyrics portray the woman in question as a “stupid bitch” and a “ho”, whose “talkin’ shit” warranted the violent reaction by her partner. Whether the intention of the song is serious or satirical, the Council finds that the lyrics, in their sanctioning, promotion or glamorizing of violence against women, constitute abusive commentary on the basis of gender and are insensitive to the dangers of stereotyping generally and to the exploitative linking of sexual and violent elements in dealing with women.

The Broadcaster’s Response

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, the Council finds that the broadcaster’s reply was *barely* satisfactory. It appears to place weight on the fact that the song is a widely exposed song which is receiving airplay across North America. The letter did no more than describe the factors considered by the station when determining which selections will be broadcast. It would have been more appropriate for the broadcaster, even in arguing in support of its own position, to deal more thoughtfully with the specific issues raised by the complainant.

CONTENT OF THE ANNOUNCEMENT OF THE DECISION

The station is required to announce this decision forthwith, in the following terms, during peak listening hours and, within the next thirty days, to provide confirmation of the airing of the statement to the CBSC and to the complainant who filed the Ruling Request.

The Canadian Broadcast Standards Council has found that CIOX-FM has breached provisions of the Canadian Association of Broadcasters’ *Code of Ethics* in its broadcast of the song “Boyz in the Hood” in May 2000. By broadcasting that song, which contained abusive lyrics that had the effect of sanctioning, promoting and glamorizing violence against women, CIOX-FM violated the provisions of the *CAB Code of Ethics* which do not permit the airing of exploitative or abusively discriminatory comments on the basis of gender.

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

APPENDIX A
TO CBSC DECISION 99/00-0619
CIOX-FM re a song entitled "Boyz in the Hood"

The following is a transcript of the lyrics for the song in question.

Woke up quick at about noon
Just thought that I had to be in Compton soon
I gotta get drunk before the day begins
Before my mother starts bitchin' about my friends
About to go and damn near went blind
Young nigga's on the path
Throwing up gang signs
I went in the house to get the clip
With my mack-10 on the side of my hip
Bailed outside and I pointed my weapon
Just as I thought the fools kept stepping
Jumped in the fo' hit the juice on my ride
I got front and back and side to side
Then I let the alpine play
I was pumping new shit by NWA
It was gangster gangster at the top of the list
Then I played my own shit it went something like this
Cruising down the street in my '64
Jocking the bitches slappin the ho's
Went to the park to get the scoop
Knuckleheads out there cold shooting some hoops
Car pulls up who can it be
It's a fresh el camino rollin' Kilo-G
Rolls down the window and he started to say
It's all about making that GTA
'Cause the Boyz in the hood are always hard
Come talking that trash and we'll pull your card
Knowing nothing in life but to be legit
Don't quote me boy 'cause I ain't said shit
Bored as hell and I want to get ill
So I go to a place where my homeboys chill
Fellows out there trying to make that dollar
I pulled up in the '64 Impala
Greeted with a 40 and I start drinkin
And from the eight ball my breath starts stinking
Gotta get my girl to rock that body
Before I left I hit the Bacardi
Pulled to the house get her out of the pad
The bitch said something to make me mad
She said something that I couldn't believe
So I grabbed the stupid bitch by her nasty ass weave
Started talking shit wouldn't you know
I reached back like a pimp and I slapped the ho
Then her father stood up and he started to shout
So I threw a right cross and knocked his old ass out
Chorus

APPENDIX B
TO CBSC DECISION 99/00-0619
CIOX-FM re a song entitled "Boyz in the Hood"

I. The Complaint

The following complaint dated May 29, 2000 was sent to the CRTC and forwarded to the CBSC in due course:

The purpose of this letter is to lodge a formal complaint regarding the on-going broadcasting of a song titled "Boyz-In-The-Hood", performed by Dynamite Hack, and aired on Ottawa radio station 101.1 Xfm. Please find below the offensive lyrics in question:

Dumb hoe said something that made me mad
She said something that I couldn't believe
So I grabbed tha stupid bitch by her nappy-ass weave
She started talkin' shit what did ya know
Reached back like a pimp slapped tha hoe

*Lyrics from Dynamite Hack's remake of the Niggaz Wit'
Attitude (N.W.A.)'s song Boyz-In-The-Hood.*

I believe that this song clearly violates the CRTC's regulations that stipulate that a licensee shall not broadcast:

any abusive comment that, when taken in context, tends to or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability.

I have contacted the station by phone and by email stating my objection to this song. However, the Program Director has informed me that after consideration of my concerns and those of others who have also contacted the station, they have decided to maintain "Boyz-N-The-Hood" on the play list.

The Station's Program Director has argued that the lyrics are acceptable because the song is intended to satirize white males who appropriate gansta rap culture (the song was originally written by gansta pioneers Niggaz Wit' Attitude or N.W.A.). However, its satirical nature is not clear from the song but only from the video. Further, the satire is not on point - the message is one of appropriation of culture and the violence against women messaging is not refuted. Lastly, I do not believe that there is a context which can excuse the extreme nature of these lyrics.

I sincerely hope that the CRTC will compel 101.1 Xfm to remove the offensive song "Boyz-N-The-Hood" by Dynamite Hack from their play list. Thank you for your prompt attention to this matter.

II. The Broadcaster's Response

The Manager of CIOX FM responded to the complaint with the following letter, dated June 14th, 2000:

We are in receipt of your letter to the CRTC on May 29 2000. It was forwarded to the Canadian Broadcast Standards Council, of which CIOX FM is a member in good standing. They have asked that we respond to your concerns directly and I'm pleased to do so through this correspondence.

Of particular concern to you and the basis for your letter, is the lyrical content of a musical selection by the group, "Dynamite Hack" entitled, "Boyz in the Hood".

When determining what selections make up the Xfm music list, we rely on several factors including; (but not limited to)

- compatibility and suitability with our audience
- local sales figures
- phone requests & Web Site comments
- the over all cumulative popularity of the record on similarly formatted radio stations across Canada and the United States.

This particular selection is a widely exposed song that is receiving airplay not only on Xfm, but all across North America on radio stations with similar formats.

I supply this information in hope of shedding some light on our thought process when choosing our music. Our experience tells us that once a song meets or surpasses the above criteria, we can generally be confident of the songs' worthiness, although nothing is absolute.

From time to time we come across a song that contains specific lyrical reference or subject matter that may not be suitable or compatible with all tastes and interests of our audience. Indeed, that some listeners may find offensive.

This obviously is the case as it applies to your interpretation of the selection in question and the obvious effect it had on you. That's regretful on our part.

Xfm takes its broadcasting responsibilities seriously and we are committed to providing high quality programming, while trying to attract as many listeners who enjoy this format as possible.

This is a difficult challenge, but one we gladly accept, and do so with a watchful eye & (ear) on all of our content.

Please accept our apologies for any embarrassment or inconvenience caused to you as a result of any programming you may have heard on Xfm. It is never our intention to offend.

If you wish to discuss this issue or any other regarding the programming at Xfm, please feel free to contact me anytime.