
**CANADIAN BROADCAST STANDARDS COUNCIL
PRAIRIE REGIONAL PANEL**

CKCK-TV re an advertisement for “The Wolf” radio station

(CBSC Decision 02/03-0609, -0641 and -0753)

Decided December 15, 2003

D. Ish (Chair), D. Braun (*ad hoc*), R. Cohen (*ad hoc*), V. Cownden,
V. Dubois and F. Fraser

THE FACTS

On February 4, 2003, among other dates, CKCK-TV (Regina) ran a commercial for the radio station known as “The Wolf”. The commercial was produced in the style of a rock music video with quick edits and shadowy blue lighting. It featured an attractive young blonde woman in a white tank top and panties. She danced provocatively in front of a film screen, on which the names and images of rock bands were displayed. Short excerpts from classic rock songs accompanied her dancing, each with themes of body parts leading the camera to focus on the corresponding parts of the woman’s body. Examples of the song excerpts follow:

- “Drop dead legs, pretty smile” from “Drop Dead Legs” by Van Halen, accompanied by a close-up of the woman’s legs and smile;
- “Knocking me out with those American thighs” from “You Shook Me All Night Long” by AC/DC, accompanied by a close-up of woman’s thighs;
- “Her hair reminds me of a warm safe place” from “Sweet Child o’ Mine” by Guns ‘n’ Roses, accompanied by a close-up of her hair and face;
- “I love the way you smack my ass, I love the dirty things you do” from “Control” by Puddle of Mudd, accompanied by a close-up of the woman smacking her own buttocks, followed by the woman with her back to camera removing her shirt;
- “Oh child, the way you shake that thing” from “Black Dog” by Led Zeppelin, accompanied by a shot of the woman dancing;
- “Standin’ in front just shakin’ your ass” from “Sweet Emotion” by Aerosmith, accompanied by a shot of the woman squatting with her bare back to the camera, and with an electric guitar covering her front.

At other points in the commercial there were close-ups of the woman's cleavage, stomach, upper thigh (as she ran her fingers along the elastic of her panties), as well as a quick scene of the woman facing the camera with an electric guitar covering her bare upper body, and another scene of the woman rolling around on the floor. Occasionally The Wolf logo appeared on the screen covering various parts of the woman.

The CBSC received 65 complaints about The Wolf advertisements in February 2003, although many of these were not followed by the return of the required Ruling Request forms. Any such files were closed. In the end, the CBSC pursued three files. One of these is the complaint which came from the Executive Co-ordinator of the Saskatchewan Action Committee, Status of Women. That letter is reproduced below.

The Saskatchewan Action Committee, Status of Women representing a diversity of Saskatchewan's women's groups is writing this letter to draw your attention to an offensive Billboard that is displayed in Regina, at the intersection of Saskatchewan Drive and Albert Street. The billboard is a promotion for WOLF Radio Station 104.9. This station also uses another even more offensive advertisement that is aired on CTV in Regina from 7-9 pm, from 9 pm-midnight and the really obscene ones are after midnight. It shows the same young woman dancing and the ad gets progressively worse into the later hours of the night. The advertisement is being used to promote the radio station; it displays a young woman with her panties being pulled into her buttocks, and the caption reads, "now turn us on."

The imagery of this advertisement is very disturbing and offensive to women. Once again the image of a woman is used to draw attention to an advertising campaign. Not only is this an inappropriate, demeaning sexualization of women, but it promotes the belief that it is alright [*sic*] to portray women's bodies as "a marketing tool". This is exactly how Mr. [...] [*sic*] of WOLF 104.9 described the advertisement. It sends the wrong message to children, that women are nothing more than publicity tools. We see this as a violation of women's rights because it promotes a bias against women, and in particular young women. It is extremely disturbing because the media shapes public opinion and therefore has an obligation to be much more sensitive to degrading images about women.

