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**CANADIAN BROADCAST STANDARDS COUNCIL  
ONTARIO REGIONAL PANEL**

CIGL-FM re Announcer Comments (Pygmies)

(CBSC Decision 02/03-0514)

Decided February 10, 2004

R. Stanbury (Chair), M. Ziniak (Vice Chair), H. Hassan, M. Maheu,  
M. Oldfield and J. Pungente

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**THE FACTS**

On January 10, 2003 at approximately 3:55 pm, CIGL-FM (Belleville) broadcast the following comment made by Joey Martin, its on-air host of that broadcast time period:

Well Kenyans have their problems. U.N. investigators have found evidence that Congolese Rebel troops have killed and eaten Pygmies in North Eastern Congo. U.N. officials said the two rebel factions often hire these Pygmies to hunt food for them. Now if the Pygmies return empty-handed, Rebel troops kill and eat *them*. The U.N. official said, speaking on condition of anonymity, "The U.N. is taking these accusations very seriously." Well I can almost understand the Rebels. Maybe the Pygmies are, maybe it's like lobster. You know, like the smaller they are the sweeter the meat.

On January 13, the complainant sent the following e-mail to the CRTC, which forwarded it to the CBSC in due course (the full correspondence is included in the Appendix):

On 10 January at approximately 3:56 pm a disc jockey on a Belleville radio station, Mix 97 (FM), made offensive comments regarding a particular race of people. In commenting on the "amusing" news that "pygmies" were being killed and eaten by rebels in a particular African country, he suggested that, like lobsters, it must be the case that the smaller the person, the sweeter, and presumable [*sic*] more tasty, the meat.

Does this not contribute to a desensitization of the general populace towards a very real problem?

Does the CRTC allow such commentary, which some would not hesitate to identify as being racist?

The President of the broadcasting group that owns CIGL-FM replied on January 23. He said in part:

I have listened to the comments which you made reference to and in turn have spoken to Mr. Martin regarding those comments. Mr. Martin told me that he was reading a story supplied by our International news service and was simply attempting to put a humorous twist on what was a disturbing story. Although we received the story from a credible source it is still not known whether the story is factual. Mr. Martin was quite adamant that he in no way meant to desensitize the general populace towards a very real problem and apologized for any offence taken by his comments.

Mr. Martin's job is to inform and to entertain his listeners and this task becomes more difficult each day with the present state of 'Political Correctness'. Having said that, Mr. Martin promises to think before he speaks which hopefully will lead to more appropriate subject matter during his future shows.

The complainant was unsatisfied with the broadcaster's response and sent the following e-mail dated February 17 along with his Ruling Request form:

No doubt you have received a copy of the note sent to me by the radio station, in which [the company President] seems to indicate that the station's on air people have a hard time doing their jobs with "politically correct" folk like me complaining. There is no attempt on his part to address the issue raised, and his perfunctory attempt at an apology was insulting.

It seems to me that it is important that we keep the public airwaves public, and that we keep them free of remarks which demean others and ourselves.

If there are not sanctions against broadcasters who play to our basest instincts, it seems to me that we are simply turning the airwaves over to a system which will become increasingly debased.

Who takes responsibility for this situation? (This is a real question.)

Have you listened to the clip in question? The possibility of "pygmies" being eaten by anti-government soldiers is presented as being humorous [*sic*].

## **THE DECISION**

The Ontario Regional Panel considered the complaint under the following provisions of the Canadian Association of Broadcasters' (CAB) *Code of Ethics*:

### *CAB Code of Ethics*, Clause 6 – Full, Fair and Proper Presentation

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of each broadcaster. This principle shall apply to all radio and television programming, whether it relates to news, public affairs, magazine, talk, call-in, interview or other

broadcasting formats in which news, opinion, comment or editorial may be expressed by broadcaster employees, their invited guests or callers.

The Ontario Regional Panel read all of the correspondence and listened to the challenged commentary. The Panel finds that the broadcast of that comment by Joey Martin was in breach of the foregoing article.

### **“Political Correctness”**

In his reply to the complainant, the broadcaster raised the issue of “political correctness”. He said, “Mr. Martin’s job is to inform and to entertain his listeners and this task becomes more difficult each day with the present state of ‘Political Correctness’.” As common as that term is in public usage, it has rarely, if ever, been raised in a CBSC file sent for adjudication. It is not one that is ever applied by the CBSC. More to the point, the Panel is concerned by the use of that phrase. In a comedic context, such as is the case in the matter at hand, the Panel believes that there are those who use the term “political correctness” as a modern excuse for a bit of what was in their experience “nudge, nudge, wink, wink”, no problem humour. In either a comedic or a serious context, the rationale for its use is, “It was always okay, so why shouldn’t it still be so?”

