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## CANADIAN BROADCAST STANDARDS COUNCIL

### ATLANTIC REGIONAL PANEL

#### CKIX-FM re the Missing 9 Contest

(CBSC Decision 08/09-0227 & -0229)

Decided January 12, 2009

R. Cohen (Chair, *ad hoc*), B. A. Jones (Vice-Chair), B. MacEachern, R. McKeen,  
R. Morrison, T.-M. Wiseman

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### THE FACTS

From September 8 to October 6, 2008, CKIX-FM (99.1 Hits FM, St. John's, Newfoundland) conducted a contest for listeners called the Missing 9 Contest. The premise of the contest was that a mysterious "abductor" had kidnapped one of the numbers from the station's popular name (which was based on its frequency on the radio dial). Listeners were supposed to listen each day for clues and then guess where the missing 9 was. The object of the mini-savenger hunt was an actual physical object in the shape of the digit, which the station announced was hidden somewhere in the area, and listeners were encouraged to travel around the city hunting for it. The person who found the physical 9 and brought it to the station would be declared the winner of the prize, which was \$10,000 in cash.

For the duration of the contest, the station referred to itself as the abridged "9.1 Hits FM". In furtherance of the premise, each day, at five separate times, the "abductor" would apparently "hack into" the station's signal and "interrupt" regular programming for a few minutes to announce his clues. The clues were then also posted on the station's website (the written clues which the CBSC has received from one of the complainants can be found in Appendix A).

The following example is one of the abductor's broadcast announcements from October 3 (the transcript of the four other clue announcements from that day, together with all other relevant transcripts, can be found in Appendix B):

Well, well, well. My listeners, still coming back. Another week is here and gone. And you're still none the wiser. My patience is wearing thin, so get ready because the 9 is coming out of hiding. Let's hope you've been paying attention to me because everything I've told you is so very important. You'll see. You'll all see soon. If you can't find it soon, well [cackles], I won't play this game forever, so you'd better hope you find it real soon. In the meantime, chew on this for the weekend. Move in real close to your radio and listen carefully. The 9 is not lucky. Neither are any of you. I'll be in touch.

In addition to the abductor's announcements, Hits FM hosts also did promotional spots reminding listeners about the contest, mentioned the contest in their talk sets throughout the day, and occasionally spoke with listeners who phoned in to talk about their progress tracking down the 9.

The contest concluded on October 6 when a man found the missing 9 in a box sitting on the bed of a pick-up truck that was parked outside the gate of a self-storage facility.

The CBSC received five complaints about this contest. Only two of the complainants provided details about specific broadcast dates, which allowed the CBSC to proceed with its examination (the full text of their correspondence can be found in Appendix C). The complainants expressed their view that this contest was unfair and they elaborated on their concerns about a number of aspects of the contest. Their primary concern was that the 9 had been found on a pick-up truck that had only appeared near the self-storage facility on the day that the missing object was found. Although some of the clues had led listeners to search the area near the storage facility on previous days, the truck on which the 9 was found had not previously been there; consequently, they concluded that those people had been unfairly denied the chance of winning. They were also concerned that the 9 had been hidden on a vehicle, which was private property; consequently, they concluded that searching the truck required one to touch or tamper with someone else's property. The complainants pointed out that, throughout the contest, the mayors of St. John's and neighbouring Mount Pearl had made public statements reminding people not to trespass on or otherwise violate private property.

The complainants also expressed their view that some of the clues were vague, misleading, repetitive and contradictory. For example, one complainant provided the example of "The 9 cannot be seen" and suggested that "This clue was totally useless ... It's the premise of the contest." Both complainants also mentioned the clue "The 9 is in the book" as an example. That clue was later explained to mean that the location of the 9 was in the local telephone book, but the complainants argued that that was unhelpful because nearly all businesses are listed in the telephone book.

With respect to the clues, perhaps the most contentious one was “The 9 is not in the vehicle.” The complainants argued that the 9 definitely was *in* a vehicle because it was in a box on the bed of a pick-up truck with its sides up. The station argued that that clue meant that the 9 was not in the cab of truck; rather it was *on* the bed.