We are calling on the Advertising Standards of Canada under clause 14 to ensure that the Billboard is pulled down immediately. The advertisement violates section (b) because it does use women for purposes of exploitation, under section (c) it demeans and denigrates women, and under section (d) it undermines the human dignity and encourages an indifferent attitude of women. We are also calling to the Canadian Broadcast Standards Council to take appropriate measures to ensure these TV commercials are stopped immediately.

Many other complaints received by the Council concerning this advertising campaign, including the second one for which a Ruling Request was returned, used the exact same wording as this letter. The third complainant who returned a Ruling Request sent in a different letter which stated in part (the full text of all correspondence can be found in the appendix to this decision):

I find this commercial offensive on two levels. Firstly, my 13 year old son is often just heading to bed around 10:00 pm and this is surely not a commercial that I would want him to see.

Secondly, I find this ad offensive to women. This certainly breaches the code of sex role portrayals. I don't believe that this ad should be running during prime time television. I

shouldn't have to sit in my living room with my husband and watch this air. If it is on the air at all, it should be aired certainly after midnight during WWF wrestling or something along those lines where less [sic] women would be exposed to it.

The broadcaster responded to all complaints with the following letter:

Thank you for your comments and concerns regarding the commercials for the Wolf 104.9 radio station that are being aired on CTV Regina.

With respect to the process that Canadian broadcasters use in terms of judging the content of commercial messages that are purchased on television stations, there is an organization called the Telecaster Committee that views commercials in terms of content and whether or not they are in breach of either the law or codes of ethics followed by the industry.

In this particular case, we forwarded the initial commercial that we received from the Wolf 104.9 to Telecaster and it was cleared for post midnight play only. The radio station then edited the commercials and re-submitted them to Telecaster. Telecaster issued clearance numbers for the versions for airplay at post 7pm, post 9pm, and post midnight. These clearance numbers indicate that the commercials are not in breach of the industry codes.

However, I do understand why you may have concerns about this campaign. I have spoken with Telecaster directly and would advise that if you wish to pursue this matter further, you should contact the Advertising Standards Council of Canada at www.adstandards.com and ask them to review the commercial. This issue has already been brought to the Council's attention and I expect a ruling from them shortly. It is also being investigated by the Canadian Broadcast Standards Council.

Again, thank you for taking the time to voice your concerns regarding this issue. We appreciate the feedback and hope that a resolution will be reached as soon as possible.

One complainant sent in a reply to the broadcaster's response. She stated:

When I spoke with Brenda Stelmach at Telecaster she indicated that the ad had a [sic] A/P 12 recommendation. Am I now to understand that there are three different versions of the ad? One that runs post 7 pm, one post 9 pm and one post midnight? Can't imagine what the post midnight version might be!

I do question, however, the message that you as a station are sending to your viewing audience. Does this ad not go against all the anti-sexual stereotyping that we have been trying to teach our pre-teens and teens? I understand the need for advertising dollars, but I also understand that you as a station have the choice on whether to air a commercial or not. Do your stats indicate that during the times you are airing (post 7 pm & post 9 pm) that there are small numbers of young adults and women viewing your channel? I am very disappointed with your choice to air this commercial.

I am also disappointed with the process. It has now been over twenty days since I aired my complaint and I still see this commercial running in my living room on a nightly basis. By the time any resolution takes place the ad campaign will be completed and not affected in the slightest. In a situation like this, I would assume that you would postpone the campaign until a resolution has been reached.

As you indicated I should do, I have contacted the Advertising Standards Council of Canada and asked them to review the commercial. They indicated that because the complaint deals

with program promotion, that it would best be handled by the CBSC. I will however contact them again and pursue this further.

You also indicated that you are expecting a ruling from the Council shortly. What exactly does that mean? What steps will you take based on their ruling? Should I expect to hear from you again?

I will be pursuing this further with the Council, as you indicated that they did approve these ads for as early as post 7 pm.

