

---

**CANADIAN BROADCAST STANDARDS COUNCIL  
BRITISH COLUMBIA REGIONAL PANEL**

CKVX-FM re morning show comments

(CBSC Decision 01/02-0059)

Decided January 23, 2002

S. Warren (Chair), H. Mack (Vice-Chair), R. Cohen (*ad hoc*), G. Leighton, M. Loh

---

## **THE FACTS**

On the morning show of July 30, 2001 on CKVX-FM (Xfm, Vancouver), the announcer reporting sports referred to the success of the Seattle Mariners baseball team by saying that the ball club had “bitch-slapped” their opponents the night before. The complainant wrote directly to the station on the day of the broadcast and only wrote to the CBSC about six weeks later. All of the correspondence, both before and after the CBSC’s initial involvement, is provided, either in part in the text of the decision or in full in the Appendix.

### **The Initial Correspondence**

All of the correspondence under this heading was sent to the broadcaster before the CBSC became involved in this file. The complainant first wrote, in part (the full text of all of the correspondence in this matter is reproduced in the Appendix):

I am a criminal defence lawyer who is often hired by the Crown to prosecute unpleasant cases.

On the morning of Monday, July 30<sup>th</sup>, 2001, I was on my way to Surrey Provincial Court to deal with such a matter, a father who beat up his daughter because she was “disrespectful”.

As I punched the radio buttons in my car, pre-set by my teenaged daughter, I caught the ‘X-FM’ 7:30am sportscast. Apparently the Seattle Mariners had little difficulty with their weekend opponents; as your DJ, as I heard it, said that they “bitch-slapped” them around. I did not catch the name of this really cool DJ who thinks the public airways [*sic*] are fair transport for his unthinking juvenile patter. Perhaps you could explain to him about the CRTC and the Broadcast Standards [...].

The General Manager of the station responded two days later. He said, in part:

CKVX-FM (Xfm) is a member in good standing of the Canadian Broadcast Standards Council, and it is my pleasure to respond to your concerns directly through this correspondence.

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, and admittedly, it's not for everyone.

This is a difficult challenge, but one I 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.

The complainant replied on August 13, saying, in part:

Can you tell me whether I was correct in what I heard? If so, is the phrase an acceptable one for broadcast on your station? If it is not, can you tell me what actions you have taken to ensure it will not be heard again and what actions you have taken to bring home to the announcer who used it that his choice of words was contrary to station policy?

The broadcaster responded to that letter on August 23, in part:

You correctly heard an announcer on Xfm use the term "bitch-slapped" in reference to a baseball score the morning of July 30, 2001. The term is acceptable for use on Xfm, realizing it is accepted within our target audience as a phrase of celebration and/or victory. "Bitch" does not refer to a female in this case, but rather something or someone that may be less significant.

The target audience for Xfm is 18-24 year old men. Within this rock/alternative life-group, terms rejected by the mainstream as profanity, are acceptable and often have unique meanings. It is our intent to attract and retain these listeners. Again, please accept our apology for any embarrassment or inconvenience caused. If you wish to discuss this with me personally, please call the number listed below.

### **Correspondence Subsequent to the CBSC's Involvement in the File**

The foregoing correspondence did not satisfy the complainant's concerns and, on September 16, he spoke to the Executive Director of the CBSC and filed the following complaint:

Please consider this to be a formal complaint about the content of a radio broadcast by station CKVU, 104.9 FM operating as XFM here in B.C., on the 30th of July 2001. I enclose correspondence I have had with the Program Director and General Manager of the station [...]. Although I have only heard the expression once, I do not believe that it is acceptable,

and the replies to my complaint to the station would seem to indicate that it is a phrase which will be used again, if not deemed inappropriate by you.

I have no complaint with the nature of the response by [the General Manager] who replied to me promptly, courteously and candidly. I do have difficulties with the decision that the complained of phrase is acceptable for broadcast, and the philosophy behind the decision. The station and I are not in dispute over what I heard.

The attached letters are self-explanatory. "Bitch-slapped" is the term I heard, in the context of a big Seattle Mariner's baseball team victory.

I understood at the time, the context, and take the position that it denotes a "sound whipping" by a dominant over a lesser in the hierarchy. "Bitch", as a noun, has a common definition of a female dog, but in popular vernacular has taken on the meaning of a malicious, domineering etc. etc. human female. When used in reference to a female, normal usage would have it as a derogatory term. "Bitch" can also mean a complaint, but the context here is clear.