One of the complainants also had a number of concerns about some of the off-air elements of the contest. He expressed his suspicion that the eventual winner of the contest had known the location of the 9 and was part of the “scam” because he worked at the business next to the self-storage facility and had not appeared excited when he found the 9. He also questioned why, in an interview after winning the contest, the man had first referred to the truck as an “abandoned truck” but then later called it simply a “small, grey truck”. The complainant wrote that “I believe the Missing 9 was located at the VOXM [CKIX-FM] studio from the day the contest started until the morning of October 6, and all employees of Hits FM, [the storage facility], Steele Communications [which is the station’s parent company] and [the contest winner] knew where it was and where it was going to be.”

That same complainant also argued that a video clip posted on the station’s website of the man finding the 9 misrepresented events because it was edited to look as though the man was alone at the material moment of success, when in fact many people were milling about looking for the 9. The fact that the retrieval of the 9 was filmed by a station employee further contributed to that complainant’s suspicion that all Hits FM employees knew the location of the 9 in advance.

CKIX-FM recounted what had happened with the contest in a letter of November 19 to complainants and in a separate letter of December 18 to the CBSC (the full text of those letters can also be found in Appendix C). The Panel understands that the self-storage facility permitted any member of the public to rent a storage locker and that, to ensure security, access to the premises was limited to those with the electronic passcode. CKIX-FM explained that it had put the 9 in a storage locker without telling the management or any other employees of the storage facility in order to ensure that the location of the 9 would not be leaked. At CKIX-FM itself, only station management and a few staff members with a “need to know” were informed of the 9’s whereabouts. The address of the storage facility, the locker number and the passcode were communicated to listeners via the clues, though obviously not in a direct manner; listeners would have had to piece together all of this information to deduce the 9’s location.

At some point during the contest, a number of listeners began to suspect that the self-storage facility was a likely candidate and they travelled to the premises to search for the 9 in the vicinity. This caused the storage facility’s manager to become concerned about the security and privacy of his business and its customers, so he posted a “No Trespassing” sign at the gate indicating that the facility had no affiliation with the

Missing 9 contest. As indicated above, he had no idea that CKIX-FM had hidden the 9 in one of the facility's lockers.

As CKIX-FM explained, this development "posed unexpected challenges" for the administration of the contest. The station now had to "present the '9' at the location to which the clues already pointed" while, at the same time, ensuring that listeners respected the storage facility's "no trespassing" edict. The solution management devised was to relocate the 9 to just outside the fence of the storage facility.

Starting on October 3, the "abductor" indicated in his on-air announcements that the 9 would be "coming out of hiding". The station was faced with a daunting task, namely, alerting listeners to the 9's slightly altered location in its new clues, without invalidating the previous clues, on which listeners had already invested considerable time, effort and loyalty. The station wrote that it chose to put the 9 in the open bed of a parked truck "to ensure that no issues arose as to vandalism or damage to the vehicle, which, in any event, belonged to an employee of the Station." The truck was parked outside the storage facility premises at 6:00 am on October 6 and the winner found the 9 around 7:00 am.

CKIX-FM also flatly denied that the winner had had any prior knowledge of the 9's location; he had found it using only the information that had been provided to all listeners via the broadcast of the clues.

With respect to the video clip, the station explained that, on October 6, some staff believed that enough clues had been provided such that there was a high likelihood that the 9 would be uncovered that day. A staff member was therefore dispatched to a location across the street from the storage facility to capture the event on video if that was what eventuated.

Following receipt of the broadcaster's letter, the two complainants requested that the CBSC investigate the matter further. They remained concerned about the fairness of the contest, including the clues which they alleged were misleading, and they were newly troubled by the station's claim that the storage facility had not been aware that the 9 had been on its premises.

