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**CANADIAN BROADCAST STANDARDS COUNCIL  
PRAIRIE REGIONAL PANEL**

CJAY-FM re *Forbes and Friends* (joke songs and parody advertisement)

(CBSC Decision 02/03-0674)

Decided December 15, 2003

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

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**THE FACTS**

On February 4, 2003, CJAY-FM (Calgary)'s morning radio show, *Forbes and Friends*, aired two joke songs and a parody advertisement between 7:00 and 8:00 am. All three segments had sexual overtones. The song "My Ex-boyfriend", sung by a man, consists of a list of epithets directed at a former lover. The first verse, which is illustrative of the entire song, went as follows (the full transcript of this song and the two other segments can be found in Appendix A to this decision):

Rump ranger  
Protein exchanger  
Not a stranger  
To anal danger  
Front rider  
Salami hider  
Vaseline slider  
Butt cheek divider  
Bone smuggler  
Nut juggler

Yeah  
These are the names I call my ex-boyfriend to piss him off

The other song that aired that morning was a whistling tune about one man's cure for "the blues", a part of which includes the following verses:

I take a look at my enormous penis  
And my troubles start a-meltin' away

The parody advertisement which aired that morning was for a product called "Mr. Big, the Wiener Wizard". It went in part as follows:

Introducing Mr. Big, the Weiner Wizard, the amazing wiener machine. Just place your wiener in the Mr. Big, the Weiner Wizard hole, pump the top and in seconds you double the size of that wiener. Now there's a wiener anybody would be proud of.

The CBSC received a complaint from a listener who considered this content inappropriate for a station that targets an adolescent demographic. His letter read in part (all correspondence relating to this complaint is reproduced in its entirety in Appendix B):

While driving my children to school between 7:00 and 8:00 am on February 4, 2003, I inadvertently tuned into their channel and was exposed to a musical parody which included references to gay sex, anal sex, inserting gerbils into ones [sic] rectum and swallowing ejaculate. This was followed by a parody advertisement for a "Sausage enlarger" and a song entitled "I love my penis". This material is, by any definition, obscene and vulgar. It is aimed at an adolescent audience during the prime listening hours.

The Vice-President and General Manager of the station responded to the complaint on March 5 with a letter which stated in part:

CJAY FM is a Rock radio station targeting and attracting a core adult audience of men (75%) between the age of 18 and 49 years. Due to the composition of our audience we find that most of our listeners enjoy this type of comedy. In fact a recent audience survey, conducted by the Bureau of Broadcast Measurement, showed CJAY to have a 37% share of men 18 to 49 years, making CJAY the number one station in that demographic. I understand your concern over the sexual innuendo that could be taken from this type of comedy but I can assure you that parodies such as the two in question, are only for the humorous entertainment of our audience. Just like some of the mainstream television programming aired weekly on our local networks, such as *Friends*, *Saturday Night Live*, *The Simpsons* or even *Just for Laughs Comedy Show* carried by CBC, we too offer similar humour and innuendoes to our audience. We also know that there may be some adolescent audience listening and it is for that reason that we periodically broadcast Parental Warnings.

The complainant replied to this letter that same day indicating to the CBSC and the station that he was not satisfied with the response he had received. His reply detailed the reasons for his dissatisfaction with the response (that reply, together with all other correspondence is, as noted above, reproduced in Appendix B).

## **THE DECISION**

The CBSC's Prairie Regional Panel considered the complaint under the Canadian Association of Broadcasters' (CAB) *Code of Ethics*. The relevant provision of this Code reads as follows:

## *CAB Code of Ethics*, Clause 9 – Radio Broadcasting

Recognizing that radio is a local medium and, consequently, reflective of local community standards, programming broadcast on a local radio station shall take into consideration the generally recognized access to programming content available in the market, the demographic composition of the station's audience, and the station's format. Within this context, particular care shall be taken by radio broadcasters to ensure that programming on their stations does not contain:

[...]

- (b) Unduly sexually explicit material

The Prairie Panel finds that CJAY-FM broadcast unduly sexually explicit material on the morning of February 4<sup>th</sup>.

## **CBSC Decisions regarding Sexual Content on Radio**

Various CBSC Regional Panels, including this one, have dealt with sexual content on radio on numerous occasions and, out of these decisions, a consistent set of principles on the subject has emerged. The most basic of these is that, on the one hand, unduly sexually explicit material is unacceptable radio fare and, on the other, the broadcast of mere sexual innuendo will not be in breach of the Code. Some examples of these principles can be found in the following CBSC precedents.