[The General Manager] takes the position that the use of "bitch" on his station refers to "something or someone that may be less significant". The normal usage of "bitch" would broadly be accepted within that definition though he ignores the disparaging aspect.

More disturbing, as I concede that I have heard "bitch" a number of times in many contexts on the public airways [*sic*], is the juxtaposition with the word "slapped".

I don't care who you ask, the term "bitch-slapped", for an English language user, will denote the physical correction of a lesser [female] by a physical dominant [male], in this instance the alpha Seattle Mariners over their lesser opponents.

[The General Manager]'s justification that this is what his target audience accepts, is an abdication of his responsibilities as a Canadian broadcaster. If misogynist males speak this way it may well be because they heard this and other unacceptable phrases on their local radio stations. I can tell you, as the father of an 18 year old daughter, I would not accept such language, nor should [the General Manager].

I don't presume to suggest that the radio station is in a position of loco-parentis, but L.A. gangsterese, or whatever the phrase's origins, should be looked at for what it is; a promotion of the concept of acceptance of physical control, correction, and domination over another, that other being female.

Unfortunately I have to deal with acts of physical assault on a regular basis in my work. Such are common, particularly male against female. I take the position that the term "bitch-slapped", if not promoting may well condone and certainly does not rebuff these acts. Such are not acceptable, nor is language which promotes it.

Now I don't say that because young listeners hear the phrase that they will go out and commit assaults, and further unconditionally accept that rock music contains many phrases which I would not be able to use in court or around my mother's dinner table. But I do believe a certain civility is required, and that this phrase goes beyond that, to the point of denigration. I gather [the General Manager] acknowledges that his female audience, if he wished any, would not find it acceptable.

I have looked at your web page and have not found anything specifically dealing with this sort of language. Your code regarding violence on television has some useful sections to assist

you in your decision. Section 1.1 states “Canadian broadcasters shall not air programming which [...] sanctions, promotes or glamorizes violence” while section 7.1 makes specific reference to violence against women. S. 7.2 says, in part, that women are not to be depicted as victims of violence. I of course say that surely the same standards apply to radio broadcasts, and that the complained of phrase, though in the context used not directed against women, does by its common meaning glamorizes violence against women and depicts them as victims of violence, condoned violence as correction and discipline.

Initially I believed the D.J. who uttered the phrase should be sanctioned. As the phrase apparently is acceptable on his station, I no longer pursue that route. Nor do I believe [the General Manager] should necessarily be disciplined. I do ask that the Council, with perhaps more insight and a broader view of what is acceptable on public airways [*sic*], make it clear to XFM, and others of like mind, that promotion of their products should not be to the lowest common denominators, and that this phrase, and others like it, shall not be heard again.

The General Manager essentially replied by recapturing his previous remarks. On October 11, he wrote, in part:

As outlined in my initial reply dated August 1, 2001, Xfm is a member in good standing of the C.B.S.C., and accepts the responsibility of this membership seriously. I sincerely appreciate your input, and share your concern as a parent of teenaged children.

Xfm actively pursues an extremely narrow market segment comprised of young men aged 18 - 24. While it is never our intent to offend, there can be a perception that we are insensitive, to those outside the target. Again, I offer apologies, and am available at your convenience should you wish to discuss this further.

Since the 28-day period during which the broadcaster is required to retain logger tapes had elapsed by the time that the complaint was first sent to the CBSC, it was to be expected that the broadcaster had by then recycled the logger tape of the broadcast of July 30. While this was in fact the case, the Panel considers that the agreement of the broadcaster and the complainant to the effect that the term “bitch-slapped” was in fact used sufficiently joins the issue, thereby rendering the present matter susceptible of adjudication.

## THE DECISION

The B.C. Regional Panel considered the words admittedly used on the morning show of July 30, 2001 under the following provisions of the Canadian Association of Broadcasters (CAB) *Violence Code* and *Code of Ethics*.

### *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 race, national or ethnic origin, colour, religion, age, sex, marital status or physical or mental handicap.

### *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 Panel reviewed all of the correspondence. It is of the view that the term “bitch-slapped” as used in the context of the sports report constitutes a breach of the foregoing provisions of the *CAB Violence Code* and *Code of Ethics*.

