
**CANADIAN BROADCAST STANDARDS COUNCIL
QUEBEC REGIONAL PANEL**

CKTF-FM re a parody on *Les Grandes Gueules*

(CBSC Decision 04/05-0763)

Decided July 19, 2005

T. Rajan (Vice-Chair), B. Gu rin, G. Moisan, R. Parent

THE FACTS

On December 29, 2004, during the program *Les Grandes Gueules*, CKTF-FM ( nergie 104.1, Gatineau) broadcast a parody based on the television commercials for Lakota arthritis relief products. Those commercials feature an aboriginal man dressed in traditional clothing in an outdoor setting explaining the benefits of the Lakota pain relief products. The parody in question was a mock interview with the “Lakota Indian”. The dialogue between the *Grandes Gueules* hosts and the “Lakota Indian” was as follows:

[translation]

Paul: The Indian from the Lakota natural products [laughter from other hosts] who bugs us every five minutes throughout a program, along with his fat barefoot wife. So, hello Lakota Indian.

[bird noises]

“Indian”: Good evening, Paul. As a matter of fact, I am not an Indian. I’m Asian. It’s amazing what they can do with makeup these days.

Paul: Yes, yes, I see. But tell me, Geronimo, um, why is it that we see you only on Radio –

“Indian”: I’m talking here.

Paul: I know that, but I have a question.

“Indian”: I need to stop while you’re talking.

Richard: We're interrupting an Indian [laughter from hosts].

Paul: Yes, but tell me there Geronimo, why is that we see you only on Radio-Canada and RDI?

"Indian": Yes, well it was Bingo, an Indian [????] Radio-Canada who got me the job.

Paul: Ah, ah yes, I see.

"Indian": We've known each other from the time when we didn't go to school together.

Paul: Yes. I understand, yes.

"Indian": At first I tried to get in at TVA.

Paul: Well, naturally.

"Indian": But the job of hoodwinking people with products was already taken by Louis-Josée Mondoux.

[bird noises]

Paul: Now, what is that noise? What did we just hear there?

"Indian": Pardon me. I just sat on an owl.

Paul: And tell me, Kashton, what exactly are you selling in that advertisement you're in? It's not clear. What are you selling?

"Indian": I haven't got the faintest clue. They stood me there and said "Talk. Say anything. No one will understand anything."

Paul: But even so, I imagine you must know what it is. I just don't get it, Richard. I imagine you must know what those natural products are.

"Indian": All I know is that they're Adrien Gagnon products that have gone past their best before date [laughter from hosts] and that are being sold in new bottles.

Paul: Ah yes, I can believe it, but apart from that, that welfare bum with feathers, what else have you done in your life, hmm? What else have you done?

"Indian": Before this, I worked with the Indian from the Yum Yum chips for ten years. My job was to lay traps for wild potatoes and to put out vinegar snares [laughter from hosts].

Paul: Yes, I imagine, yes. Um, do you have anything else to say as we wrap this up, Pocahantas?

"Indian": Yes. All our products are one hundred percent natural. They are manufactured on an assembly line in a nuclear plant in South Korea.

Paul: Ah, well Lakota Indian, thank you very much for this interview.

Richard: Really natural products.

[sound of rifle shot]

“Indian”: Darling, go get some bread and gravy. We’re having hot owl tonight.

Paul: Well that’s all for today, Richard. I think we learned something there.

Richard: Well yes. We learned the right place to put in sound effects.

Paul: That’s it for today.

On the date of the broadcast, a listener filed a complaint with the Canadian Radio-television and Telecommunications Commission (CRTC) which forwarded it to the CBSC in due course. The listener stated his complaint in the following terms (the full text of all correspondence can be found in the Appendix, available in French only):

During this clip, the humorist refers to the fictitious Aboriginal in terms of a “welfare bum with feathers” and says he has a “fat barefoot wife” and that he eats “hot owl” with bread and gravy. I find these comments are racist and that they promote stereotyping. They are offensive, useless and ridiculous. [translation]

The General Manager of Énergie 104.1 responded to the complainant on February 3, 2005. She explained the station’s view of the parody sketch:

The comments that offended you must be put in their context. First of all, this is a parody of an advertisement broadcast on Radio-Canada and RDI featuring an Indian in traditional costume who presents a product known as “Lakota”. This Indian is promoting Lakota products for joint care. Contrary to your claim, the humorist does not refer to a fictitious Aboriginal individual, but rather delivers a parody of a person seen in an advertisement. This is not a case of racist comments or of comments promoting stereotypes, as you claim, but rather a satire on an advertisement which is in itself a caricature.

