
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL PANEL**

CFNY-FM re the *Show with Dean Blundell* (David Carradine Appearance)

(CBSC Decision 03/04-1305)

Decided October 22, 2004

R. Stanbury (Chair), M. Ziniak (Vice-Chair), B. Bodnarchuk, R. Cohen (*ad hoc*),
J. David and M. Oldfield

THE FACTS

On April 14, 2004, CFNY-FM (Toronto, also called "102.1 The Edge") aired an interview between the station's host, Dean Blundell, and the actor David Carradine. The interview related to the actor's role in the films *Kill Bill* (Volumes I and II). The segment of the interview under consideration began at 8:36 am. Pertinent excerpts of the transcript of the program are included below (see Appendix A to this decision for the full transcript):

D. Blundell: All right, 8:36. Joining us is our guest from "Kill Bill", Volume I.

D. Carradine: As long as I don't say "fuck", right?

D.B.: Oh, oh, oh, you didn't just do that, no! [Laughing]

[...]

D.B.: 8:41, it's Switchfoot "Meant to Live", and right now it's 3^o, high of 10 today. Joining us in studio today, the star of *Kill Bill*, Volumes I and II. Volume II in theatres Friday. Volume I you can get in stores on DVD as of yesterday... Mr. David Carradine.

D.C.: All right ... Hey!

D.B.: Hey bud. We just had the long conversation about the ... the foul, the use of foul language and I apologize.

D.C.: Don't say "foul." That's a four letter word.

- D.B.: Oh, I'm sorry! The use of bad language. So thank you very much for helping us out with ...
- D.C.: That's an f-word, too.
- D.B.: Yeah, I'm sorry [...]

On the date of the broadcast, a CFNY-FM listener e-mailed his complaint to the CRTC, which in turn forwarded the complaint to the CBSC on April 19. The core of his complaint (the full text of the complaint and all other correspondence are provided in Appendix B) was as follows:

I was listening to the show on April 14th, 2004 at this time they had David Carradine as their guest. Right after they introduced him he said knowing he was on the air "can I use the word F**k." I was surprised there was no delay being used and I was put off by the station.

The station's Program Director responded on June 4, 2004. In his response, he cited the transcript of the interview and made the following observations:

I reviewed the tape of the broadcast and here is a word-by-word transcription of the part of the interview in question:

Dean Blundell: Joining us in studio today, the star of Kill Bill, volumes One and Two, (Volume [II]in theatres Friday)...Volume One you can get in stores on DVD as of yesterday...Mr. David Carradine.

David Carradine: Hey!

DB: We just had the long conversation about the...the use of foul language and I apo—

DC: Don't say "foul." That's a four letter word.

DB: Oh, sorry! The use of bad language. So thank you very much...

DC: That's an f-word, too."

As you can see from the foregoing, at no time was foul language used in that Program.

The complainant was not satisfied with this response. He responded by e-mail to the CBSC on June 7, 2004. Although the complainant did not send a Ruling Request form, which is normally required to trigger the CBSC's adjudication process, the CBSC deemed that his e-mail message was equivalent to a Ruling Request. His message, in pertinent part, read as follows:

I appreciate the response but the portion of the conversation you quoted happened after the part I was referring to in my complaint. The part you have just quoted was after the break in which the "f" word was used. That is why I am assuming they just had a discussion about foul language on the air. As is stated here: "We just had the long conversation about the...the use of foul language and I apo-"

If you did not hear this when you listened to the tape of the show I would assume it was removed from the archive. I know I did hear the "f-word" being used which would also explain his references to other "f-words."

The CBSC forwarded this correspondence to the station's Program Director for further response. On June 28, he responded to the complainant and sent a copy of his response to the CBSC. The relevant sections of this response (provided in full in the Appendix) are as follows:

[I]t appears that I had misunderstood your original message. Your second e-mail was instructive in alerting us about the timing of the use of "f****", which we have since learned was prior to the segment to which I thought you were originally referring.