The broadcaster responded to this additional correspondence with the following additional explanation:

There are three versions of the Wolf commercial that have received Telecaster approval for post 7PM, post 9PM and post midnight air play. For your information, the reason that the broadcast industry uses a third party to evaluate issues is to ensure a level of uniformity in interpretation across the country. Generally, it would be very difficult for dozens of broadcasters to act as individual censors without injecting their own personal likes and dislikes into each specific decision. With reference to my comments about a decision from the Advertising Standards Council, this situation has been brought to their attention, and they should have a response to the enquiry. I hope that the response will be timely. At the beginning of an ad campaign, we will hold off until clearance numbers are either issued or not issued. Once clearance numbers have been received, the campaign will air. This is the situation in this particular case.

Along with her Ruling Request, one complainant also sent in an additional message which read in part as follows:

On one hand, we decry violence against women in our society and we want change to happen. On the other hand, we continue to show commercials such as these perpetuating the myth that women are worth sex and money and gratification and to be used for such. And we do know what segment of society continues to perpetuate this the most! I regret that such advertising continues to desensitize [sic] the human person, mind and psyche to the truth and beauty of the human person. I believe that it is a grave injustice - to women, to young girls, to our children and youth who are trying to discover who they really are, and to society as a whole.

THE DECISION

The CBSC's Prairie Regional Panel considered the complaint under the Canadian Association of Broadcasters' (CAB) *Code of Ethics* and the CAB *Sex-Role Portrayal Code*. The relevant provisions read as follows:

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 Prairie Regional Panel finds that the challenged commercial is not in violation of the foregoing provision.

A Preliminary Matter: the Decision of Advertising Standards Canada

It occasionally (but not frequently) happens that Advertising Standards Canada and the CBSC are called upon to deal with the same advertisement. This flows from the fact that the ASC deals with advertising from the perspective of the responsibility of the *advertiser* while the CBSC deals with commercials from the perspective of the responsibility of the *broadcaster*. This is not, however, the case in the current matter, in the sense that the ASC was called upon to deal only with the outdoor advertising (the billboards) for The Wolf, while, needless to say, the CBSC is only examining the case of the television commercials. Moreover, the Codes that the ASC and the CBSC apply are different and decisions under each of them may lead to different results. It is, nonetheless, useful for any reader of this decision to be familiar with the decision of the ASC and, first, the provision of the *Canadian Code of Advertising Standards*, pursuant to which it was rendered:

14. Unacceptable Depictions and Portrayals

It is recognized that advertisements may be distasteful without necessarily conflicting with the provisions of this clause 14, and the fact that a particular product or service may be offensive to some people is not sufficient grounds for objecting to an advertisement for that product or service.

Advertisements shall not:

[...]

(c) demean, denigrate or disparage any identifiable person, group of persons, firm, organization, industrial or commercial activity, profession, product or service or attempt to bring it or them into public contempt or ridicule.

On the question of the billboard advertising, the ASC rendered the following decision:

Advertising Standards Canada (ASC) received your complaint alleging that both a “before” and “after” advertisement for a radio station objectified and degraded women, contrary to the *Canadian Code of Advertising Standards (Code)*.

The National Consumer Response Council met on March 6, 2003 to consider this complaint. The Council includes representatives from advertisers, advertising agencies, the media and from the public, who volunteer their time to participate in this complaint review process. The criteria applied by Council are found in the (*Code*), a copy of which is enclosed.

Council carefully evaluated the advertisements under the provisions of Clause 14 of the *Code*.

In Council's opinion, there are important distinctions that have been made between acceptable content in programming compared to advertising. Audiences choose to tune in to

a particular radio or television program. They have no such choice over advertising. This is particularly true in the case of outdoor advertising whose reach may extend, and be highly offensive, to persons who are outside the target market.

Council understood that the target audience for *The Wolf* consists largely of men in the 25-40 year old age range, to whom the depiction of the woman in the billboard could be compelling and interesting. However, to the majority of Council, that fact did not justify the depiction of a woman in this manner on an outdoor billboard that is accessible to all, without limitation, who may pass by.

Council found that this advertisement objectified, demeaned and degraded women contrary to Clause 14(c) of the *Code*.