The problem with “political correctness” is that the phrase suggests an artificial correctness, one that is driven by “political” motivations, a desire to please or to be responsive, without necessarily otherwise supporting the underlying principle. The issue for the Panel is that there are statements that are, on the one hand, discriminatory but acceptable and those, on the other hand, that are discriminatory and unacceptable. Not because someone might be “politically” offended but because the statements are themselves inherently *offensive*. While there *may* have been an era in which Canadian society was untroubled by such statements, Canada has evolved. It is a better place, rich in the ethnocultural multiplicity which is its make-up, proud of the diversity which it reflects, and conscious of its collective merit.

Had it ever been different is not the issue. It is *now*. Statements which are either unduly discriminatory or otherwise constitute improper comment do not meet the standards which Canada’s private broadcasters have seen fit to impose on themselves collectively. Among other things, the private broadcasters are also conscious of the need not to air such comments because they run the risk of desensitizing the audience. Broadcasters do not wish to have members of the public leave the ambit of their radios with the sense that such material is in any way acceptable. Nor should they wish to have on-air hosts respecting the standards because it is “politically” correct to do so. The standards are, from the point of view of the CBSC and its members, honoured in their observance because it is correct to do so. Period.

## Risky Humour

This does not mean that correctness permits no sense of humour. To the contrary. In *CHFI-FM re the Don Daynard Show* (CBSC Decision 94/95-0145, March 26, 1996), for example, this Panel explained its point of view on the fun poked at Jewish mothers in one of the then current “light bulb” jokes. It said that it considered

that the Jewish mothers light bulb joke, while ethnically pointed, was neither demeaning nor abusive. It was told in the context of a series of light bulb jokes aimed at feminists, Marxists, surrealists, accountants, etc. It poked fun but did not bludgeon. It tickled but was not nasty. It touched on what some might view as stereotypical characteristics as did the Polish humour in the *CHUM-FM* case and perhaps the Irish humour in the *CFOX-FM* case but was not ugly as in the “Newfie” humour in the *CKTF-FM* case. The CBSC does not expect that the airwaves will be pure, antiseptic and flawless when society is not.

That being said, the Panel considers that it is unnecessary for hosts to ground their humour in meanness and insensitivity, or worse. Broadcasters are not helped when such actions may reflect underlying ignorance of the circumstances giving rise to such underpinnings for the humour.

The measure of the challenged “joke” begins with the events of late 2002. Then current news stories reported that Pygmies from the Congo were the subject of cannibalistic practices in the jungles of the Ituri district. Apparently, as a by-product of the civil war then raging, rebel and tribal fighters (if not also soldiers in the Congolese army), had been pursuing the Bambuti, Batwa and Mambasa Pygmies (traditional hunter-gatherers and denizens of the deep jungles) and eating them, as well as members of other tribes. Representatives of the Pygmies had requested that the United Nations set up a tribunal to try those accused of slaughtering and eating the Pygmies “as though they were game animals,” according to a representative of the Pygmies in representations to the UN Permanent Forum on Indigenous Issues.

The host of the hour may well have been unaware of the apparent plight of the Pygmies or, if aware, was insensitive to their reported problem. In any event, the situation which he chose to mock appeared to be a serious one, involving the murder of Pygmies, who were not even implicated in any form of conflict with the alleged perpetrators of the indignities. The Panel cannot know why the host chose to make light of this reported tragedy. Was it because he viewed the sufferers as unfamiliar and remote? Was it because cannibalism is a practice which is to all intents and purposes unknown to him and to Canadians generally? The underlying reasons matter little. This applicable principle in this matter bears a striking resemblance to that established by the BC Regional Panel in *CHMJ-AM re a segment on Loveline* (CBSC Decision 02/03-0459, July 22, 2003). That Panel dealt with the humour of the radio hosts built on events associated with the Holocaust. The Panel said:

The issue here is the employment of the apocalyptic historical event as a humorous crutch. ... The humorous constructs erected here on the base of great tragedy constitute improper comment. The broadcast of this segment of Loveline constitutes a breach of the standard requiring the "full, fair and proper presentation of news, opinion, comment and editorial."

The issue is not the size of the tragedy; it is its nature. That the Holocaust is better known does not diminish the awful experience of the Congolese Pygmies. The mocking, dehumanizing tone of the "joke" constitutes improper expression of opinion, comment or editorial pursuant to the terms of Clause 6 of the *CAB Code of Ethics*.

