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**CANADIAN BROADCAST STANDARDS COUNCIL  
PRAIRIE REGIONAL PANEL**

CFGQ-FM (CKIK-FM) re a live Tragically Hip concert and interview

(CBSC Decision 03/04-1850)

Decided November 1, 2004

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

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**THE FACTS**

Radio station CFGQ-FM (Q107, Calgary) broadcast a live performance of, and an interview with, the Canadian rock band the Tragically Hip on June 29, 2004 (at the time of the broadcast the station's call letters were CKIK-FM; they were changed to CFGQ-FM in July 2004). The Tragically Hip performed some of their songs and answered questions from the audience and radio host.

The following dialogue took place during the program at approximately 8:50 pm (a lengthier transcript of the interview can be found in Appendix A):

Host: Here's a text message for Gord [Downie]. Gord, uh, what's the lyric you're most proud of having written? The most lyric [*sic*], you're most proud of having written?

Gord: Uh, well, I really like "fuck this and fuck that and this guy is a diplomat". Uh, some might think I'm being salacious and that I'm trying to prove something but I like that one, it makes me laugh. I ...

On June 30, a listener filed the following complaint with the CRTC, which forwarded it to the CBSC in due course (the full text of all correspondence can be found in Appendix B):

On Tuesday, June 29 at approximately 8:50 pm on Q107 in Calgary I heard the "F" word a couple of times. That's something I didn't think I would hear on the radio. Please take this as an official complaint; I'd rather not hear that language over the airwaves.

The broadcaster provided the following response to the complainant on August 10:

The Canadian Broadcast Standards Council ("CBSC") has asked us to respond to your letter of June 30, 2004. In your letter, you raised concerns about the language heard on CFGQ-FM on June 29<sup>th</sup>, 2004.

Unfortunately, on June 29, 2004, the Station while airing a live network show entitled "One on One with The Tragically Hip" let some questionable language air during an interview with the band member for the band "Tragically Hip". We regret that oversight and since the receipt of your letter, we have addressed the concern with our network programming provider. Please be advised that all future live networked programs will be aired with a delay system in place.

We trust the foregoing responds to the concerns you raised in your letter regarding the program. At Q107, we recognize the importance of listener feedback and appreciate all comments. We thank you for taking the time and initiative to share your concerns with us.

We deeply regret that the program offended you, for that was never our intent. We have reviewed your concerns internally and have had discussions with our staff about appropriate on-air content and we will continue to exercise diligence on such matters. Please be assured that we take our responsibilities as a broadcaster seriously. Our producers and hosts are extremely sensitive to the content on our station. At Q107, we work to ensure all our programming complies with the *Broadcasting Act*, *Radio Regulations* and the Code and standards required of us as a member of the CBSC.

The complainant submitted a Ruling Request on August 13.

## THE DECISION

The CBSC Prairie Regional Panel examined the complaint under Clause 9 (Radio Broadcasting) of the Canadian Association of Broadcasters' (CAB) *Code of Ethics*, which reads as follows:

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 listened to a recording of the broadcast and reviewed all correspondence. The Prairie Regional Panel concludes that the broadcast in question violated Clause 9(c) of the Code.

### **Coarse Language on Radio**

The Ontario Regional Panel has reviewed the CBSC jurisprudence on the question of coarse language in a very recent decision, namely, *CFNY-FM re the Show with Dean Blundell (David Carradine Appearance)* (CBSC Decision 03/04-1305, October 22, 2004). There is very little that the Prairie Regional Panel considers that it can add to that review. The Ontario Panel said:

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*.

While the use of the f-word appears not to have been gratuitous, the broadcaster ought to have had a delay (or other) system in place to prevent such an on-air occurrence. In any event, its obligation was to avoid the broadcast of unduly coarse or offensive language. By failing to do avoid that language, CFGQ-FM has breached Clause 9(c) of the *CAB Code of Ethics*.

### **Broadcaster Responsiveness**

In all CBSC decisions, the Council's Panels assess the broadcaster's responsiveness to the complainant. Although the broadcaster need not agree with the complainant, and vice versa, it is expected that the station's representatives charged with replying to complaints will address the complainant's concerns in a thorough and respectful manner. In this case, the Panel finds that the broadcaster's response was, in this regard, entirely appropriate. The Program Director acknowledged the gap in the station's technical abilities to avoid the airing of such material and declared "that all future live networked programs will be aired with a delay system in place." The Panel considers that CFGQ-FM has fully met its CBSC membership responsibility of responsiveness on this occasion.