## **THE DECISION**

The Atlantic Regional Panel examined the matter under Clause 12 (Contests and Promotions) of the Canadian Association of Broadcasters' (CAB) *Code of Ethics*, which reads as follows:

All on-air contests and promotions shall be conceived and conducted fairly and legitimately and particular care shall be taken to ensure that they are not misleading,

potentially dangerous or likely to give rise to a public inconvenience or disturbance and that any prizes offered or promises made are what they are represented to be.

The Panel Adjudicators read all of the correspondence and listened to the broadcast clips relating to the Missing 9 contest. The Panel concludes that CKIX-FM violated Clause 12.

### **Off-Air Issues**

The CBSC generally deals only with complaints about *on-air* content. In the matter at hand, as mentioned above, some of the concerns raised by one complainant did focus in part on off-air issues. One of these was the matter of the accuracy of the content of the video clip that was posted on the station's website of the winner finding the 9 (was he alone or one among many scavengers?). Another related to who knew about the 9's location. On this latter point, the Panel only observes that there was *nothing* to suggest that the contest winner had any "inside information" as to the location of the 9. There was no agreement between the complainants and the broadcaster on these facts and they were not central to the on-air components of the contest which, in this case, include the broadcast of the clues, promotions for the contest and other conversations about the contest. Consequently, in this instance, these matters fall outside the CBSC's jurisdiction.

### **The Conceptualization of the Contest**

The CBSC understands that the purpose of broadcast contests is to generate interest in the station, both for audiences and advertisers. Broadcasters are fully entitled to make their contests as creative, ingenious and outrageous as they please, as long as they respect the requirements of Clause 12 of the *CAB Code of Ethics* relating to fairness, legitimacy and public safety. Not surprisingly, there is no prohibition against the type of "scavenger hunt" contest that CKIX-FM employed in this case. Indeed, this type of contest has been conducted by numerous stations in various cities across Canada. While admittedly, having large numbers of people searching around a city for a hidden object does have the *potential* to create problems relating to trespassing, privacy and safety, as long as participants behave in a responsible, civil and law-abiding manner, the probability of danger or disturbance is low. There is nothing in the Code to prevent stations from organizing this type of contest.

The Atlantic Panel, therefore, finds no Code violation with respect to the nature or conceptualization of CKIX-FM's Missing 9 contest. Even one of the complainants acknowledged that "this was a brilliant idea for a contest, but [his concern was that] it

was not executed fairly.” At the end of the day, the problems with the contest may well have flowed from the station’s original decision to hide the 9 in an *inaccessible* locker of a *privately-owned* storage facility, which the Panel considers was ill-conceived. Indeed, it was that choice that led to the circumstances that rendered the contest unfair. This point is discussed at greater length in the section entitled “The Contest’s Execution”.

## The Clues

Both complainants were quite concerned that many of the clues were vague and/or misleading. That should not, in the view of the Panel, be surprising. After all, it is the essence of contests of this type that the clues will be cryptic and, if cleverly crafted, susceptible of more than one interpretation. Indeed, it is precisely the purpose of the clues in such a contest that they have the potential to lead listeners in a variety of directions in the hunt for the hidden object. This is not, after all, a simple question and answer. Who was the first Prime Minister of Canada? Which hockey team has won more Stanley Cups than any other? And so on. A prolonged contest is one that builds over time to a crescendo. As audience members are drawn along the contest route, the broadcaster will likely provide more and more focussed information until someone ends the suspense and finds the object.

It is not unnatural that contestants may become frustrated. They may, as in the matter at hand, find many of the clues were vague and/or misleading. For example, one complainant objected to the clue “Four strokes to find the 9”. He stated that it led most listeners to believe it referred to a golf course, but the station explained that it actually referred to the fact that the street address of the storage facility was “1111” (each 1 being a stroke of a pen). It is also understandable that some clues would be more helpful than others. Moreover, as would be expected, the clues become gradually less obscure as any contest of this type progresses.