Council next considered the "after" advertisement about which complaints had also been received. In Council's opinion, in part because of the impression that there was something even more revealing under the "Censored" banner, this modified advertisement also served to objectify, demean and degrade women contrary to Clause 14 (c) of the *Code*.

Thank you for your participation in the advertising self-regulatory process.

Another Preliminary Matter: The Role of Telecaster Pre-Clearance

The Telecaster Committee of Canada (now known as the Telecaster Services of TVB) plays a very special and significant role for broadcasters in attempting to uniformize the standards. The Committee is a voluntary, self-governing, commercial, clearance committee. Its staff reviews each advertising message or announcement submitted to it to ensure that it complies with the published Telecaster Committee Guidelines. That being said, the Telecaster staff is not empowered to administer non-Telecaster codes, regulations or guidelines although it may make reference to the voluntary industry codes regarding violence, gender portrayal and broadcast ethics in its pre-clearance determinations.

Ultimately, it is the ASC that will make the decisions that relate to the Codes it administers and the CBSC that will make the comparable determinations regarding its Codes. It follows that Telecaster pre-clearance is not, in other words, a defence available to a broadcaster in circumstances where a commercial it runs may be in violation of one of the private broadcaster Codes. See also the decisions of the Ontario Regional Panel in *CFTO-TV and CFMT-TV re Walk to Work Commercials* (CBSC Decision 93/94-0015, June 22, 1994) and *CITY-TV re Video Store Commercial* (CBSC Decision 94/95-0143, March 26, 1996), in which the Panel explained:

The Council recognizes that the Telecaster Committee, founded by broadcasters, has a valuable pragmatic or functional role to play in the pre-clearance of television commercials. The Council is, however, equally aware that the Committee is not recognized by the CRTC as a regulatory body and that an approval from the Telecaster Committee does not absolve the broadcaster of responsibility for any content it airs.

The Appropriateness of Continuing to Run a Challenged Broadcast

One of the complainants has, understandably, raised the following issue, which relates to the timing of any decision on an advertisement or, indeed, on any broadcast matter:

I still see this commercial running in my living room on a nightly basis. By the time any resolution takes place the ad campaign will be completed and not affected in the slightest. In a situation like this, I would assume that you would postpone the campaign until a resolution has been reached.

There are, from time to time, segments which include an advertisement, a song, a canned gag or other programming that a broadcaster may consider, on receipt of a complaint, so egregious that it will readily accede to its removal immediately. In other cases, though, the station may not consider that the challenged material is even in violation of a codified standard. In yet other circumstances, the broadcaster may simply be unsure of the outcome of a forthcoming adjudication and may choose to await that outcome before making such a choice. In either of the two latter cases, the station will be unwilling to remove the challenged programming or advertising.

It is the view of the Panel that this is a fair approach for a broadcaster to adopt. It is, after all, a broad democratic principle that there is no assumption of guilt or responsibility without a finding from a relevant body. Moreover, it necessarily takes time to deal thoroughly and fairly with complaints from start to finish, that is to say, through the adjudication process. If the process were flip or casual in nature, tossed off arbitrarily on the basis of a "it feels like this should be the answer" approach, then speed might be possible. The cost to process credibility would, however, be such that the system would not be worthwhile having. The compromise between speed and reasoned objectivity is the process in place. It avoids before-the-fact decisions, which smack of the unacceptable principle of censorship, and excessively hasty decisions, which leave no taste of thoughtful reasoning, and permits the establishment of evergreen principles that extend far into the future, well beyond the matter dealt with in each instance.

It is also pertinent to observe that, while CBSC Panels frequently agree with the complaints made by members of the public, it is certainly not always the case that they do. If a broadcaster were required, by the mere deposit of a complaint, to *remove* a commercial or other programming component from the airwaves, this would provide any member of the public, including some who might not be as well-intentioned as others, with a kind of injunctive authority, which could be exercised at will.

It is, on balance, the view of the Panel that CKCK-TV has not in any way done anything wrong in not removing the commercial pending the ASC and CBSC processes.