### **Broadcaster Responsiveness**

The requirement that a broadcaster be responsive to the letter of complaint sent by a member of the public is considered by the Adjudicating Panels to be a significant part of the membership requirements of the CBSC. Such responsiveness is an essential part of the dialogue by which the CBSC considers that matters that trouble members of the public sufficiently to compel them to write are often successfully resolved. When accomplished in thorough and sensitive ways, such correspondence is also a way of letting the public know that broadcasters care about their audience's concerns. In the matter at hand, although the letter by the President of the broadcast group that owns CIGL-FM was not, in the view of the complainant, responsive to the issue he had raised, it appears to have been an honest attempt to be helpful. The Panel considers that the letter fulfilled the broadcaster's obligations in this regard in this instance.

### **ANNOUNCEMENT OF THE DECISION**

CIGL-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 within seven days following the release of this decision during the time period of the show during which the comment by Joey Martin was broadcast; 2) within fourteen days following the broadcast of the announcements, to provide written confirmation of the airing of the statement to the complainant who filed the Ruling Request; 3) at that time, to provide the CBSC with that written confirmation and with air check copies of the broadcasts of the two announcements.

The Canadian Broadcast Standards Council has found that CIGL-FM breached provisions of the Canadian Association of Broadcasters' *Code of Ethics* in its broadcast of comments made by the afternoon host on January 10, 2003. By broadcasting humorously intended comments diminishing the human tragedy of

some of the Pygmy tribes of the Congo, CIGL-FM breached the requirement of the *Code of Ethics* which requires the full, fair and proper presentation of opinion, comment and editorial. By making light of the cannibalistic practices affecting the Pygmies, CIGL-FM breached the provisions of Clause 6 of the Code.

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

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**APPENDIX**  
**To**  
***CIGL-FM re announcer comment***  
**(CBSC Decision 02/03-0514, February 10, 2004)**

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**I. The Complaint**

The following complaint dated January 13, 2003 was sent to the CRTC and forwarded to the CBSC in due course:

On 10 January at approximately 3:56 pm a disc jockey on a Belleville radio station, Mix 97 (FM), made offensive comments regarding a particular race of people. In commenting on the "amusing" news that "pygmies" were being killed and eaten by rebels in a particular African country, he suggested that, like lobsters, it must be the case that the smaller the person, the sweeter, and presumable more tasty, the meat.

Does this not contribute to a desensitization of the general populace towards a very real problem?

Does the CRTC allow such commentary, which some would not hesitate to identify as being racist?

**II. Broadcaster Response**

The broadcaster responded to the complainant's letter on January 23 with the following:

Dear Mr. P,

Yesterday I received a call from the Canadian Broadcast Standards Council regarding correspondence they received from you concerning comments made by Mr. Joey Martin on MIX 97 on January 10, 2003. As suggested by the CBSC, they consider direct dialogue between a complainant and a broadcaster as the best means of resolving a concern.

I have listened to the comments which you made reference to and in turn have spoken to Mr. Martin regarding those comments. Mr. Martin told me that he was reading a story supplied by our International news service and was simply attempting to put a humourous twist on what was a disturbing story. Although we received the story from a credible source it is still not known whether the story is factual. Mr. Martin was quite adamant that he in no way meant to desensitize the general populace towards a very real problem and apologized for any offence taken by his comments.

Mr. Martin's job is to inform and to entertain his listeners and this task becomes more difficult each day with the present state of 'Political Correctness'. Having said that, Mr. Martin promises to think before he speaks which hopefully will lead to more appropriate subject matter during his future shows.

I apologize for the comments which you found offensive and my hope is that we can put this unfortunate incident behind us. If, however, you are not satisfied with my reply to your concern, then I have retained a copy of the show for future use by the CBSC.

Yours truly,  
*via e-mail*

### **III. Additional Correspondence**

The complainant was unsatisfied with the broadcaster's response and sent the following e-mail dated February 17 along with his Ruling Request form:

No doubt you have received a copy of the note sent to me by the radio station, in which Mr. M. seems to indicate that the station's on air people have a hard time doing their jobs with "politically correct" folk like me complaining. There is no attempt on his part to address the issue raised, and his perfunctory attempt at an apology was insulting.

It seems to me that it is important that we keep the public airwaves public, and that we keep them free of remarks which demean others and ourselves.

If there are not sanctions against broadcasters who play to our basest instincts, it seems to me that we are simply turning the airwaves over to a system which will become increasingly debased.

Who takes responsibility for this situation? (This is a real question.)

Have you listened to the clip in question? The possibility of "pygmies" being eaten by anti-government soldiers is presented as being humorous.

So my question is: Does the CRTC have the ability to address issues such as this or not?

Thank you for your patience,  
*via e-mail*