You are, in fact, quite correct. It turns out that David Carradine did use the f-word. We apologize for not catching the use of the offending word. I thought you were referring to a different part of the interview and as a result completely missed the infraction. This was my error. Since we had no reason to believe that our guest—a well-known professional with a sterling reputation when it comes to dealing with the media—would use profanity, we were caught completely by surprise and had no time to react in a way that would have prevented the comment from being aired.

[...] We have noted your concerns and have since had discussions with our on-air staff about appropriate on-air content and we will continue to exercise greater diligence on such matters. We have also taken steps to reiterate to our staff the importance of ensuring that our programs do not violate the applicable industry codes or otherwise offend our listeners.

As well, the next day the Program Director sent further correspondence to the CBSC. His letter to the CBSC made the following additional observations:

[O]ur guest did utter the f-word. However, because of a miscommunication and misunderstanding regarding the first complaint – and because I was out of town at the time of the incident – I didn't discover the infraction until [name of complainant] made his request for adjudication.

My apologies. This was my error. I hope this will help clear things up.

THE DECISION

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

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:

[...]

(c) Unduly coarse and offensive language.

The Panel reviewed all of the correspondence and listened to a tape of the interview in question. It is the Panel's finding that the use of the word "fuck" was in breach of the foregoing Code provision.

Coarse or Offensive Language

Various CBSC Panels have been called upon to deal with coarse language in radio and television, both in song lyrics and in spoken word material. In the radio context, these adjudicating bodies have consistently concluded that the broadcast of the word "fuck" and its derivatives at times when children could be listening to the radio constitutes a violation of the Code. In *CIOX-FM re the songs "Livin' It Up" by Limp Bizkit and "Outside" by Aaron Lewis and Fred Durst* (CBSC Decision 00/01-0670, June 28, 2001), for example, the two songs in question, which were played at 11:31 am, 4:00 pm and 8:31 pm, contained the words "motherfucker", "fuck" and variations thereof. Noting that regulatory bodies in other English-speaking countries have addressed offensive song lyrics in the same way, the Ontario Regional Panel found that the songs, in their unedited versions, were inappropriate for broadcast at times of day when children could reasonably be expected to be listening. This same principle was applied by the Prairie Regional Panel in *CJKR-FM re the song "Highway Girl (Live)" by the Tragically Hip* (CBSC Decision 00/01-0832, January 14, 2002) and the Ontario Regional Panel in *CFNY-FM re the song "Cubically Contained" by the Headstones* (CBSC Decision 01/02-0456, June 7, 2002).

In *CKNW-AM re Warren on the Weekend* (CBSC Decision 01/02-0721, January 14, 2003), the B.C. Regional Panel dealt with the use of the f-word by a caller to a talk show. In a discussion on celibacy in the priesthood, host Peter Warren had taken a call from Bob, who said "Oh, dear. Peter, I don't want you to hear this but Jesus was anti-religious. And I'm married to a queer and you can tell these religious bastards to fuck off." Warren responded with some exasperation, "All right. Thank you very much." The program continued without anyone making any further reference to Bob's call. On the issue of the use of the f-word (other issues raised by the caller's intervention were also dealt with in the decision), the Panel stated:

While the previous decisions each involved songs, the Panel considers that the principle established in these is as applicable to a spoken word situation. The use of the f-word, even by a caller, is the responsibility of the broadcaster. In the case of songs, it is of course evident that playing a recording is entirely in the hands of the broadcaster. While the case of an outside caller is not as controlled, broadcasters are expected to have the tools to cope with such circumstances. One such method is the delay system to which the host referred in the course of the broadcast. Another is, of course, the host's own microphone in an after-the-fact situation in which the caller somehow gets by level one.

Similarly, in *CJAY-FM re Forbes and Friends (Chinese Language “Translations”*)(CBSC Decision 02/03-1646, April 16, 2004), the Prairie Regional Panel dealt with the case of a fictitious call from a Mr. Wong who offered to help the hosts learn some phrases in Chinese. The ensuing “translations” provided by Mr. Wong were in English but pronounced so as to sound Chinese. The Panel found that the use of the expression “fucking super” in the humorous dialogue constituted a breach of Clause 9 of the *CAB Code of Ethics* which prohibits the use of unduly coarse or offensive language.