The Exploitation Issue

In dealing with the issues of substance relating to the complaint, the first point to note is that exploitation and degradation are not time-dependent issues, since exploitative content is unacceptable at *any* time of day. In dealing with complaints about exploitation on previous occasions, CBSC Panels have determined that there is nothing inherently exploitative in focussing on scantily clad or nude women where other elements provide context and justify the exposure. In *CHCH-TV re an episode of Baywatch* (CBSC Decision 94/95-0045, August 23, 1995), for example, the Ontario Regional Panel did not find that the depiction of men and women in bathing suits on a beach constituted “sex-ploitation”. In a decision relating to the *Baywatch* series, for example, the Ontario Regional Panel said that

the depiction of men and women in bathing suits does not in and of itself constitute exploitation in violation of the *Sex-Role Portrayal Code*, or “soft-porn” as contended by the complainant. The Panel does not consider that the mere showing of partially *clothed* persons can, by any reasonable definition, be said to be equivalent to pornography, whether hard or soft.

In *CITY-TV re a broadcast promo for SexTV* (CBSC Decision 99/00-0133, July 6, 2000), the Ontario Regional Panel concluded that a promo which began with the message “The average male has a sexual thought every 8 seconds”, followed by a scene in which the camera panned slowly over the body of a nude woman, lying sideways, facing the camera, with her legs and arms discretely covering her breasts and genitalia and ending with the message “But who is counting?” did not violate Clause 4 of the *Sex-Role Portrayal Code*. The Panel addressed both the effect of the woman’s nudity and the comment concerning men. The Panel did not find that “either the individual woman, or women in general, were demeaned by the promo”. The Panel stated:

the promotional message is meant to be more sexually alluring than was the case in either the *Walk to Work* or the *Baywatch* decisions, it is not, in the view of the Panel, problematic in this regard. It cannot be forgotten, after all, that the promo is intended to induce the watching of a program whose title *SexTV* tells almost everything a prospective viewer (or non-viewer) needs to know. (The complaint is not, of course, about the late-night show itself, which clearly falls into the *Broadcasting Act’s* contemplated diversity of programming designed to meet the needs and special likes and desires of all Canadians.) The Panel notes that the promo did not involve any overly gratuitous use of the naked woman; the artistically and discretely photographed individual was relevant to both the nature of the program underlying the 30-second promotional spot and the attention-grabbing message of the promo itself. While the Panel notes that the advertisement perpetuates to some extent the stereotype of the woman as sexual object, it also notes that many elements of the depiction of the woman in the promo, such as the strong eye contact of the woman with the camera (and thus the viewer), go a long way to attenuating the objectification of the woman as a sexual play-thing.

The matter at hand bears a considerable similarity to the *SexTV* decision. It involves a provocatively-dressed woman but one who is performing in a way that is entirely appropriate for the matter advertised. She was not selling cars or toothpaste but rather music and, more than just music, it was rock music. Each song excerpt related to her physically. In that sense, none was inappropriate. While she was alluring, her demeanour

and dress were contextual. The Panel also considers the following excerpt from the *Baywatch* decision to be extremely pertinent:

Baywatch is set on a beach and focuses on the lifeguards who work on this beach. Accordingly, it is reasonable to expect that characters depicted in this program will often be seen in swimming attire, *i.e.* bathing suits. The Council does not consider that it is stretching the point to suggest that the producers of the program have chosen this setting in the belief that young persons in bathing suits may be likely to attract audience attention. This, however, is the prerogative of producers, who are entitled to look for formulas to create commercially successful television programming.

The Panel finds no breach of the exploitation provision of the *Sex-Role Portrayal Code*.

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. The Program Director's letter fulfilled the broadcaster's obligations in this regard.

This decision is a public document upon its release by the Canadian Broadcast Standards Council. It may be reported, announced or read by the station against which the complaint had originally been made. However, in the case of a favourable decision, the station is under no obligation to announce the result.