As you know, the program *Les Grandes Gueules* is a humorous program that is broadcast on the Énergie network – a network that is well known for broadcasting this type of content. It is therefore important to re-situate the comments to which you refer in this set of circumstances. And, in doing so, our only conclusion is that this is humour, the type of humour that fits the context of *Les Grandes Gueules*, and that the comments made by our hosts do not contravene the policies and obligations with which Astral Media Radio must comply. We regret that our humorists’ comments offended you.

We wish to stress that our listeners’ concerns are very important to us and that is why all the on-air staff are expected to abide by our policy on content, so that we can ensure high quality programming. [translation]

The complainant submitted his Ruling Request on February 3, along with the following note:

The answer clarifies certain facts, such as “the humorist does not refer to a fictitious Aboriginal individual, but rather delivers a parody of a person seen in an advertisement.” However, the station in question claims the sketch was not racist and did not promote stereotypes, that it is “a satire on an advertisement which is in itself a caricature.” I therefore consider that my complaint concerning racist comments was not taken seriously and that the station does not admit to committing an error.

I did not file a complaint against the advertisement for the “Lakota” products, but rather specifically against the comments made by the humorist on the air at CKTF. According to my standards, these comments are racist.

I understand that this is a humorous sketch, but it is also racist with a stereotypical flavour [...].

It is evident that “his fat barefoot wife” and “the welfare bum with feathers” are particularly stereotypical comments that, in the context of a humorous sketch, promote racist values among listeners. [translation]

THE DECISION

The Quebec Regional Panel examined the complaint under Clause 2, the Human Rights provision of the Canadian Association of Broadcasters’ (CAB) *Code of Ethics* which reads as follows:

Clause 2 (Human Rights), *CAB Code of Ethics*

Recognizing that every person has the right to full and equal recognition and to enjoy certain fundamental rights and freedoms, broadcasters shall ensure that their programming contains no abusive or unduly discriminatory material or comment which is based on matters of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status or physical or mental disability.

The Quebec Regional Panel listened to the sketch broadcast on *Les Grandes Gueules* and reviewed all of the correspondence. It concludes that the parody is not in breach of the foregoing provision.

Humour Targeting Specific Groups

It is perhaps a mark of the times that the CBSC has such experience in responding to complaints about jokes made at the expense of one or another of society’s identifiable groups. In any event, it is a firmly established principle of the Council that there is a tolerable level of such humour; the implication of that principle is that there is also an intolerable level. The delicate measure of that

line is the responsibility of the CBSC and the basic applicable principle is that it is not just *any* reference to race, national origin, ethnicity, colour of skin, gender, sexual orientation and the like that will breach the code but only those that are abusive or unduly discriminatory. As this Panel put the matter in its decision in *CKTF-FM re Voix d'accès* (CBSC Decision 93/94-0213, December 6, 1995),

The question, of course, is to determine which "ethnic" jokes or comments will be understood as crossing the boundary of acceptability. There are those which are sanctionable and those which, even if tasteless or painful to some, are not. It would be unreasonable to expect that the airwaves be pure, antiseptic and flawless. Society is not. Nor are individuals in their dealings with one another. Nonetheless, the airwaves are a special and privileged place and those who occupy that territory are expected to play a more restrained and respectful social role.

What may constitute the limits of acceptability in each challenged case will need to be appreciated in its context. Certain cases will clearly fall on one side or the other of the boundary. Others will lie uncomfortably on the line.

In that decision this Panel ruled against the broadcaster, saying

The matter at hand was, however, free of doubt; the depiction of "Newfies" as "assholes" was clearly unacceptable. Whether intended seriously or in jocular fashion, the use of that term in reference to this or any ethnic, racial, national or other discernible group was derogatory, abusive and discriminatory and in violation of clause 2 of the *CAB Code of Ethics*.

In a later decision, namely, *CHFI-FM re the Don Daynard Show* (CBSC Decision 94/95-0145, March 26, 1996), the Ontario Regional Panel set down guidelines which have frequently been applied since that date. Concluding that the jokes told there about Jewish mothers were gentle rather than harsh, the Panel found that

the Jewish mothers light bulb joke, while ethnically pointed, was neither demeaning nor abusive. It was told in the context of a series of light bulb jokes aimed at feminists, Marxists, surrealists, accountants, etc. It poked fun but did not bludgeon. It tickled but was not nasty.