The use of the f-word by the guest David Carradine was gratuitous. The broadcaster was responsible for avoiding such an occurrence, whether by tape delay or otherwise. The failure to do so constitutes a breach of Clause 9 of the *CAB Code of Ethics*.

Broadcaster Responsiveness

Broadcaster responsiveness is always an issue considered in CBSC adjudications. The CBSC considers that the dialogue between broadcasters and complainants is an extremely positive component of the self-regulatory process, to the point that it is in fact a membership responsibility of all CBSC broadcaster members. In this case, the broadcaster’s response was a totally unjustified denial. Although the complainant pointed to the very moment in the interview when the f-word had been used, the Program Director quoted *selectively* from the interview and then stated, “As you can see from the foregoing, at no time was foul language used in that Program.” It was only the result of the persistence of the complainant, who reaffirmed what he had heard and pointed out how even the selectively expurgated transcript bore him out, that the Program Director was forced to admit what was *plainly* there for anyone to hear. Although the CFNY-FM representative subsequently admitted that he had been incorrect, the Panel finds that the initial evasive response constituted a breach of the standard of responsiveness which all broadcasters are obliged, by their membership in the CBSC, to respect. The failure to do so would have the effect of undermining the public’s confidence in the self-regulatory process.

CONTENT OF THE ANNOUNCEMENT OF THE DECISION

CFNY-FM is required to: 1) announce this decision, in the following terms, once during peak listening hours 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 David Carradine interview was broadcast; 2) within the fourteen days following the broadcast of the announcements, to provide written confirmation of the airing of the announcements to the representative of the complainants who filed the Ruling Request; and 3) 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 CFNY-FM.

The Canadian Broadcast Standards Council has found that CFNY-FM has breached provisions of the Canadian Association of Broadcasters' *Code of Ethics* in its broadcast of an interview with David Carradine on April 14, 2004. By broadcasting the interview, which contained coarse and offensive language, CFNY-FM violated Clause 9 of the *CAB Code of Ethics* which prohibits the use of unduly coarse and offensive language. By not responding accurately to the complainant regarding the content of the broadcast, CFNY-FM has also breached one of the station's obligations of membership in the Canadian Broadcast Standards Council.

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

APPENDIX A
To
CFNY-FM re the Dean Blundell Show (David Carradine Appearance)(CBSC
Decision 03/04-1305, October 22, 2004)

The following is the transcript of the interview in question:

- D. Blundell: Alright, 8:36. Joining us is our guest from "Kill Bill", Volume I...
- D. Carradine: As long as I don't say "fuck", right?
- D.B.: Oh, oh, oh, you didn't just do that, no! (Laughing)
- Co-host: It's a good thing our boss is out of town.
- D.B.: Ok, uh oh, Mr. Carradine, please, I want to talk to you about the movie. I do...I do, it's a good movie. We were recently suspended so, please, help me.
- D.C.: Alright, you got it. I'll be a good boy.
- D.B.: Ok, thank you.
- Co-host: Thanks sir.
- D.B.: We're gonna talk with David Carradine (laughs). Off air, very kindly, I went up to Mr. Carradine, I'm so nervous, and I'm like, 'Please we just got into a lot of trouble a few weeks ago, if you wouldn't mind and then, here it is, that's why we're laughing.
- Co-host: Yeah, we got fined, actually, a considerable amount and suspended, so....Please, help us.
- D.C.: Ok, ok, alright, you got it, talk about the movie, you got it man, sorry bro...
- Co-host: Unless you have your chequebook with you.
- D.B.: I lost a day's pay, like eight bucks...
- D.C.: I won't use any four-letter words like LOVE or anything like that.
- D.B.: You could use "love", like you love the city of Toronto, you love...
- D.C.: It is a four-letter word!
- D.B.: No, just the ones that start with "F", or "C", or "S".
- Co-host: You were going to avoid all four-letter words?
- D.C.: Now, that's a challenge!

Co-host: Yeah.

D.C.: Hmm, ok. I was just trying to think if I can find another one somewhere [mumbles].