In *CIRK-FM re K-Rock Morning Show* (CBSC Decision 01/02-0713 & -1113, February 5, 2003), this Panel found the station in breach of the *CAB Code of Ethics* for broadcasting sexually explicit segments at times of the day when children were likely to be listening to the radio (the condition applicable before the adoption of Clause 9(b) of the Code in mid-2002). The Panel stated:

Although the majority of those segments consisted of very strong sexual innuendo, each did include certain words and phrases that made the subject matter entirely clear and unequivocal. In the case of "Dear Penthouse", the reference to the teacher "with the dynamite ass" undressing and inviting the student to do the same for the purpose of having sex is an example not only of explicit material but also of a theme that could be expected to be disturbing to children. The description of the sexual activities in the tent is similar. The "Prison Bitch" song is at least as explicit. At the very least, the references to "doin' you" and being a sex machine while referring to Vaseline fall into that category.

On the other hand, a number of other segments fell into the more innocuous category of mild sexual innuendo and double entendre. These include a mock commercial for "Trophy Wife Barbie" [... who] is said to come with such accessories as high heels, a push-up bra and an engagement ring twice as big as First Wife Barbie. The fictional advertisement featured a double entendre in the lines: "Sorry, Trophy Wife Barbie's husband sold separately. We'd like to say she comes with her husband, but she doesn't. She does, however, come with Pedro, the pool boy." In such instances as these, the Prairie Panel concludes that the segments are in poor taste but do not rise to the level of a breach of the *CAB Code of Ethics*.

In *CFMI-FM re Brother Jake Morning Show* (CBSC Decision 00/01-0688, January 23, 2002), the B.C. Regional Panel examined content similar in its explicitness to that noted above. The Panel found that some of the sexual discussions were inappropriate for times of the day when children could be listening. An example of such a discussion involved one host's account of his previous night's date where the woman "starts to do this wild striptease" and "gets down to her thong". The host then went on to explain how he threw "her on the workbench" where "she's goin' nuts grabbin' my nuts and I'm just thinking 'this is great!'" An example of another comedic sketch that featured sexually explicit content on the *Brother Jake Show* was a segment in which a woman with a Mexican accent in the throes of passion, shouting out "oh, the tongue!" and "oh, the finger!" The Panel found that some of the sexually explicit discussions were inappropriate for times of the day when children could be listening.

With respect to sexual innuendo, double entendre and other similar content, the B.C. Regional Panel viewed much of that show's routines as "juvenile, sophomoric, locker-room style and in poor taste," but not in breach of the Codes. The Panel stated:

The hosts frequently discuss and make jokes about masturbation, flatulence and bodily functions and engage in discussions about such matters as Jake in his boxer shorts, "blue angel" farts, and a 0-0 sports score as being "dog balls". Although potentially offensive to many listeners, in cases where such material is not sexually explicit, the Panel does not find it in breach of any broadcaster Codes.

In *CFMI-FM re Brother Jake Morning Show (Wake up Contests)* (CBSC Decision 01/02-0875, January 14, 2003), on the other hand, the BC Panel dealt with two contests, the first being "Wake-up Woody" and the other "Wake-up Wendy". Contestants were required to wake up their sleeping partners using innovative sexual techniques while on the telephone with the Brother Jake Morning Show crew. A listener complained that both the contests' concept and the actual dialogue that occurred during the stunts were inappropriate at a time when families were preparing to leave for school and work. After explaining that sexually explicit material is unacceptable on morning radio, but that sexually suggestive content is not, the Panel concluded that the broadcasts contained

considerable sexual banter that is on the edge but nothing that falls over it. The contest is filled with double entendres and suggestive comments; however, after examining the comments closely, the Panel concludes that there is nothing that is explicit enough to be in breach of the Code provision. The Panel is not convinced that all children would even understand the innuendo; however, even if some might, the Adjudicators are not of the view that the two contests are sufficiently explicit to fall afoul of the Code.

### **Sexual Content in the Matter at Hand**

It would be fair to observe, in general terms, that there may come a point in descriptive commentary when the accumulation of individual metaphors, any one of which might be sufficiently subtle to be excusable, becomes obvious and inexcusable. At that point, the body of subtleties loses any characterization as forgivable innuendo and crosses the line into sexual explicitness. That is the case with "My Ex-boyfriend", which, line-by-line, finds a

different metaphorical treatment for sexual acts, principally of the anal variety. Heard, or read, cumulatively, they are, without doubt, explicit. They are, moreover, *unduly* explicit and, as such, in breach of Clause 9(b) of the *CAB Code of Ethics*.