Then, in *CKTF-FM re comments made on Les méchants matins du monde* (CBSC Decision 00/01-0705, April 5, 2002) where the "humour" dealt with the demeaning theme of "hunting Hindus", this Panel

consider[ed] that the comments directed at Hindus with respect to their alleged habits, practices and conventions have unquestionably gone too far. The jokesters did not "poke" fun; they bludgeoned. They did not "tickle"; they were nasty. They did not joke *with* Hindus; they laughed *at* Hindus; they made fun *of* Hindus. They demeaned and denigrated the objects of their "humour". This was "grit your teeth", "cringe in discomfort" mockery; it had no cuteness or levity to offer. It did not belong on the public airwaves of Canada. The broadcast of this sketch constituted abusively or unduly discriminatory comment, in breach of the human rights clause of the *CAB Code of Ethics*.

In the matter at hand, the Panel readily understands the offence found by the complainant in the expressions “B.S. à plume”, “grosse femme nu-pieds” and “On mange du hot hibou ce soir” [“welfare bum with feathers”, “fat barefoot wife” and “We’re having hot owl tonight” (translations)]; however, it does find equally that those comments parody the commercial rather than aboriginal people in general or even the individual in the commercial in particular. It recognizes that the television advertisement for the products has itself led the charge into the aboriginal cultural environment. That commercial has chosen to play up the association of the medicinal compound with the Lakota tribe and with nature. The Panel notes that the expression “hot owl” is a harmless link to the communion with nature represented by the entire Lakota approach to the advertised product. As to the expressions “fat barefoot wife” and “welfare bum with feathers”, the Panel readily concedes the rather tasteless choice of a satirical tool but it concludes that the parody only carries the theme established by the commercial itself to a logical, or perhaps ridiculous, extreme. While lightly stereotypical, in the view of the Panel, the expressions “fat barefoot wife” and “welfare bum with feathers” evoke more of the tickling, than the bludgeoning, approach. In terms of the *Méchants matins du monde* decision, the skit laughed not at the *Indians* but at the *commercial*. The overall parody reflected the cuteness and levity missing in that decision and did not come close to the “grit your teeth” or “cringe in discomfort” nature of the nasty mockery found in that instance. This is not, in the view of the Panel, a breach of Clause 2 of the *CAB Code of Ethics*.

The Panel’s Assessment of Stereotyping

In addition to the question of discriminatory comment, the complainant raised the issue of stereotyping. While an issue dealt with less frequently by CBSC Panels, it is one of importance. In *CFYI-AM re Scruff Connors and John Derringer Morning Show* (CBSC Decision 01/02-0279, June 7, 2002), the Ontario Regional Panel dealt with the issue in the following terms:

As in the case of discriminatory comment, however, the Panel does not consider that it is simply *any* stereotyping that will be in breach of the Human Rights Clause of the *CAB Code of Ethics*. It is only such stereotyping as can be reasonably viewed as abusive or unduly discriminatory. It is consequently difficult to envisage circumstances in which the use of an accent will *on its own* be in breach of the Code. The use of an alien accent will require ancillary demeaning, degrading, harsh, nasty or negative commentary or association in order to be found in breach of the Code.

[...] What the Panel finds most bothersome about the challenged broadcast is the mocking tone of the hosts, their “aren’t we superior?” attitude, their tastelessness. In the end, though, while the Panel finds nothing redeeming or amusing about the dialogue cited above, it finds nothing demeaning, degrading, harsh, nasty or remotely negative about the stereotyping and no breach of the Code in this case.

In the circumstances of the matter at hand, the Panel finds no stereotyping that amounts to a breach of Clause 2 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, it is expected that its 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, appropriately accommodating. The Panel does not agree with the complainant that his words were not taken seriously by the broadcaster. It would readily agree that the broadcaster disagreed with the complainant's position on the parody but not that the broadcaster did not take the complaint seriously. Those are, after all, two very different issues. It is, in other words, comfortably of the view that CKTF-FM has fully met its CBSC membership responsibility of responsiveness on this occasion.

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.

ANNEXE

Décision du CCNR 04/05-0763 CKTF-FM concernant une parodie diffusée dans le cadre de *Les Grandes Gueules*

La plainte

La plainte suivante, en date du 29 décembre 2004, a été envoyée au CRTC et acheminée au CCNR :

Station : CKTF, Radio-Énergie, 104.1 FM

Date et heure du clip en question : Mercredi 29 décembre, entre 16h00 et 16h30

Sujet de l'émission : Entrevue avec un autochtone fictif, intention humoristique.