The one clue that was most troublesome and most highlighted by the complainants was “The 9 is not in the vehicle”, because the 9 was in fact found in a box under a broken table situated on the bed of a pick-up truck with its sides up. The station explained that it had said that the 9 was “not in” the vehicle because it was “on” the bed rather than inside the cab. The station wanted to emphasize that the 9 was in a more open, accessible location than the cab of the truck, since that would have required a key to open. While the Panel understands the complainants’ position that one often uses the preposition *in* to refer to something located *on* the bed of a truck, it also understands the station’s argument that the 9 was *not in* the vehicle. Since the point is such a fine and debatable one, the Panel is not of the view that any conclusion it could reach about the “proper” interpretation would amount to a Code breach. To adapt an old analogy, the Panel considers the debate regarding that clue as no more conclusive than the

determination of how many angels can dance on the head of a pin. It has no further comment to make on that or the other clues.

### **The Execution of the Contest**

The Panel has some sympathy for the broadcaster. It believes that CKIX-FM set out to create an appealing contest that would attract considerable community interest. In this respect, it probably succeeded; however, that was not the end of the matter. Difficulties, perhaps of the station's own creation, intervened, and the question for the Panel is how well (or badly) the station responded to those. As noted above, one of the complainants suggested that "this was a brilliant idea for a contest, but it was not executed fairly."

The Panel considers that the principle underlying such a contest is that the object sought must, in principle, be findable from the time that the first clue is broadcast, however unlikely it may be that searchers will succeed on day one. After all, it would be fair to expect that the contest-holder will only *gradually* reveal more information via the clues while the contest rolls out. The bottom line is that, in order for such a contest to be fairly conceived and executed, a) the clues *must* lead the contestants to the object, even if slowly, and b) they must *not* be inconsistent with the location of the object. This is where the challenged contest went awry.

To begin, the Panel considers that the station's decision to hide the 9 in a *locked* storage room at a *privately-owned* facility was ill-conceived (although not ill-intentioned), as CKIX-FM itself learned the hard way when the storage facility put up its No Trespassing sign. (Parenthetically, the Panel has full confidence in the station's explanation that the storage facility's management had no knowledge of the location of the missing 9.)

Since clues were obviously leading members of the public to *that* location, its owners, who were unfamiliar with the *then* location of the 9, must have felt pressure to lead CKIX-FM listeners away from their closed-to-the-general-public facility. Consequently, their sign also specifically indicated that the facility had no affiliation with the CKIX-FM contest, thus inducing participants to believe that the 9 was not there. The station was then forced to hastily alter its plans, moving the 9 from the locker *within* the facility to a location *outside* its locked gate. That was, of course, unfair to those who had already laboured over the clues. The unfairness of the situation was further exacerbated by the fact that the 9 did not arrive at its final hiding place, where it had never before been located, until the morning of October 6. Effectively, in that location, the 9 had not been generally accessible to the public *until* the truck arrived at the spot, meaning that, even if listeners had been attentive to the clues, they did not have the opportunity to win the month-long contest before that moment.

It follows that one of the complainants succinctly posed a, perhaps *the*, pertinent question: “They claim that anyone could have found this 9. How could we if it was not accessible to us to find until the last day they moved it to a private vehicle?” The Panel agrees. The simple bottom line was that the 9 was not readily accessible to the public during almost the full duration of the contest. Without attributing even a smidgeon of ill will or inappropriate purpose to the broadcaster, the Panel concludes that CKIX’s ultimate execution of the contest was faulty. Did it have other choices? Should it have apologized and rebegun? Were there other creative prospects? That is not for the Panel to determine. That was for the station to sort out at the time.

The Panel considers that the broadcaster made good faith efforts, but that is not the test established in Clause 12. It is the requirement to conceive and conduct the contest fairly that the station must meet, not merely a good faith effort to achieve that result. The Panel considers that CKIX-FM failed to attain that goal. The Panel considers that, however assiduously the clues were pondered, the missing 9 could not have been located by the listeners until the final day; this rendered the contest unfair and thus in violation of Clause 12 of the *CAB Code of Ethics*.