## **Advocating Violence against Women on Radio**

The question of advocating violence against women *on radio* was first dealt with by the Ontario Regional Panel in *CILQ-FM re the Howard Stern Show* (CBSC Decision 97/98-0487, 488, 504 and 535, February 20, 1998). That Panel expressed its concern with such aggressive language as the following:

The declarations of the host and others on the Stern Show regarding women go further. Whether in apparent jest or otherwise, the use of language such as “chop her head off”, sharks eating half of a woman and the like lead readily to the conclusion that aggressive non-consensual sex may be acceptable.

It referred to the landmark Supreme Court decision in *Butler v. R.*, [1992] 1 S.C.R. 452, in which the Court stated that

if true equality between male and female persons is to be achieved, we cannot ignore the threat to equality resulting from exposure to audiences of certain types of violent and degrading material. Materials portraying women as a class as objects for sexual exploitation and abuse have a negative impact on “the individual's sense of self-worth and acceptance”.

It also referred to CRTC Public Notice *Concerning a Complaint against CKVU Television, Vancouver, British Columbia, by Media Watch* (P.N. CRTC 1983-187), in which a television editorialist delivered a commentary, which included the following:

If there is ever another conventional war, it's my hope that Media Watch and its army of snoops will be found in the front line where they can be raped by the Russians.

In that matter, which was decided long before the CBSC existed, but after the adoption by the broadcasters of the *CAB Code of Ethics*, the CRTC referred to Clause 2 of that Code. The Commission concluded, among other things, that

broadcasters fall short of discharging their responsibilities and of attaining the high standard of programming required when the frequency entrusted to them is used, not to criticize the activities of a particular group but to advocate sexual violence against its members. The broadcasting industry itself has recognized that principle by inserting in its Code of Ethics the clause respecting human rights referred to above.

[...]

[T]he right of freedom of expression on the public airwaves cannot supersede the public's right to receive programming of high standard, free of demeaning comments or incitement to violence toward any identifiable group.

The Ontario Panel concluded that the broadcast of the Stern comments was in breach of Clause 2 of the Code but it did not consider it necessary to refer to the *CAB Violence Code* on that occasion. In its more recent decision in *CIOX-FM re the song entitled "Boyz in the Hood"* (CBSC Decision 99/00-0619, October 12, 2000), it did, however, examine the issue of the applicability of the violence against women principles of the television *Violence Code* to radio. It said:

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.

While the expression "bitch-slap" may have more than one meaning, the B.C. Panel understands its use here to have been that identified by both the complainant and the broadcaster in its replies; in that usage, the Panel finds a remarkable resemblance to the wording that was the subject of the CIOX decision, namely, "I reached back like a pimp and I slapped the ho." While not extreme, the violent domination which is of the essence of the term is unacceptable on the public airwaves. There is in its use an assumption that this is an appropriate way to express a significant victory by one team over another. While verbs like smear, whip, stun, beat, pound, even massacre, as well as others, indicate substantial dominance in sports events, *none* of these has a sexist connotation. The Panel finds it curious and particularly unacceptable that the verb "slap" would not likely even find its way

onto the foregoing list of victorious verbs *except* in the circumstances in which it is attached to a feminine noun. There are many many ways to express sports dominance which are not attached to gender or other forms of submissiveness. There is a broad enough choice that no broadcaster can reasonably view itself as unduly limited by reason of the application of the industry's own restriction on the airing of expressions of violence against women. The use of "bitch-slap" is not an option in such circumstances. The Panel finds it in breach of the human rights, sex-role portrayal, violence against women and proper presentation of comment provisions cited above.

### **Broadcaster Responsiveness**

The CBSC considers, as a part of every decision, whether the broadcaster has complied with its obligation to respond appropriately to the complainant's concerns. That dialogue is not only a part of every broadcaster's CBSC membership obligations, it also represents the public's sense of security in the process of self-regulation. While broadcasters are always involved with the reaction of their audiences to what they put on air, this dialogue with a listener (or viewer) is the manifestation to the complainant of that involvement. Generally speaking, this reaction comes in the form of a single letter. In the matter at hand, CKVX-FM's General Manager wrote two significant letters to the complainant even before the CBSC became involved and another thereafter. The Panel particularly commends CKVX-FM for its commitment to the process and the concerns of the complainant.

