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**CANADIAN BROADCAST STANDARDS COUNCIL  
PRAIRIE REGIONAL PANEL**

CFBR-FM re a spoof song

(CBSC Decision 02/03-0738)

Decided December 15, 2003

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

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**THE FACTS**

During its late morning show on Saturday, February 22, 2003, CFBR-FM, aka 'The Bear' in Edmonton, aired the following spoof song at approximately 11:15 am. The song mimics the 1960s "crooners" style.

(Spoken in a soft, low tone)  
This is very special.  
Take one.  
Make it nice.

(Actual singing)  
*Refrain:*  
Blow me.  
You hardly even know me.  
Just set yourself below me  
And blow me tonight.

A handy would certainly be dandy  
But it is not enough to slow me  
You've gotta blow me  
All right.

When you part your lips that way, oooh!  
I want you night and day.  
When you squeeze my balls so tight,  
I wanna blow my load with all my might.

*Refrain, twice.*

A listener sent in a complaint against the station stating that the song was “completely inappropriate, especially for the time that it was aired.” He added, “The song matter dealt with an explicit request for oral sex and graphically described how he would like it to be performed.” (The full text of all correspondence from the parties related to this matter may be found in the appendix to this decision.)

CFBR-FM’s Program Director responded to the complaint on March 5. His response stated in part:

I have reviewed the parody song aired on CFBR-FM at approximately 11:15 am on 22 February 2003. I agree that the material in question was inappropriate, particularly at the time aired. The parody song has since been removed from active play. In fact, that was the one and only time it was ever played on CFBR-FM. I apologize if you were offended. It was in no way our intention to do so.

Mr. [V], please understand that CFBR-FM is an adult rock radio station targeting a listening audience of primarily males between the ages of 18 and 49. Much of the programming aimed at the target group is meant to be of humorous nature, similar to many mainstream television shows such as the *Simpson*, *Saturday Night Live*, or various shows on the Comedy Network. As is the case with all forms of humour, not everyone finds it funny – again, my apologies.

The complainant was dissatisfied with the broadcaster’s response and stated (in part) in an email to the CBSC on March 7:

CFBR-FM has agreed that the material aired was inappropriate. While I appreciate this acknowledgement, I fail to understand how removing a song from “active play” that was never on their active play list (“that was the one and only time it was ever played on CFBR-FM”) will prevent “one time only” inappropriate material from being aired in the future.

For this reason I am submitting the attached Ruling Request Form and request that the Canadian Broadcast Standards Council review the material in question with respect to:

1) Definition 4 of the *CAB Sex-Role Portrayal Code for Radio and Television Programming*, in that “negative or degrading comments on the role and nature of women in society shall be avoided.”

2) Clause 9(b) of the June 2002 *CAB Code of Ethics*, given the time of day that the material was aired and likelihood of children hearing this material[.]

## 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 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 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 the radio broadcasters to ensure that programming on their stations does not contain:

[...]

(b) Unduly sexually explicit material;

#### *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 does not find that the song in question consisted of "negative or degrading comments on the role and nature of women" but it does consider that it was unduly sexually explicit for broadcast as part of CFBR-FM's morning show.

#### **The Comedic Defence**

The defence of humorous intention raised by the broadcaster's Program Director as a part of his response to the complainant has generally been treated by CBSC Panels under the rubric of comedic defence. While it is not a sufficiently prominent issue in the correspondence to elevate it to the level of a significant component of this decision, the Panel considers it useful to refer to its ruling of today's date in *CJAY-FM re Forbes and Friends (multiple choice "quiz")* (CBSC Decision 02/03-0638, December 15, 2003), in which it dealt with this issue in the following terms:

Both humorous intention and subjectivity are components of the comedic defence, a perspective raised frequently in the past by broadcasters in defence of their hosts or their shows. The Panel in fact accepts the idea that comedy is a subjective matter; it acknowledges that what may appeal to some will not to others. Indeed, it realizes that what may appeal to some may actually *offend* others. There is not a right and a wrong to funniness. This does not, however, entitle those who would find something funny to defend its broadcast on *that* ground against all other values. Comedic intention is not, for example, a defence to a broadcast that would otherwise breach the Human Rights Clause of the *CAB Code of Ethics*. Comedic intention does not, in other words, sanitize or rehabilitate material that is unduly discriminatory under that provision.

The Panel recognizes that the broadcaster itself acknowledged that "the material in question was inappropriate, particularly at the time aired." Nonetheless, it wishes to make it clear that it would not have been a defence to the broadcast of such material in another instance of this nature.

## **Sexual Content on Radio**

This Panel also considered the issue of sexual content in its decision of today's date in CJAY-FM re *Forbes and Friends* (joke songs and parody advertisement) (CBSC Decision 02/03-0674, December 15, 2003). What it said there of the principles applicable to sexual content is equally pertinent here.

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.

In that decision, the challenged song was more subtle than that under consideration here. Nonetheless, the Panel explained its conclusions in the following terms:

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*.

