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

CFMI-FM re Satirical Sketch

(CBSC Decision 01/02-1062)

Decided January 14, 2003

S. Warren (Chair), H. Mack (Vice-Chair), R. Cohen (*ad hoc*), G. Leighton,
D. Millette and J. Rysavy

THE FACTS

At approximately 7:21 am on June 12, 2002 CFMI-FM (Rock 101, Vancouver) broadcast a syndicated humorous audio segment during the *Brother Jake Morning Show* in which phrases uttered by United States President George W. Bush had been edited together to create a fictional announcement. The segment went as follows:

Fictional DJ: On the Wacky 105, thank you so much for that request. We've got another hot one coming up, but let's go to the newsroom now where President George Bush has an announcement.

Bush: On my orders, the United States military has begun strikes against our staunch friend, Great Britain, Australia, Germany and Canada, more than forty countries in the Middle East, Africa, Europe and across Asia. This military action is a part of our campaign against diplomacy, intelligence, freedom. I'm speaking to you today from the White House, a place where American presidents have become outlaws and murderers themselves. The United States of America sponsors the outlaws and killers of innocence and we are the friends of those who aid terrorists. More than two weeks ago, I gave Taliban leaders a series of new recruits, caves, hiding places and evil plans. To all the men and women in our military so far from home, I gave a fourth grade girl. And now every sailor, every soldier, every marine will come. The battle is now joined on many fronts. Peace and freedom will fail. May God continue to bless terrorists. I recently received a touching from my dad in the Treaty Room at the White House.

This is a precious gift, what America is all about. Thank you.

Fictional DJ: Let's keep up the fight. With Herman's Hermits. On the Wacky 105.

On June 28, the complainant sent the following communication to the CRTC, which forwarded it to the CBSC in due course. Regarding the comment relating to fourth grade girls, he said, "I really couldn't believe what I was hearing." (The full text of his e-mail and all other correspondence can be found in the Appendix.)

The Program Director of CFMI-FM replied on July 29. He wrote a lengthy letter, in which he explained the nature of the station's target audience and its understanding of previous CBSC decisions dealing with comedic intention and questions of taste. The letter also included the following paragraph relating to the morning show segment at issue:

In particular, your letter sets out your concerns with a pre-produced skit regarding President Bush that was aired on the Program. This was a skit that appeared on US broadcast mediums [*sic*] and was rebroadcast on ROCK 101. It was a satirical look at the US government and a poor imitation of President Bush. The intention of the skit was to portray President Bush as a supporter of terrorism and to make him sound a tide foolish through his remarks about the military overseas. Please be assured that in airing this pre-produced skit, we did not intent to offend our listeners.

Not satisfied by that response, the complainant returned his signed Ruling Request form on July 31.

THE DECISION

The British Columbia Regional Panel considered the complaint under the following provision of the Canadian Association of Broadcasters (CAB) *Sex-Role Portrayal Code*:

CAB Sex-Role Portrayal Code, Article 4 (Exploitation):

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 BC Regional Panel Adjudicators listened to a tape of the Morning Show segment in question and reviewed all of the correspondence. The Panel considers that the broadcast is in breach of the foregoing clause.

The Sexualization of Children

There have been only two previous Panel decisions in which this issue has been considered. In one case, the programming was problematic. In the other, it was not. In *CILQ-FM re The Howard Stern Show* (CBSC Decision 97/98-0487+, February 20, 1998), the Ontario Regional Panel had to consider comments made by Howard Stern regarding children's participation in sexual activities. The host "jokingly" stated that, at a party, he had "tried to get it on with [two sleeping children], but [...] they couldn't be woken up." Also, in response to information that there was a high rate of syphilis among babies in New York, he suggested that the babies were "getting it on" and said that there's "nothing better than a good baby". The Panel found these comments completely unacceptable:

The Regional Council has not previously been called upon to assess the content of talk radio programming of a more serious nature than that involving the participation, real or imagined, of children in sexual acts. However permissive the view of society may be toward consensual sex among adults, there is *no* tolerance in civilized societies for child pornography in any form. As the Supreme Court put this point in defining the three categories of pornography in *Butler v. R.*, it explained that that "explicit sex that is not violent and neither degrading nor dehumanizing is generally tolerated in our society and will not qualify as the undue exploitation of sex *unless it employs children in its production*. [Emphasis added.]" In this area, the station has itself acknowledged "that extra vigilance is required where children and sexuality are linked, even if in jest."

In the other decision, *Showcase Television re the movie Kids* (CBSC Decision 97/98-1151, February 3, 1999), the National Specialty Services Panel determined that a movie depicting adolescent sexuality was not in breach of Clause 4 of the *CAB Sex-Role Portrayal Code* because, in its view, the restriction on the sexualization of children was not meant to "prohibit *all* programming dealing *in any way* with child sexuality." It must also be recognized that *Kids* was a film about teenagers rather than children (defined by the *Violence Code* as being under 12) and that the seriousness of the film was underscored by the small panel discussion both before and after the broadcast of the film itself.

The matter at hand is far more similar to the *Stern* decision than it is to the *Kids* decision. Rather than treating a serious dramatic theme, the Bush satire is a comedic attempt to deal with a subject that is unrelated to children and does not inherently require *any* reference to children to be complete. The references to children in both cases were someone's concept that sexualizing children is or can be humorous. The BC Regional Panel does not take that position. It considers that neither explicit nor suggestive references to the sexualization of children (under 12) in the flippant, offhand way evident in this satirical broadcast are acceptable. There is neither reason nor excuse for the inclusion of that reference in the Bush satire. It should have been excised; alternatively the item ought not to have been broadcast. Its broadcast constitutes a breach of Article 4 of the *CAB Sex-Role Portrayal Code*.