### **ANNOUNCEMENT OF THE DECISION**

CKVX-FM is required to: 1) announce this decision, in the following terms, once during peak listening hours within three days following the release of this decision and once more within seven days following the release of this decision in the time period in which the morning show is broadcast; 2) within fourteen days following the broadcast of the announcements, to provide written confirmation of the airing of the announcements to the complainant who filed the Ruling Request; and 3) to provide the CBSC with that written confirmation and with air check copies of the broadcasts of the two announcements which must be made by CKVX-FM.

The Canadian Broadcast Standards Council has found that CKVX-FM has breached the Canadian Association of Broadcasters *Code of Ethics* and the *Violence Code* during the broadcast of the morning show on July 30, 2001. By using a term with connotations of violence against women in the reporting of sports scores, Xfm violated various provisions of the *CAB Code of Ethics* as well as the spirit of the principle included in Article 7 of the *CAB Violence Code*.

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



---

## APPENDIX

### CBSC File 01/02-0059 CKVX-FM re morning show comments

---

#### I. The Complaint (prior to CBSC involvement)

Before contacting the CBSC, the complainant wrote a letter to the broadcaster in question. Once he filed his complaint with the CBSC, he forwarded copies of his correspondence with the broadcaster to the CBSC. That correspondence was as follows:

The complainant's faxed letter to the broadcaster dated July 30, 2001:

I am a criminal defence lawyer who is often hired by the Crown to prosecute unpleasant cases.

On the morning of Monday, July 30<sup>th</sup>, 2001, I was on my way to Surrey Provincial Court to deal with such a matter, a father who beat up his daughter because she was "disrespectful".

As I punched the radio buttons in my car, pre-set by my teenaged daughter, I caught the 'X-FM' 7:30am sportscast. Apparently the Seattle Mariners had little difficulty with their weekend opponents; as your DJ, as I heard it, said that they "bitch-slapped" them around.

I did not catch the name of this really cool DJ who thinks the public airways [sic] are fair transport for his unthinking juvenile patter. Perhaps you could explain to him about the CRTC and the Broadcast Standards and then see if he understands the really cool phrase "puckered asshole".

I will be interested in receiving your response prior to the end of this week.

By the way, did I mention the victim on the case I was on is thirteen? I wonder was she listening to your station?

The General Manager of CKVX-FM (104.9 Xfm) responded on August 1, 2001:

We are in receipt of your fax dated August 1, 2001. Of particular concern, and the basis for your letter, was a comment made on Xfm at 7:30 a.m. July 30, 2001.

CKVX FM (Xfm) is a member in good standing of the Canadian Broadcast Standards Council, and it is my pleasure to respond to your concerns directly through this correspondence.

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, and admittedly, it's not for everyone.

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

## Παγε 2

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.

The complainant then responded to the General Manager's letter via fax dated August 13, 2001:

Thank you for your letter of August 1 concerning my complaint. However, very little was said in it.

Can you tell me whether I was correct in what I heard? If so, is the phrase an acceptable one for broadcast on your station? If it is not, can you tell me what actions you have taken to ensure it will not be heard again and what actions you have taken to bring home to the announcer who used it that his choice of words was contrary to station policy?

The General Manager responded to that letter on August 23, 2001 with the following:

In response to your follow-up letter dated August 13, 2001, I am pleased to offer the following clarification.

You correctly heard an announcer on Xfm use the term "bitch slapped" in reference to a baseball score the morning of July 30, 2001. The term is acceptable for use on Xfm, realizing it is accepted within our target audience as a phrase of celebration and/or victory. "Bitch" does not refer to a female in this case, but rather something or someone that may be less significant.

The target audience for Xfm is 18-24 year old men. Within this rock/alternative life-group, terms rejected by the mainstream as profanity, are acceptable and often have unique meanings. It is our intent to attract and retain these listeners. Again, please accept our apology for any embarrassment or inconvenience caused. If you wish to discuss this with me personally, please call the number listed below.

## II. The Complaint to the CBSC

On September 16, the complainant filed the following complaint with the CBSC:

Please consider this to be a formal complaint about the content of a radio broadcast by station CKVU, 104.9 FM operating as XFM here in B.C., on the 30th of July 2001. I enclose correspondence I have had with the Program Director and General Manager of the station [Mr. G]. Although I have only heard the expression once, I do not believe that it is acceptable, and the replies to my complaint to the station would seem to indicate that it is a phrase which will be used again, if not deemed inappropriate by you.