D.B.: Save it, save it for us. We're gonna talk to David Carradine. He's the star of "Kill Bill", Volume I and II. He's here. Uh, hopefully, it goes...He's clapping. I think he's clapping for us, I don't know. Ah, here's Switch Foot, 102.1, the Edge.

D.B.: 8:41, it's Switch Foot Meant to Live, and right now it's three degrees, high of ten today. Joining us in studio today, the star of "Kill Bill", Volumes I and II. Volume II in theatres Friday. Volume I you can get in stores on DVD as of yesterday... Mr. David Carradine.

D.C.: Alright...Hey!

DB: Hey bud. We just had the long conversation about the...the foul, the use of foul language and I apologize

DC: Don't say "foul." That's a four letter word.

DB: Oh, I'm sorry! The use of bad language. So thank you very much for helping us out with...

DC: That's an "f" word, too.

D.B.: Yeah, I'm sorry. Thanks for coming back to Toronto. This, this movie we saw yesterday and the first one together you call one movie; they call it two.

D.C.: Well it is, y'know, that was Quentin's vision and I think if you think about it as one movie, you're thinking about an absolute huge masterpiece, like a David Lean movie or something.

D.B.: Uhhh.

D.C.: As two movies, they're two great movies but as the true thing, one movie, they're, [they] may be, the best movie ever made or something. I mean they're hot.

D.B.: And I was, I was reading an article on you in the Star the other day, The Toronto Star, and it said you hounded Tarantino for this role, you wanted this role. Is that true?

D.C.: Yeah, well, the Star wouldn't know that because they weren't around when I started hounding him. I met him at the Toronto Film Festival.

D.B.: Oh really!

D.C.: Yeah, I tracked him down in his hotel which was the...Where' we staying?...Four Seasons. Right.

D.B.: Four Seasons, right.

D.C.: It was the first hotel I called 'cause it's the best hotel in town. I knew that's where he'd be staying. He answered the phone, I said "we gotta meet" and he came over. I played the piano for him and I just kinda leaned on him and then, yeah, I followed him around the country, tracked him, just tracked him for...

D.B.: Did you really?

D.C.: For years. Yeah.

Co-host: You stalked him is what you're saying!

D.B.: Having David Carradine stalking you, you know, that'll be weird!

Co-host: Cool but scary at the same time, you know.

D.B.: At what point did he either a) give in and let you do the role, or, b) file the restraining order.

D.C.: Well, the thing was, it, it didn't work that way at all, either way. Uh, we agreed right at the beginning that we should work together but, you know, anybody can say that. Uh, and then after, after a little while I found out from my little brother, Mike Bowen, who is in Jackie Brown, that Quentin is in love with me and he's writing something for me.

Co-host: Wow.

D.C.: So ok, it's workin', I just kept working and I was doing a picture in Spain, I came back and there was a message for me. Uh, of course, I gave him my phone number, and he said "come on down and meet me" and he handed me this script.

D.B.: And it was "Kill Bill".

D.C.: Yeah, he said, remember when we talked about how we're gonna work together back in Toronto, remember when it was, I said yeah, he said "Well, now it's the time" (deep voice). Actually, he said "Well, now it's the time" (shouting voice). Y'know how he is.

[Laughs]

D.B.: He is a little off, isn't he?

D.C.: Well, he's a little on actually.

D.B.: Yeah, for, for what he does, I would imagine he's extremely on but y'know, if he went to a Leaf game he'll be way off, yeah, you know what I mean.

D.C.: Well, he's adaptable. I mean the guy is really smart, and, you know, he acts the way he does because he's fearless. But, you know, he, actually, he does know what's going on more than anyone of us, I think. It's hard to find something that he doesn't know about or that he doesn't see it coming before it gets there.

D.B.: Look, can I talk to you a bit about the role of Bill in "Kill Bill" because...

D.C.: No.

D.B.: No? Ok, alright, whatever...