APPENDIX
To
CKCK-TV re an advertisement for “The Wolf” radio station (CBSC Decision
02/03-0609, -641 and -753, December 15, 2003)

I. The Complaints

CBSC File 02/03-0609

The following complaint was sent to the CBSC on February 4, 2003:

As requested during our telephone conversation earlier today, I am providing a written complaint regarding a television ad that is running here in the Regina, Saskatchewan market.

The commercial is for a local radio station The Wolf (104.9) (CFWF-FM). It is airing on CKCK-CTV in the Regina and possibly Saskatchewan marketplace.

I have seen the commercial numerous times last week and specifically last night (February 4th) between 9:30 pm and 10:00 pm.

I understand after speaking with [name] @ the Telecaster committee that this ad was approved by them with a A/P 12 recommendation which to my understanding means should be aired after midnight.

I find this commercial offensive on two levels. Firstly, my 13 year old son is often just heading to bed around 10:00 pm and this is surely not a commercial that I would want him to see.

Secondly, I find this ad offensive to women. This certainly breaches the code of sex role portrayals. I don't believe that this ad should be running during prime time television. I shouldn't have to sit in my living room with my husband and watch this air. If it is on the air at all, it should be aired certainly after midnight during WWF wrestling or something along those lines where less women would be exposed to it.

This is the first time that I have aired a complaint, but I was under the impression that our society had evolved more than this!

CBSC File 02/03-0641

The CBSC received the following complaint dated February 6, 2003:

Re: WOLF Radio Station Billboard in Regina, Saskatchewan

The Saskatchewan Action Committee, Status of Women representing a diversity of Saskatchewan's women's groups is writing this letter to draw your attention to an offensive Billboard that is displayed in Regina, at the intersection of Saskatchewan Drive and Albert Street. The billboard is a promotion for WOLF Radio Station 104.9. This station also uses another even more offensive advertisement that is aired on CTV in Regina from 7-9 pm, from 9 pm-midnight and the really obscene ones are after midnight. It shows the same young

woman dancing and the ad gets progressively worse into the later hours of the night. The advertisement is being used to promote the radio station; it displays a young woman with her panties being pulled into her buttocks, and the caption reads, "now turn us on."

The imagery of this advertisement is very disturbing and offensive to women. Once again the image of a woman is used to draw attention to an advertising campaign. Not only is this an inappropriate, demeaning sexualization of women, but it promotes the belief that it is alright [sic] to portray women's bodies as "a marketing tool". This is exactly how Mr. [name] [sic] of WOLF 104.9 described the advertisement. It sends the wrong message to children, that women are nothing more than publicity tools. We see this as a violation of women's rights because it promotes a bias against women, and in particular young women. It is extremely disturbing because the media shapes public opinion and therefore has an obligation to be much more sensitive to degrading images about women.

We are calling on the Advertising Standards of Canada under clause 14 to ensure that the Billboard is pulled down immediately. The advertisement violates section (b) because it does use women for purposes of exploitation, under section (c) it demeans and denigrates women, and under section (d) it undermines the human dignity and encourages an indifferent attitude of women. We are also calling to the Canadian Broadcast Standards Council to take appropriate measures to ensure these TV commercials are stopped immediately.

We trust you will do the right thing and pull this Billboard and TV commercials right away.

CBSC File 02/03-0753

The following complaint was sent to the CBSC on February 11, 2003:

Re: WOLF Radio Station Billboard in Regina, Saskatchewan

The Saskatchewan Action Committee, Status of Women representing a diversity of Saskatchewan's women's groups is writing this letter to draw your attention to an offensive Billboard that is displayed in Regina, at the intersection of Saskatchewan Drive and Albert Street. The billboard is a promotion for WOLF Radio Station 104.9. This station also uses another even more offensive advertisement that is aired on CTV in Regina from 7-9 pm, from 9 pm-midnight and the really obscene ones are after midnight. It shows the same young woman dancing and the ad gets progressively worse into the later hours of the night. The advertisement is being used to promote the radio station; it displays a young woman with her panties being pulled into her buttocks, and the caption reads, "now turn us on."