### **Broadcaster Responsiveness**

In all CBSC decisions, the Panels assess the broadcaster’s response to complainants. The station is under no requirement to agree with the complainant(s), but their reply is expected to be thoughtful, thorough and respectful in its explanation of its side of the story. In this case, CKIX-FM provided the complainants with some background information on the contest, including the cause of the challenging circumstances that led to a revision of the contest mid-way through the promotional period. The station was extremely candid with the complainants, as it was with the CBSC as well, supplying more information than was, strictly speaking, *required* in order to be of help in the evaluation of the highly-publicized and high-profile contest. Although the complainants remained dissatisfied with the development of the contest, the Panel finds that, with respect to the issue of broadcaster responsiveness, the station has clearly met and indeed surpassed its obligations.

### **ANNOUNCEMENT OF THE DECISION**

CKIX-FM is required to: 1) announce the decision, in the following terms, once during peak listening hours within three days following the release of this decision and once more during peak listening hours within seven days following the release of this decision, but not on the same day as the first mandated announcement; 2) within the fourteen days following the broadcasts 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 a copy of that written confirmation and with air check copies of the broadcasts of the two announcements which must be made by CKIX-FM.

The Canadian Broadcast Standards Council has found that CKIX-FM (99.1 Hits FM) has violated Clause 12 of the Canadian Association of Broadcasters' *Code of Ethics*. In its Missing 9 contest of September and October 2008, Hits FM felt obliged to change the location of the missing 9 from inside a private storage facility to the back of a truck on the street outside the facility. Consequently, Hits FM did not ensure that the location of the missing 9 on the final day of the contest was accessible to listeners from the very beginning of the contest. This violated Clause 12 of the *CAB Code of Ethics*, which requires that contests be conducted fairly.

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

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## APPENDIX A

### CBSC Decision 08/09-0227 & -0229 CKIX-FM re the Missing 9 Contest

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The following is the list of clues, followed by the explanations of the clues, that were apparently posted on CKIX-FM's (99.1 Hits FM, St. John's, Newfoundland) website for its Missing 9 contest held in September-October 2008. These were provided by one of the complainants.

September 8<sup>th</sup>

Mark does not have the 9  
Paula does not have the 9  
David does not have the 9  
Jeff does not have the 9

September 9<sup>th</sup>

Leanne does not have the 9  
Jennifer does not have the 9  
Randy does not have the 9  
Brad does not have the 9  
I do not have the 9

September 10<sup>th</sup>

You can touch the 9  
You can feel the 9  
You can hold the 9  
You can carry the 9  
You can sit on the 9

September 11<sup>th</sup>

The 9 is in the province  
This 9 has never been 'round the bay'  
The 9 is in 709  
The 9 cannot be seen  
The 9 is not at 391

September 12<sup>th</sup>

The 9 is in the city  
The 9 is Miles from home  
The 9 is centered  
The 9 is in a dark place  
The 9 is not in one piece

September 15<sup>th</sup>

The 9 is black  
The 9 can shine  
The 9 is white  
The 9 is close to gold  
You can see much more, when you are face to face with the 9

September 16<sup>th</sup>

The 9 is not a 6

The 9 is not in someone's home

The 9 is not on someone's home

When you find the '9' you will know it's 'THE' 9

The 9 is not complete

September 17<sup>th</sup>

The 9 will float

The 9 is not wet

The 9 cannot hear me

You could find the 9 between 8 and 10

The 9 is alone

September 18<sup>th</sup>

To find the 9 , don't check the time

The 9 is under something

The 9 is not rocky

The 9 is on something

If your interested in seeing the 9, then look online

September 19<sup>th</sup>

The 9 is not dirty

The 9 is not underwater

September 22<sup>nd</sup>

The 9 is not made of wood

The 9 does not stick

The 9 does not hang

The 9 is not underground

The 9 does not move

September 23<sup>rd</sup>

Roll up to win

247

The 9 can be held in your hand

The 9 is not large

You do not pay for the payoff

September 24<sup>th</sup>

The 9 is in the book

The 9 is secure

The weather does not affect the 9

The road to the 9 is paved

4 strokes to find the 9

September 25<sup>th</sup>

Admiral John does not have the 9

The 9 is not in the vehicle

The 9 is not surrounded by other numbers

The 9 is close to home

There are no back doors with the 9

September 26<sup>th</sup>

Maximum 60

The 9 is at a convenient location  
The 9 is not at the tower  
The 9 is in the Avalon  
The 9 is not at the course