D.B.: Briefly, your role as Bill, in, in Kill Bill II...it was so defi...it was defined so well the kind of person that you were, this sadistic, very calmly sadistic individual who is well in control of everything that was going on but was almost very out of control, ah, towards the end of the

movie. But I didn't know whether to, to love your character because of your demeanour or to hate your character because of the kind of character you were.

D.C.: Yeah, I was just playing myself.

D.B.: Oh, yeah, was there a little bit of you in there? Was there?

D.C.: The thing is, you know...

D.B.: Because you are very calm.

D.C.: Yeah, I tell you, you know, the ruthlessness and the monstrosity [*sic*] of the guy is that's kind of a rumour. You never see him kill anybody or do anything, y'know, really mean. You don't even see him shoot her in the head, right, that's off camera. Uh,so, uh, but I think that's one of the tricks that Tarantino is playing, is, all through the first half of the movie, right, that's the first movie, right, he's, he's, you're wondering, who is this ruthless....I can't say that...., it's, it's not a....

D.B.: Ah fellow?

Co-host: You could say...

D.C.: No, it's a b-word.

D.B.: Oh, yeah.

D.C.: So, you know that's, that's what he calls himself in the movie.

D.B.: Uh huh.

D.C.: You're waiting for that guy to show up, this killer, this cold-blooded killer...and then when you meet him, he's like Cary Grant, or somethin'...

D.B.: Totally.

D.C.: You go "What? What happened?", and that's one of Quentin's tricks but I think it's clear once he shot the bride in the head....

D.B.: Hahaha.

D.C.: His whole life changed.

D.B.: Yeah, yeah, that's sort of semantic

D.C.: From that moment on, that was five years ago, his whole life changed.

D.B.: I gotta tell...

D.C.: He just banded the Viper squad and start taking, well...I don't wanna...give it away.

Co-host: Don't give it away...On the way you delivered your lines, I mean, it is something so special to watch.

D.B.: You know, it's weird with Quentin Tarantino's dialogue and the way, exactly, the way that you delivered it as calm, and as...as confident you did it. It was one of the greatest villain/non-villains in the movie history. It really was for me. I thought it was brilliant.

Co-host: And there's tons of dialogue in the second half of it as opposed to, maybe, the first one where there was a lot of action. And that's what I found so fascinating. I was, almost, watching it...I was more focused on the second one than even the first one, and you don't realize.

D.C.: The first one, you don't even have to focus. It's a blaze of glory that just sweeps through you, you know, you just lay back and I get hit with it. The second one, you're constantly picking up on it. I'm not saying that it makes you think but, you know, but, you know, but your brain does buzz...You're going "Oh God, look at that! Oh, wow!", you know.

D.B.: You use a part of your brain to watch this movie.

D.C.: Here you go.

D.B.: We're talking with David Carradine from "Kill Bill" Volumes I and II. Two is in theatres on Friday. You used to live in Toronto when you did King Fu: The Legend Continues.

D.C.: Mississauga actually.

D.B.: That's what I found weird. [Laughs] Like a big super star came to town, he'd be like " I wanna live down-town, I wanna a car, I wanna...yeah...I'd really like to go to Mississauga or Brampton...

D.C.: I'm just a poor boy from Memphis, you know, I like living in the country.

D.B.: Do you really?

D.C.: Yeah, I don't do it anymore. I finally gave it all up. I raised horses for 26 years and, now, I lost them all in the divorce, or most of them. I had the old mare and the young colt, both of which you couldn't ride. That's what I got from the divorce.

D.B.: She took all your horses, really?

D.C.: Yeah, and....

Co-host: You let her do it?

D.C.: And I thought, well, what I'm gonna do! Then I thought 26 years, I've done this, I don't have to do it anymore, and I moved to town where the bright lights are, you know, and everything else. And, of course, I was single, so you know, "I don't wanna run no check out in the old country with my horses you can't ride"...

Co-host: Better things to ride in the city than horses, hey David?

D.B.: Yeah, so you get divorced, your wife takes all your horses, you come to town, what happens?

D.C.: I'm a gay divorcé! [Laughs in the background] No, I'm a serial monogamist, I, I got, you know, right into getting married again.

D.B.: Did you really?

D.C.: Yeah.