The imagery of this advertisement is very disturbing and offensive to women. Once again the image of a woman is used to draw attention to an advertising campaign. Not only is this an inappropriate, demeaning sexualization of women, but it promotes the belief that it is alright [sic] to portray women's bodies as "a marketing tool". This is exactly how Mr. [name] [sic] of WOLF 104.9 described the advertisement. It sends the wrong message to children, that women are nothing more than publicity tools. We see this as a violation of women's rights because it promotes a bias against women, and in particular young women. It is extremely disturbing because the media shapes public opinion and therefore has an obligation to be much more sensitive to degrading images about women.

We are calling on the Advertising Standards of Canada under clause 14 to ensure that the Billboard is pulled down immediately. The advertisement violates section (b) because it does use women for purposes of exploitation, under section (c) it demeans and denigrates women, and under section (d) it undermines the human dignity and encourages an indifferent attitude

of women. We are also calling to the Canadian Broadcast Standards Council to take appropriate measures to ensure these TV commercials are stopped immediately.

We trust you will do the right thing and pull this Billboard and TV commercials right away.

Sincerely,
Signed

II. Broadcaster Response

The broadcaster responded to the complainants in March and April with the following:

Thank you for your comments and concerns regarding the commercials for the Wolf 104.9 radio station that are being aired on CTV Regina.

With respect to the process that Canadian broadcasters use in terms of judging the content of commercial messages that are purchased on television stations, there is an organization called the Telecaster Committee that views commercials in terms of content and whether or not they are in breach of either the law or codes of ethics followed by the industry.

In this particular case, we forwarded the initial commercial that we received from the Wolf 104.9 to Telecaster and it was cleared for post midnight play only. The radio station then edited the commercials and re-submitted them to Telecaster. Telecaster issued clearance numbers for the versions for airplay at post 7pm, post 9pm, and post midnight. These clearance numbers indicate that the commercials are not in breach of the industry codes.

However, I do understand why you may have concerns about this campaign. I have spoken with Telecaster directly and would advise that if you wish to pursue this matter further, you should contact the Advertising Standards Council of Canada at www.adstandards.com and ask them to review the commercial. This issue has already been brought to the Council's attention and I expect a ruling from them shortly. It is also being investigated by the Canadian Broadcast Standards Council.

Again, thank you for taking the time to voice your concerns regarding this issue. We appreciate the feedback and hope that a resolution will be reached as soon as possible.

III. Additional Correspondence

CBSC File 02/03-0609

The complainant sent the following message:

I guess I'm not exactly sure how this process works. By the time that either the television station or the radio station gets back to me with a response, the ad campaign will be completed. What's the use making a complaint if it has no effect on the ad campaign that is running?

Neither of these media outlets needs to be concerned about a public complaint if there are no repercussions to them. This ad is still running and I've seen it as early as 9:18 in the evening.

Please let me know the benefit of me filing a complaint.

After receiving the broadcaster's response, the complainant replied on February 24 and copied the CBSC:

Dear Mr. [D],

Thank you for your response, I am however very disappointed that you chose not to return my phone call of February 3rd or 4th. I'm sorry that I did not record the name of the receptionist there, but she indicated that mine had not been the only complaint. I left a detailed message regarding my concern, but you did not choose to return my phone call until you received correspondence from CBSC. If you really appreciated the feedback then you would have responded to me earlier.

When I spoke with [name] at Telecaster she indicated that the ad had a A/P 12 recommendation. Am I now to understand that there are three different versions of the ad? One that runs post 7 pm, one post 9 pm and one post midnight? Can't imagine what the post midnight version might be!

I do question, however, the message that you as a station are sending to your viewing audience. Does this ad not go against all the anti-sexual stereotyping that we have been trying to teach our pre-teens and teens? I understand the need for advertising dollars, but I also understand that you as a station have the choice on whether to air a commercial or not. Do your stats indicate that during the times you are airing (post 7 pm & post 9 pm) that there are small numbers of young adults and women viewing your channel? I am very disappointed with your choice to air this commercial.