On the issue of explicitness, the present song is easier to characterize. It is not metaphorical or built on innuendo, whether isolated or accumulated. It is obvious. It is explicit. It is, in the Panel's view, unduly explicit and, consequently, in breach of the requirements of Clause 9(b) of the *CAB Code of Ethics*.

## **The Sex-Role Portrayal Issue**

The complainant has also raised the issue of sex-role portrayal. The Panel wishes to make it clear that the one is quite distinct from the other; in other words, a finding that material broadcast is sexually explicit does not necessarily lead to the conclusion that it is either exploitative or demeaning. In the matter at hand, the oral sexual activity described is a mutual act and one which, in the view of the Panel, is not in principle demeaning to either partner to the activity. In other words, in ordinary circumstances, it is neither demeaning nor exploitative. If anything, the soft crooning style of the presentation takes the performance even further away from any sense of the imposition of unequal power in the relationship. The Panel finds no breach of Article 4 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. In this instance, while the broadcaster's reply was short, it was responsive to the concerns of the complainant in that the Program Director pointed out, first, that this was the only occasion on which the song had played and, second, that it "had been removed from active play" for the future. By this, the Prairie Panel does understand that CFBR-FM made the commitment that the song would not again be broadcast by the station. The complainant was not satisfied with this commitment, on the grounds that, while *this* song may not return to CFBR-FM's playlist, he was not confident that other "'one time only' inappropriate material [would not be] aired in the future." The Panel has no reason to believe that the broadcaster will not retain the generic principles of this decision as a part of its playlist determinations in the future (moreover, its obligations of membership in the CBSC *require* it to do so). Its commitment was unequivocal. Nothing more need have been requested of the broadcaster on this occasion.

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

CFBR-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 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 CFBR-FM.

The Canadian Broadcast Standards Council has found that CFBR-FM has breached the provision of the Canadian Association of Broadcasters' *Code of Ethics* which prohibits unduly sexually explicit content on the radio. During the episode of its morning show of February 22, 2003, CFBR-FM broadcast a song which contained a 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  
To  
CFBR-FM re a spoof (CBSC Decision 02/03-0738, December 15, 2003)**

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**I. The Complaint**

The following complaint dated February 24, 2003 was sent to the CRTC and forwarded to the CBSC in due course:

I would like to submit a formal complaint about a song that was broadcast [by] 100.3 'The Bear' in Edmonton on Saturday February 22 at approximately 11:15 am.

The song matter dealt with an explicit request for oral sex and graphically described how he would like it to be performed.

It was a spoof of a 1960's style "crooners" song, (i.e. Frank Sinatra) but was completely inappropriate, especially for the time that it was aired.

I would appreciate it if you would acquire a copy of the song that was played and advise if this did or did not meet acceptable community standards.

Thank you for your time in this matter.

**II. Broadcaster Response**

The broadcaster responded to the complainant's letter on March 5, 2003 with the following:

Dear [complainant]

My name is [name] and I am the Program Director of CFBR-FM, a division of Standard Radio Inc.

I am happy to respond on behalf of the station to the concerns expressed in your email correspondence of 24 February, 2003 to [name], Correspondence Officer, Canadian Broadcast Standards Council (CBSC). Your complaint was subsequently received by CFBR-FM on 27 February, 2003.

I have reviewed the parody song aired on CFBR-FM at approximately 11:15 am on 22 February 2003. I agree that the material in question was inappropriate, particularly at the time aired. The parody song has since been removed from active play. In fact, that was the one and only time it was ever played on CFBR-FM. I apologize if you were offended. It was in no way our intention to do so.

Mr. [name], please understand that CFBR-FM is an adult rock radio station targeting a listening audience of primarily males between the ages of 18 and 49. Much of the programming aimed at the target group is meant to be of humorous nature, similar to many mainstream television shows such as the *Simpson*, *Saturday Night Live*, of various shows on the Comedy Network. As is the case with all forms of humour, not everyone finds it funny – again, my apologies.

Should you wish to discuss this matter further, I can be reached at [telephone number].

Sincerely,  
Via e-mail  
Signed

### III. Additional Correspondence

The complainant was unsatisfied with the broadcaster's response and sent the following e-mail dated March 7, 2003.

[name],

As noted below, [name] of CFBR-FM has agreed that the material aired was inappropriate. While I appreciate this acknowledgement, I fail to understand how removing a song from "active play" that was never on their active play list ("that was the one and only time it was ever played on CFBR-FM") will prevent "one time only" inappropriate material from being aired in the future.

For this reason I am submitting the attached Ruling Request Form and request that the Canadian Broadcast Standards Council review the material in question with respect to:

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2) Clause 9(b) of the June 2002 *CAB Code of Ethics*, given the time of day that the material was aired and likelihood of children hearing this material:

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:

- a) Gratuitous violence in any form, or otherwise sanction, promote or glamorize violence;
- b) Unduly sexually explicit material; and/or
- c) Unduly coarse and offensive language.

Again, I thank you for your time and consideration in this matter, and I look forward to your reply.

Via e-mail  
Signed