Lors de ce clip, l'humoriste réfère à l'Autochtone fictif comme étant un « BS à plume », qu'il a « une grosse femme nu-pied » et qu'il mange un « hot hibou » avec du pain et de la sauce brune. J'ai trouvé ces commentaires racistes et promouvant des stéréotypes, offusquants, inutiles et ridicules.

La réponse du radiodiffuseur

Le radiodiffuseur a répondu au plaignant le 3 février 2005 :

Monsieur,

Le Conseil canadien des normes de la radiotélévision (« CCNR ») nous a fait parvenir le 13 janvier dernier une copie de votre correspondance concernant la plainte mentionnée en objet.

Nous avons écouté l'enregistrement complet du sketch auquel vous référez dans votre plainte. Les propos qui vous ont choqués doivent être situés dans leur contexte. Tout d'abord, il s'agit d'une parodie de la publicité diffusée notamment à Radio-Canada et à RDI où un indien en costume traditionnel nous présente un produit connu sous le vocable « Lakota », cet Indien fait la promotion des produits Lakota pour le soin des articulations. Ainsi, contrairement à ce que vous prétendez, l'humoriste ne réfère pas à un personnage fictif d'Autochtone mais il parodie plutôt un personnage d'annonce publicitaire. Il ne s'agit pas de commentaires racistes ou faisant la promotion de stéréotypes comme vous le prétendez, mais plutôt de la satire d'une annonce publicitaire qui en soi est très caricaturale.

Comme vous le savez certainement, l'émission *Les Grandes Gueules* est une émission à teneur humoristique diffusée sur le réseau Énergie, réseau bien connu pour diffuser ce type de contenu. Il importe donc de replacer les propos auxquels vous référez dans cet ensemble de circonstances. Ainsi, nous ne pouvons que constater qu'il s'agit d'humour, tel que le veut le contexte de l'émission *Les Grandes Gueules*, et que les propos tenus par nos animateurs ne contreviennent pas aux politiques et obligations auxquelles Astral Media Radio doit se conformer. Nous regrettons que les propos tenus par nos humoristes aient pu vous offenser.

Soyez assuré que les préoccupations de nos auditeurs nous tiennent à cœur et c'est pourquoi tout le personnel en ondes est tenu de respecter notre politique en matière de contenu afin d'offrir une programmation de haute qualité.

Astral Media Radio est une entreprise sérieuse dont les stations visent toujours l'excellence dans leur programmation. C'est pourquoi les commentaires et les préoccupations de nos auditeurs nous tiennent à cœur. Nous sommes désolés que des propos tenus en ondes aient pu choquer des membres de notre auditoire.

Nous vous remercions de l'intérêt que vous portez à notre station.

Veillez agréer, Monsieur, l'expression de nos meilleurs sentiments.

Correspondance afférente

Le plaignant a soumis sa Demande de décision le 3 février :

La réponse clarifie certains faits tels que « l'humoriste ne réfère pas à un personnage fictif d'Autochtone mais il parodie plutôt un personnage d'annonce publicitaire. » Mais la station en question prétend que le sketch n'était pas raciste et ne faisait pas la promotion de stéréotypes mais que c'est « de la satire d'une annonce publicitaire qui en soi est très caricaturale. » Alors je considère que ma plainte concernant les propos racistes n'a pas été prise au sérieux et que la station n'admet pas avoir fait une erreur.

Je n'ai pas fait plainte contre la bande annonce de produits « Lakota » mais spécifiquement contre les commentaires que l'humoriste a fait en ondes à CKTF qui sont selon mes standards, racistes.

Je comprend que c'est un sketch d'humour mais c'est aussi un sketch d'humour raciste et coloré de stéréotypes qui contrevient directement à l'article 5 du *Règlement de 1987 sur la télédiffusion*, qui stipule que :

5. (1) Il est interdit au titulaire de diffuser :

a) quoi que ce soit qui est contraire à la loi;

b) des propos offensants ou des images offensantes qui, pris dans leur contexte, risquent d'exposer une personne ou un groupe ou une classe de personnes à la haine ou au mépris pour des motifs fondés sur la race, l'origine nationale ou ethnique, la couleur, la religion, le sexe, l'orientation sexuelle, l'âge ou la déficience physique ou mentale.

Il est évident que « sa grosse femme nu-pied » et « b.s. à plume » sont des commentaires particulièrement stéréotypés qui dans un contexte de sketch humoristique, font la promotion de valeurs racistes chez les auditeurs.

En raison du refus d'Astral Média d'admettre avoir contrevenu au règlement auquel il est assujettit, je demande au CCNR de faire une décision pour la résolution de mes préoccupations.