### **ANNOUNCEMENT OF THE DECISION**

CFGQ-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 live broadcast of the Tragically Hip concert was broadcast; 2) within the fourteen days following the broadcast of the announcements, to provide written confirmation of the airing of the statement to

the complainant who filed the Ruling Request; 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 CFGQ-FM.

The Canadian Broadcast Standards Council has found that CFGQ-FM has breached provisions of the Canadian Association of Broadcasters' *Code of Ethics* in its broadcast of a live concert of, and interview with, the Tragically Hip on June 29, 2004. By airing the interview, which contained coarse and offensive language, CFGQ -FM violated Clause 9 of the *CAB Code of Ethics* which prohibits the broadcast of unduly coarse and offensive language.

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

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## APPENDIX A

### CBSC File 03/04-1850 CFGQ-FM (CKIK-FM) re a live Tragically Hip concert and interview

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The following is a transcript of the interview with the Tragically Hip that aired on CFGQ-FM (at the time known as CKIK-FM) on June 29, 2004 at 8:50 pm.

Host: All access to the Tragically Hip. Mean Streak [crowd cheers]. Yeah, yeah, yeah, yeah. Okay. Time to get interactive with the band as we are all access with the Tragically Hip. An email from Jeffrey, listening in the great town of Thompson, Manitoba on CHGM. Have you ever opened the door for other Canadian bands internationally? Like giving somebody a big break, taking them on tour?

Hip Member: Uh, I don't know. We've, we've done a lot of touring all over the States and Europe with different Canadian bands in Canada and stuff like that .... I mean, um, I don't know if that opens the door or not, I mean ...

Host: And vice versa, what about when the Stones, didn't you play some gigs with the Stones in Germany and stuff like that?

Hip Member: Yeah, that was, that was an interesting experience for us only because it was a Stones crowd. We like to think our crowd is a music loving crowd and that the groups that we play, you know, kinda, you know, it goes over well with music fans. Y'know, the Stones was a great experience for us but we knew that of the eighty thousand people that were there, there were four to see us, y'know. Mom and dad were on vacation at the time and, y'know, so it was a tough gig. It was cool. But it helped us become a better band.

Hip Member #2: The gigging is always good, you know.

Host: Here's a text message for Gord. Gord, uh, what's the lyric you're most proud of having written? The most lyric [sic], you're most proud of having written.

Gord: Uh, well, I really like "fuck this and fuck that, and this guy's a diplomat," uh. Some might think I'm being salacious and that I'm trying to prove something but I like that one, it makes me laugh. I, uh, ...

Host: Ten points, ten points. Chris, from the audience. He's from Rotterdam. Chris from Rotterdam, where are you? Raise your hand. Rotterdam.

Hip Member: He's out there.

Hip Member #2: Rotterdam.

Host: So now, what does the band enjoy more, big arena concerts or small venues? Big arena concerts or small venues?

Gord: Oh, seeing as we're in a big arena now, uh, I'd have to say big arenas, yeah. We just, uh, we go anywhere where there's a set of lights up and little speaker kicking out the jam. Any stage, anytime, anywhere. We're ... We played it everywhere

man, we've been everywhere man, and, and we, I guess, you gotta, you gotta be flexible, adaptable...

Hip Member #2: Absolutely.

Gord: ...agile, intact.

Host: Well here's an e-mail from Kingston, listening to K-Rock in Kingston. Her name is Andrea. What is the strangest thing you have seen from the stage at a show? The strangest thing you've seen from the stage at a show? And the present company included.

Rob: Uh, I watched a couple have sex at one of our gigs in Minneapolis. That was pretty strange.

Gord: Sorry, I didn't hear it.

Rob: At Minneapolis 6<sup>th</sup> [sic] Street Entry, first time we played Minneapolis, a couple had sex on one of the bleachers. And the club was empty enough that you could actually watch them. That was ... strange.

Gord: Strangely compelling, you mean.

Host: Ten points, ten points for Mr. Robert Baker. And we have a phone question from Ashley in Parry Sound. Who's from Parry Sound, Ontario, sports fans?!

[...]

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## APPENDIX B

### CBSC File 03/04-1850 CFGQ-FM (CKIK-FM) re a live Tragically Hip concert and interview

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#### The Complaint

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