D.B.: Who did you marry?

D.C.: I can't remember.

[Laughing]

D.B.: Did you meet anybody special?

D.C.: Yeah, she was really special...I met her, I met her towards the end of the show up here, uh, and she looked lonely and I went over and hugged her...and, well, she wrote...Her name was Marina.

D.B.: That was it. Yeah, you had her.

D.C.: I called her Blackie.

D.B.: Why is that?

D.C.: Well, she had kinda almost black hair, and she always wore black clothes and she was...It was cool.

D.B.: Therefore Blackie. Ergo Blackie.

D.C.: Yeah, and...

[Laughs]

D.B.: I feel bad for you losing your horses man. I'm still, I'm still in tears over here.

Co-host: Poor David, lost all his horses.

D.C.: I kept them on the run...

Co-host: Oh, did you really? 400 horses right there. Good for you.

D.C.: Yeah, that's right. Good point.

D.B.: "Kill Bill", volumes one and two. It's obviously something you're very proud of. I mean, this is something like, you had the career you've had, is that like the capper?

D.C.: This is the best part I've ever had and, you know, uh, when you look back on this particular golden age of movies... You know, people are always talking about the golden age. We're always in the golden age, we just can't see it for 20 years. Now, they're talking about the great movies of the seventies and in the seventies, they were talking about the forties, you know, but, uh, this movie, you know, will be one of those pictures that people, you know, kinda remember forever. But so is Pulp Fiction, but this is beyond that...

D.B.: Yeah, I was just gonna say, it's like Pulp. It's just like graduating from Pulp Fiction onto a different level.

D.C.: It's expanded. And he does stuff in part two that you didn't even expect Quentin was capable of, which is make you cry. You didn't even think he had a sentimental molecule, beside from the bone in his body, right?

D.B.: Oh dude, anybody that's got kids...

D.C.: Are we allowed to say bone? That's appropriate?

D.B.: Yeah, you can say bone. Depends on the context.

Co-host: Exactly.

D.B.: If you made a reference to Blackie and then said that word, we may have a problem. No big deal, bud.

D.C.: OK

DB But no, it's, it's a brilliant movie, and if I can suggest this, the best, the best I've ever seen you at. You did just a tremendous job.

D.C.: Yeah, it's my best, no doubt about it.

D.B.: Good for you. David Carradine, our guest.

Co-host: Can I ask a really quick question? How hot is Uma in real life?

D.C.: I'm not allowed to say.

Co-host: Ok.

D.B.: More four-letter words?

D.C.: Yeah.

[Laughing]

D.B.: Thanks for coming. We appreciate it, Mr. Carradine. Have a great day. Movie legend, David Carradine. Kill Bill Volume I and II.

D.C.: That was fun, man.

D.B.: Fun for us. We don't get super stars in here like this very often. Check it out Kill Bill Volume II in theatres as of Friday, and Volume I, you can get in stores as of today.

APPENDIX B
To
CFNY-FM re the Dean Blundell Show (David Carradine Appearance)(CBSC
Decision 03/04-1305, October 22, 2004)

I. The Complaint

The following complaint dated April 14, 2004 was sent to CRTC and forwarded to the CBSC in due course:

102.1 the Edge Toronto. The Dean Blundell Show. I was listening to the show on April 14th, 2004 at this time they had David Carradine as their guest. Right after they introduced him he said knowing he was on the air "can I use the word F**k." I was surprised there was no delay being used and I was put off by the station. I think there should be some delay to avoid this type of thing. And this is followed by the Jackass stunts which were offending a few weeks ago.

II. Broadcaster Response

The broadcaster responded to the complainant's letter on June 4, with the following:

The Canadian Broadcast Standards Council ("CBSC") has asked us to respond to your e-mail dated April 14, 2004. In your e-mail, you raised concerns the language used by the actor David Carradine during an interview on the Dean Blundell Show ("Program") on April 14, 2004. More particularly, you suggest that the actor used the "F***" word on air.