I have no complaint with the nature of the response by [the General Manager] who replied to me promptly, courteously and candidly. I do have difficulties with the decision that the complained of phrase is acceptable for broadcast, and the philosophy behind the decision. The station and I are not in dispute over what I heard.

### Παγε 3

The attached letters are self-explanatory. “Bitch slapped” is the term I heard, in the context of a big Seattle Mariner’s baseball team victory.

I understood at the time, the context, and take the position that it denotes a “sound whipping” by a dominant over a lesser in the hierarchy. “Bitch”, as a noun, has a common definition of a female dog, but in popular vernacular has taken on the meaning of a malicious, domineering etc. etc. human female. When used in reference to a female, normal usage would have it as a derogatory term. “Bitch” can also mean a complaint, but the context here is clear.

[The General Manager] takes the position that the use of “bitch” on his station refers to “something or someone that may be less significant”. The normal usage of “bitch” would broadly be accepted within that definition though he ignores the disparaging aspect.

More disturbing, as I concede that I have heard “bitch” a number of times in many contexts on the public airways [*sic*], is the juxtaposition with the word “slapped”.

I don’t care who you ask, the term “bitch slapped”, for an English language user, will denote the physical correction of a lesser [female] by a physical dominant [male], in this instance the alpha Seattle Mariners over their lesser opponents.

[The General Manager]’s justification that this is what his target audience accepts, is an abdication of his responsibilities as a Canadian broadcaster. If misogynist males speak this way it may well be because they heard this and other unacceptable phrases on their local radio stations. I can tell you, as the father of an 18 year old daughter, I would not accept such language, nor should [the General Manager].

I don’t presume to suggest that the radio station is in a position of loco-parentis, but L.A. gangsterese, or whatever the phrase’s origins, should be looked at for what it is; a promotion of the concept of acceptance of physical control, correction, and domination over another, that other being female.

Unfortunately I have to deal with acts of physical assault on a regular basis in my work. Such are common, particularly male against female. I take the position that the term “bitch slapped”, if not promoting may well condone and certainly does not rebuff these acts. Such are not acceptable, nor is language which promotes it.

Now I don’t say that because young listeners hear the phrase that they will go out and commit assaults, and further unconditionally accept that rock music contains many phrases which I would not be able to use in court or around my mother’s dinner table. But I do believe a certain civility is required, and that this phrase goes beyond that, to the point of denigration. I gather [the General Manager] acknowledges that his female audience, if he wished any, would not find it acceptable.

I have looked at your web page and have not found anything specifically dealing with this sort of language. Your code regarding violence on television has some useful sections to assist you in your decision. Section 1.1 states “Canadian broadcasters shall not air programming which .... sanctions, promotes or glamorizes violence” while section 7.1 makes specific reference to violence against women. S. 7.2 says, in part, that women are not to be depicted as victims of violence. I of course say that surely the same standards apply to radio broadcasts, and that the complained of phrase, though in the context used not directed against women, does by its common meaning glamorizes violence against women and depicts them as victims of violence, condoned violence as correction and discipline.

## Παγε 4

Initially I believed the D.J. who uttered the phrase should be sanctioned. As the phrase apparently is acceptable on his station, I no longer pursue that route. Nor do I believe [the General Manager] should necessarily be disciplined. I do ask that the Council, with perhaps more insight and a broader view of what is acceptable on public airways, make it clear to XFM, and others of like mind, that promotion of their products should not be to the lowest common denominators, and that this phrase, and others like it, shall not be heard again.

Thank you for your consideration. I am available for further submissions should require the same.

### **III. Broadcaster Response**

The General Manager replied to that particular letter on October 11 with the following:

In response to your letter to the Canadian Broadcast Standards Council dated September 16, 2001, I am pleased to provide you with the following response.

As outlined in my initial reply dated August 1, 2001, Xfm is a member in good standing of the C.B.S.C., and accepts the responsibility of this membership seriously. I sincerely appreciate your input, and share your concern as a parent of teenaged children.

Xfm actively pursues an extremely narrow market segment comprised of young men aged 18 - 24. While it is never our intent to offend, there can be a perception that we are insensitive, to those outside the target. Again, I offer apologies, and am available at your convenience should you wish to discuss this further.