The other two matters complained of do not go as far. The parody commercial for the Wiener Wizard is, in the view of the Panel, entirely dependent on an understanding of the double entendre at play. It falls squarely into the category of innuendo and there is nothing on the face of the parody that would even suggest a sexual component to the utterly uninstructed. Such humour is not in breach of Clause 9(b) of the *CAB Code of Ethics*. The third item, the joke song that refers to the “enormous penis” is closer to the edge. To the extent that it only refers to a body part, however, it falls within the ambit of previous CBSC decisions dealing with “Trophy Wife Barbie”, on the one hand, and the song “Tits”, on the other. In the decision that dealt with both, *CIRK-FM re K-Rock Morning Show* (CBSC Decision 01/02-0713 & -1113, February 5, 2003), this Panel said, as quoted above, that the segments are in poor taste but do not rise to the level of a breach of the *CAB Code of Ethics*.”

In that same decision, the Panel also concluded that a sex advice segment discussing penis shape was not in breach of the Code since, although it described anatomy, it did not describe a sexual act. Similarly, with respect to the songs “Tits” and “Circumcision”, the Panel said that

both women and men are targets for the program’s jokes. For example, the “Tits” song, which tells the story of a man who buys his wife breast implants only to be unsettled by the fact that she shows the result to everybody, was preceded an hour earlier by a joke song called “Circumcision”, which told the equally ridiculous story of a man who satisfied his fiancée’s request for him to be circumcised by going to a barber “for a little off the top” and ended up with a significant diminution of a material part of his anatomy.

Neither song was found to be sexually explicit. The suggestion of a swollen member here is, of course, closer to the sense of sexual activity but the thrust of the song is not clearly that. While the question of bad taste is certainly present, the Panel is constrained to reiterate the CBSC’s position that taste alone is a matter for the on/off switch or the change of station dial. The discussion of penis size is not in and of itself sufficiently unequivocally a sexual matter that it can be said to be in breach of the Code. It is sufficiently on the cusp that it must be protected by the underlying principle of freedom of expression. The Panel does not find a breach of Clause 9(b) with respect to this segment.

## **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. That 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.

## **CONTENT OF THE ANNOUNCEMENT OF THE DECISION**

CJAY-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 during the time period in which the morning show *Forbes and Friends* 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) 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 CJAY-FM.

The Canadian Broadcast Standards Council has found that CJAY-FM has breached Clause 9 of the Canadian Association of Broadcasters' *Code of Ethics* which prohibits the broadcast of inappropriate sexual content. During its episode of *Forbes and Friends* of February 4, 2003, CJAY-FM broadcast a song which contained a significant number of sexual references, which were unduly sexually explicit and breached the provision of the Code which requires that particular care shall be taken by radio broadcasters to ensure that programming on their stations does not contain unduly sexually explicit material.

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

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**APPENDIX A**  
**To**  
***CJAY-FM re Forbes and Friends (joke songs and parody advertisement) (CBSC***  
**Decision 02/03-0674, December 15, 2003)**

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A joke song followed by a parody commercial and another joke song were broadcast between 7:00 and 8:00 am on February 4 on CJAY-FM's morning show *Forbes and Friends*. The words of the songs and parody commercial (in the order in which they were broadcast) are as follows:

Joke song "My Ex-Boyfriend"

Rump ranger  
Protein exchanger  
Not a stranger  
To anal danger

Front rider  
Salami hider  
Vaseline slider  
Butt cheek divider  
Bone smuggler  
Nut juggler

Yeah  
These are the names I call my ex-boyfriend to piss him off

Pickle poker  
Heinie poker  
Chicken choker  
Man-hood stroker

Butt slammer  
Poop jammer  
Rear rammer  
Intestine crammer  
Jump humper  
Scrotum lover

Yeah  
These are the names I call my ex-boyfriend to piss him off

Parody commercial

Tired of weiners that just don't cut it? Wouldn't you rather have a big, fat, plump, juicy weiner for the same price? Introducing Mr. Big, the Weiner Wizard, the amazing weiner machine. Just place your weiner in the Mr. Big, the Weiner Wizard hole, pump the top and in seconds you double the size

of that weiner. Now there's a weiner anybody would be proud of. Weiner Wizard's patented vacuum action actually increases the size of any store-bought weiner. Makes any weiner a winner. Try it on kobossa, sausage, bratwurst, pepperoni or slip in a tiny little tube steak. Pump the top and watch what happens. Your little weiner problems are over. And all you needed was Mr. Big. Mr. Big, the Weiner Wizard comes complete with all the accessories you see here. Every mom in the kitchen will love it. And especially us dads, heh, heh, heh, heh. Oh you bet. Order your Mr. Big, the Weiner Wizard today. Makes a great gift. To order to your Mr. Big, the Weiner Wizard, send cheque or money order to Mr. Big the Weiner Wizard, P.O. Box eleven and a half, Sizcounts, Illinois.