I am also disappointed with the process. It has now been over twenty days since I aired my complaint and I still see this commercial running in my living room on a nightly basis. By the time any resolution takes place the ad campaign will be completed and not affected in the slightest. In a situation like this, I would assume that you would postpone the campaign until a resolution has been reached.

As you indicated I should do, I have contacted the Advertising Standards Council of Canada and asked them to review the commercial. They indicated that because the complaint deals with program promotion, that it would best be handled by the CBSC. I will however contact them again and pursue this further.

You also indicated that you are expecting a ruling from the Council shortly. What exactly does that mean? What steps will you take based on their ruling? Should I expect to hear from you again?

I will be pursuing this further with the Council, as you indicated that they did approve these ads for as early as post 7 pm.

The broadcaster responded to that e-mail on February 25:

Good morning, Ms. [B],

I apologize for not responding to your enquiry earlier, but I was out of the country on vacation from January 31 until February 17th. I'm not sure why you were not informed about this when you called on the 3rd or 4th, but I will talk to reception about it.

There are three versions of the Wolf commercial that have received Telecaster approval for post 7PM, post 9PM and post midnight air play. For your information, the reason that the broadcast industry uses a third party to evaluate issues is to ensure a level of uniformity in interpretation across the country. Generally, it would be very difficult for dozens of broadcasters to act as individual censors without injecting their own personal likes and dislikes into each specific decision. With reference to my comments about a decision from the Advertising Standards Council, this situation has been brought to their attention, and they should have a response to the enquiry. I hope that the response will be timely. At the beginning of an ad campaign, we will hold off until clearance numbers are either issued or not issued. Once clearance numbers have been received, the campaign will air. This is the situation in this particular case.

I am a little surprised that the Advertising Standards Council would respond that this is a program promotion. It is, in fact, a commercial for a radio station and has nothing to do with any program promotion on our station.

Again, I apologize for not responding to your initial enquiry earlier, but I did respond as soon as I returned and was able to investigate the facts.

Thank you for your comments and concerns.

The complainant also sent a short note with her Ruling Request form directly to the CBSC on February 24:

I have received a reply from [name] regarding the above. I have not received a response from [name] of The Wolf (CFWF-FM). I spoke directly to [name] of the Wolf and left a message for [name] on February 4th. I am not satisfied with the response from Mr. [D]. Do I just return this email to you with the printed form on the bottom? There was no attachment to your email.

CBSC File 02/03-0753

The complainant sent a brief e-mail to the CBSC on March 8:

Thank you for your response to my letter re the Wolf 104.9 radio station's lewd commercial on CTV and the billboard on our city streets.

On CTV I have not seen the commercial of late. Mind you, I do not watch a great deal of TV; however, formerly it seemed when I passed that station, the commercial was on.

Thank you for bringing my and others' complaint to the attention of Wolf.

The complainant then sent her Ruling Request form dated March 10 and an e-mail on March 11:

I had sent the following message last Sat. because I thought that CTV had removed the lewd commercial for WOLF 104.9 radio station. To my dismay and disgust, last evening it was again shown. I have no idea how many times because I turned CTV off as soon as I saw that.

I will be filing the complaint that you had sent me in the mail so that the appropriate CBSC Panel consider my complaint and the broadcaster's response (viturally [sic] nil).

On one hand, we decry violence against women in our society and we want change to happen. On the other hand, we continue to show commercials such as these perpetuating the myth that women are worth sex and money and gratification and to be used for such. And we do know what segment of society continues to perpetuate this the most! I regret that such advertising continues to desensitize [sic] the human person, mind and psyche to the truth and beauty of the human person. I believe that it is a grave injustice - to women, to young girls, to our children and youth who are trying to discover who they really are, and to society as a whole.

Not only has WOLF gone down in my estimation, but CTV as well. I have long turned WOLF off. I will not be viewing CTV and will continue to encourage others to boycott this station until the commercial is permanently removed.