Broadcaster Responsiveness

Since one of the responsibilities of membership in the CBSC is to “co-operate fully with complainants by responding quickly and effectively to their concerns,” CBSC Panels always take the time, in the course of their deliberations, to review the broadcaster’s responsiveness to the complainant. Compliance with this undertaking is a matter required in all files under consideration by the CBSC’s Panels. The lengthy letter of the Program Director of CFMI-FM achieved that goal. Nothing more is required in this instance.

ANNOUNCEMENT OF THE DECISION

CFMI-FM is required to: 1) announce this decision, in the following terms, once during prime time 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 was 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) at that time, 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 CFMI-FM.

The Canadian Broadcast Standards Council has found that CFMI-FM breached a provision of the Canadian Association of Broadcasters’ *Sex-Role Portrayal Code* in its broadcast of a syndicated satirical piece on June 12, 2002. By including in that humorous item a reference to fourth grade girls in a sexual context, the broadcaster breached Article 4 of the *Sex-Role Portrayal Code*, which prohibits the sexualization of children.

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

APPENDIX

CBSC File 01/02-1062 CFMI-FM re Satirical Sketch

The Complaint

The following complaint dated June 28, 2002 was sent to the CRTC and forwarded to the CBSC in due course:

The purpose of this fax is to comment on something I heard on Rock 101 on Wednesday June 12 between the hours of 7:30 and 8:00 a.m. The program blended statements of President Bush to make a joke about the recent events of Afghanistan. At one point, the gist of the text went something like this with President Bush's words: "We will send 4th grade girls to them to make sure our troops come". I really couldn't believe what I was hearing. I may have misinterpreted the text but I would like someone else to listen to it and get their thoughts. Thanks.

Broadcaster Response

The broadcaster responded to the complainant's letter on July 29 with the following:

The Canadian Broadcast Standards Council ("CBSC") has asked us to respond to your letter of June 28, 2002 to the CRTC. In your letter, you raised concerns regarding comments made on the Brother Jake Morning Show (the "Program") that was aired on ROCK 101 CFMI-FM ("ROCK 101") on June 12, 2002.

As you know, the Program, like many other contemporary music, news and entertainment radio shows can sometimes be controversial in nature. It attracts listeners, in particular adults in the 25 - 54 category from a wide variety of listener backgrounds including young professionals, blue and white collar workers, looking for excitement in their drive to work in the morning. The Program uses a blend of sarcasm, humour and information and has been doing so for the past several years, with a steadily growing audience. In fact, for the past three years, BBM ratings have consistently rated the Brother Jake Show as No.1 for the adult 25 - 54 category.

In particular, your letter sets out your concerns with a pre-produced skit regarding President Bush that was aired on the Program. This was a skit that appeared on US broadcast mediums [*sic*] and was rebroadcast on ROCK 101. It was a satirical look at the US government and a poor imitation of President Bush. The intention of the skit was to portray President Bush as a supporter of terrorism and to make him sound a tide foolish through his remarks about the military overseas. Please be assured that in airing this pre-produced skit, we did not intent to offend our listeners.

We are sorry that the Program offended you or that you found the Program to be in poor taste. You will appreciate that taste is a very subjective matter. The Canadian Association

of Broadcasters' codes (the "Codes"), administered by the CBSC clarify that "the broadcaster's programming responsibility does not extend to questions of good taste"¹. In previous decisions, the CBSC has acknowledged that a program "will not be everyone's 'cup of tea' and it assumes that some members of society would be offended... *That* is not, however, the criterion by which the program must be judged."²

In addition, the CBSC has noted "it is essential to draw a distinction between a broadcast which is *intended* to be serious or at least leaves the impression that it intends to be serious and one which *clearly* does not. Where the audience is given no reason to expect that the substance of the comments made is serious, their attitude could *reasonably* be expected to be different. A remark which might reasonably be assessed as abusive in a serious context and thus in breach of the *Code of Ethics* may not be so viewed in the comedic environment."³

We agree that while the comments made in the Program may have been in bad taste, taken in the context, we believe that they were not in breach of the Codes.

Please be assured that we take our responsibilities as a broadcaster very seriously. Our producers and hosts are extremely sensitive to the substance of the various topics presented on ROCK 101; at the same time ensuring the comedic presentation is not compromised. At ROCK 101, we work to ensure all our programming complies with the Broadcasting Act, the Radio Regulations and the Codes and standards expected of us as a member of the CBSC. We have reviewed your concerns internally and have had discussions with our on-air staff about appropriate on-air content and we will continue to exercise greater diligence on such matters.

We trust the foregoing responds to the concerns you raised in your letter regarding the Program. At ROCK 101, we recognize the importance of listener feedback and appreciate all comments. We thank you for taking the time to share your concerns with us.

¹ Clause 1 - CAB Code of Ethics Commentary

² CFJP-TV re "Quand l'amour est gai" (CBSC Decision 94/95-0204, December 6, 1995)

³ CHUM-FM re *Sunday Funnies* (CBSC Decision 95/96-0064, March 26, 1996)

The complainant returned his signed Ruling Request form on July 31.