### Joke song

Do you ever get so low that you don't know which way to go?  
Come on and take a walk in my shoes  
Never worry 'bout a thing  
Got the world on a string  
'Cause I've got the cure for all of my blues

I take a look at my enormous penis  
And my troubles start a-meltin' away  
I take a look at my enormous penis  
And my happy times are comin' to stay  
I got a sing and a dance  
When I glance in my pants  
And the feeling's like a sun-shiny day

I take a look at my enormous penis  
And everything is goin' my way

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**APPENDIX B**  
**To**  
***CJAY-FM re Forbes and Friends (joke songs and parody advertisement) (CBSC***  
**Decision 02/03-0674, December 15, 2003)**

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**I. The Complaint**

The following complaint was sent to the CRTC on February 5, 2003 and forwarded to the CBSC in due course:

I wish to file a complaint against Calgary based CJ92 Radio for broadcasting what I consider to be rude and obscene material to an adolescent demographic. While driving my children to school between 7:00 and 8:00 am on February 4, 2003, I inadvertently tuned into their channel and was exposed to a musical parody which included references to gay sex, anal sex, inserting gerbils into ones rectum and swallowing ejaculate. This was followed by a parody advertisement for a "Sausage enlarger" and a song entitled "I love my penis". This material is, by any definition, obscene and vulgar. It is aimed at an adolescent audience during the prime listening hours.

I have contacted CJ92 and expressed my concern with their programming and asked if they had any guidelines regarding content. They replied with a form letter espousing the virtues of the DJ and suggesting that his show is thought provoking and "makes for compelling radio in a sea of mediocrity". This program has no socially redeeming value and should be censured.

I ask that the CRTC review the programming between 7:00 am and 8:00 am on February 4, 2003. I also request a copy of the definitions and guidelines which are used to determine if broadcast materials are appropriate I would also ask to receive a copy of the transcripts.

**II. Broadcaster Response**

The broadcaster responded to the complainant on March 5 with the following letter:

The purpose of this letter is to reply to your concern regarding a musical parody and a parody advertisement which aired on CJAY FM, February 4, 2003.

I have listened to the two parodies in question and although I understand your concern, I would like to make the following comments.

CJAY FM is a Rock radio station targeting and attracting a core adult audience of men (75%) between the age of 18 and 49 years. Due to the composition of our audience we find that most of our listeners enjoy this type of comedy. In fact a recent audience survey, conducted by the Bureau of Broadcast Measurement, showed CJAY to have a 37% share of Men 18 to 49 years, making CJAY the number one station in that demographic. I understand your concern over the sexual innuendo that could be taken from this type of comedy but I can assure you that parodies such as the two in question, are only for the humorous entertainment of our audience. Just like some of the mainstream television programming aired weekly on our local networks, such as *Friends*, *Saturday Night Live*, *The Simpsons* or even *Just For Laughs Comedy Show* carried by CBC, we too offer similar humor and innuendoes to our audience. We also know that there may be some adolescent audience listening and it is for that reason that we periodically broadcast Parental Warnings.

Please accept my apologies if we have offended you in any way with these parodies. If you would like to discuss this matter further, please call me directly at (telephone number).

### III. Additional Correspondence

The complainant wrote back to the broadcaster on March 5 and copied the CBSC:

Thank-you for your reply. It does not address the key questions that I have regarding your programming:

- Do you have a documented standard that you use to determine what is appropriate? Mr. (name)'s letter on February 4th suggests that you do not.
- Is the material that you are broadcasting during this time slot within the acceptable norms?
- You state that your demographics are aimed at the 18-49 year old market. What percentage of the 8-15 year old market do you represent?

I have been occasionally monitoring your programming, to see if the incident that offended me was an anomaly. I can say that it was not. A few days later, again in the 7:00-8:00 am time slot, you presented a parody on a Christiane Amanpour, the CNN reporter, which described in graphic detail how she masturbated with a carrot then put it into the announcers salad. I do not believe that this, or the material that originally offended me is within the acceptable norms of broadcasting. Shock radio may have it's [*sic*] place, but not in the morning timeslot.

I do not consider your response to be acceptable, and I ask that the CBSC review this formally to determine if the material is within the domain of reasonable programming.