September 29<sup>th</sup>  
Please use the other door  
You must stop before you find the 9  
The 9 is a combination of clues  
The 9 is not at City Honda  
You do not have to climb to find the 9

September 30<sup>th</sup>  
The 9 is not pc  
Head west past the gardens  
The 9 is not liberal  
The 9 is not ndp  
Head east past the construction

October 1<sup>st</sup>  
The 9 is over 20 years old  
The 9 is not on a sign  
You could find the 9 at 9 pm  
You could find the 9 at 9 am  
The 9 is not buried

October 2  
The 9 is not at Mile One Centre  
The 9 is not at LeGrows Travel  
The 9 is not at Mile one Centre  
The 9 is not on Kenmount Road  
The 9 is not at Groves Road  
The 9 is NOT at MUN Botanical Gardens!  
The 9 is coming out of hiding... the 9 is East of Eden  
The 9 is before the city

The following is the list of clues explained by the radio station Hits 99.1 and posted on their website. It has since been removed.

The Missing 9 has been found!

September 8<sup>th</sup>  
Mark does not have the 9 – Mark Chancey at Metrobus does not have the 9  
Paula does not have the 9 – Paula Adam from the Signature Salon does not have the 9  
David does not have the 9 – David James does not have the 9  
Jeff does not have the 9 – Jeff Lewis does not have the 9

September 9<sup>th</sup>  
Leanne does not have the 9 – Leanne Sharpe does not have the 9  
Jennifer does not have the 9 – Jennifer McCrae does not have the 9  
Randy does not have the 9 – Randy Snow does not have the 9  
Brad does not have the 9 – Brad Michaels does not have the 9  
I do not have the 9 – The abductor does not have the 9

September 10<sup>th</sup>  
You can touch the 9 – The 9 is a tangible object.  
You can feel the 9 – You can feel the 9 'cause it's an actual physical object.

You can hold the 9 – You can hold the 9 'cause it's an actual physical object.  
You can carry the 9 – You can carry the 9 'cause it's an actual physical object.  
You can sit on the 9 – The 9 is small enough you can sit on it.

September 11<sup>th</sup>

The 9 is in the province – The 9 is in Newfoundland.  
This 9 has never been 'round the bay' – The 9 has never been outside the city.  
The 9 is in 709 – The 9 is in the area code 709.  
The 9 cannot be seen – The 9 is hidden somewhere.  
The 9 is not at 391 – The 9 is not at HITS FM located on 391 Kenmount Road.

September 12<sup>th</sup>

The 9 is in the city – The 9 is in Mount Pearl.  
The 9 is miles from home – The 9 is not near the radio station.  
The 9 is centered – The 9 is in the middle.  
The 9 is in a dark place – The 9 is in a closed space with no light.  
The 9 is not in one piece – A piece of the 9 has been cut.

September 15<sup>th</sup>

The 9 is black – The 9 is black on the sides.  
The 9 can shine – The 9 shines.  
The 9 is white – The 9 is white on the inside.  
The 9 is close to gold – The 9 is gold in color on the outside.  
You can see much more, when you are face to face with the 9 – You can see your reflection when you look at the 9.

September 16<sup>th</sup>

The 9 is not a 6  
The 9 is not in someone's home  
The 9 is not on someone's home – The 9 is not a number on a house  
When you find the '9' you will know it's 'THE' 9 – Whoever finds the 9 will know it belongs to HITS FM because there is a note attached to it.  
The 9 is not complete – The 9 has a piece cut off it

September 17<sup>th</sup>

The 9 will float – The 9 is Styrofoam  
The 9 is not wet – The 9 is dry.  
The 9 cannot hear me – The 9 is located in an area where you cannot hear the radio.  
You could find the 9 between 8 and 10 – The 9 is located somewhere you could find it between the hours of 8am and 10 pm.  
The 9 is alone – The 9 is the only object in the box.