I reviewed the tape of the broadcast and here is a word-by-word transcription of the part of the interview in question:

"Dean Blundell: Joining us in studio today, the star of Kill Bill, volumes One and Two, (Volume [II]in theatres Friday)...Volume One you can get in stores on DVD as of yesterday...Mr. David Carradine.

David Carradine: Hey!

DB: We just had the long conversation about the...the use of foul language and I apo—

DC: Don't say "foul." That's a four letter word.

DB: Oh, sorry! The use of bad language. So thank you very much...

DC: That's an f-word, too."

As you can see from the foregoing, at no time was foul language used in that Program. Please be assured that we take our responsibilities as a broadcaster very seriously and to that end work to ensure all our programming complies with the Broadcasting Act, the Radio Regulations and the Canadian Association of Broadcasters Code of Ethics, administered by the CBSC.

We trust that the foregoing responds to the concerns expressed in your letter. At CFNY, we recognize the importance of listener feedback and appreciate all comments. We thank you for listening to the station and for taking the time to share your concerns with us.

III. Additional Correspondence

The complainant responded on June 7 with the following message which the CBSC considered as an equivalent to a Ruling Request.

I appreciate the response but the portion of the conversation you quoted happened after the part I was referring to in my complaint. The part you have just quoted was after the break in which the "f" word was used. That is why I am assuming they just had a discussion about foul language on the air. As is stated here: "We just had the long conversation about the...the use of foul language and I apo-"

If you did not hear this when you listened to the tape of the show I would assume it was removed from the archive. I know I did hear the "f-word" being used which would also explain his references to other "f-words"

I want to state I do enjoy the station but I felt some kind of delay should be used in those circumstances where this type of thing might happen.

On June 28, the Program Director provided the complainant with the following additional response:

The Canadian Broadcast Standards Council ("CBSC") has once again asked us to respond to your original e-mail (dated April 14, 2004) and your follow-up response on June 7, 2004. In your e-mails, you raised concerns the language used by the actor David Carradine during an interview on the Dean Blundell Show on April 14, 2004. More particularly, you're concerned that the actor used the F-word on air. As I was out of town at the time of the incident, I did not hear that broadcast and as such only heard the segment after your complaint was filed.

Furthermore, it appears that I had misunderstood your original message. Your second e-mail was instructive in alerting us about the timing of the use of "f***", which we have since learned was prior to the segment to which I thought you were originally referring.

You are, in fact, quite correct. It turns out that David Carradine did use the f-word. We apologize for not catching the use of the offending word. I thought you were referring to a different part of the interview and as a result completely missed the infraction. This was my error. Since we had no reason to believe that our guest—a well-known professional with a sterling reputation when it comes to dealing with the media—would use profanity, we were caught completely by surprise and had no time to react in a way that would have prevented the comment from being aired. The hosts immediately responded with disapproval.

Please be assured that we take our responsibilities as a broadcaster very seriously and to that end work to ensure all our programming complies with the Broadcasting Act, the Radio Regulations and the Canadian Association of Broadcasters Code of Ethics, administered by the CBSC. We have noted your concerns and have since had discussions with our on-air staff about appropriate on-air content and we will continue to exercise greater diligence on such matters. We have also taken steps to reiterate to our staff the importance of ensuring that our programs do not violate the applicable industry codes or otherwise offend our

listeners. We deeply regret that the comment offended you for it was never our intention to offend our listeners. Furthermore, we apologize for having misunderstood your original concerns.

We trust that the foregoing responds to the concerns expressed in your letter. At CFNY, we recognize the importance of listener feedback and appreciate all comments. We thank you for listening to the station and for taking the time to share your concerns with us.

The broadcaster also provided the following explanation to the CBSC on June 29:

Here are two CD recordings of the David Carradine f-word incident, originally broadcast on CFNY-FM on April 14, 2004. I've also included a copy of my letter to Mr. C. W., the listener who filed the original complaint and who also asked for additional action after our first response.

As you can see by the letter, our guest did utter the f-word. However, because of a miscommunication and misunderstanding regarding the first complaint – and because I was out of town at the time of the incident – I didn't discover the infraction until Mr. W made his request for adjudication.

My apologies. This was my error. I hope this will help clear things up.