September 18<sup>th</sup>

To find the 9, don't check the time – The 9 is not on a clock.  
The 9 is under something – The 9 is located under the lid of the box.  
The 9 is not rocky – The 9 is not located near rocks.  
The 9 is on something – The 9 is located in a box on a truck.  
If you're interested in seeing the 9, then look online – A piece of the missing 9 is on the HITS FM website.

September 19<sup>th</sup>

The 9 is not dirty – The 9 is not near dirt.  
The 9 is not underwater – The 9 is not under or near any type of body of water

September 22<sup>nd</sup>

The 9 is not made of wood – The 9 is made of Styrofoam.

The 9 does not stick – The 9 is not on a sticker, building  
The 9 does not hang – The 9 is not on a sign  
The 9 is not underground  
The 9 does not move – The 9 is in the box and it does not move.

September 23<sup>rd</sup>

Roll up to win – A truck will roll up with the 9  
2 4 7 (two four seven) – The 9 is located somewhere that is open 24 hours a day.  
The 9 can be held in your hand – The 9 is small enough that you can hold it in your hand without causing any strain to you physically. The 9 is light in weight.  
The 9 is not large

You do not pay for the payoff – You do not have to spend any money to find the 9 or its location

September 24<sup>th</sup>

The 9 is in the book – The location of the 9 is in the telephone book on page 393 of the yellow pages  
The 9 is secure – The 9 is located in a secure place.  
The weather does not affect the 9 – The 9 is not located outside where it could become weathered.  
The road to the 9 is paved – The 9 is located on Topsail Road  
4 strokes to find the 9 – The 9 is located on 1111 Topsail Road.

September 25<sup>th</sup>

Admiral John does not have the 9 – The 9 is not located at Admiral John's Golf course  
The 9 is not in the vehicle – The 9 is in a box, placed on a truck.  
The 9 is not surrounded by other numbers – The 9 is alone.  
The 9 is close to home – The location of the 9 is across from Atlantic Home Furnishings  
There are no back doors with the 9 – There are no backdoors on the vehicle where the 9 is located.

September 26<sup>th</sup>

Maximum 60 – The maximum speed limit on the road where the 9 is located is 60 east and west  
The 9 is at a convenient location – Metro Self Storage  
The 9 is not at the tower – The 9 is not located at the radio station transmitter  
The 9 is in the Avalon – The 9 is located in the Avalon Peninsula.  
The 9 is not at the course – The 9 is not located on a golf course.

September 29<sup>th</sup>

Please use the other door – Do not use the front doors of the vehicle to find the 9. Open the tailgate on the truck and open the lid on the box.  
The 9 is not at the station – The 9 is not located at any radio station.  
The 9 is not at City Honda – The location of the 9 is not City Honda.  
The 9 is a combination of things – To find the 9 you must use a combination of clues.  
You do not have to climb to find the 9 – You do not need to climb anything to find the 9.

September 30<sup>th</sup>

The 9 is not PC – The 9 is not located where you see a PC sign.  
Head west past the gardens – The 9 is west past Commonwealth Gardens on Topsail Road.  
The 9 is not Liberal – The 9 is not located anywhere you see a Liberal sign.  
The 9 is not NDP – The 9 is not located anywhere you see a NDP sign.  
Head east past the construction – The 9 is located east of the construction signs on Topsail Road as you are leaving Paradise.

October 1<sup>st</sup>

The 9 is over 20 years old – Metro Self Storage has been open for over 20 years. The actual 9 is over 20 years old.  
The 9 is not on a sign – The 9 is not located on a billboard or sign.  
You could find the 9 at 9 pm – You can find the 9 anytime including 9 pm.

You could find the 9 at 9 am – You can find the 9 anytime including 9 am.  
The 9 is not buried – The 9 is not at a cemetery, burial site. The 9 is not near a grave or tomb.

October 2<sup>nd</sup>

The 9 is not at Mile One Centre – The 9 is not located on the property of Mile One Centre.  
The 9 is not at LeGrows Travel – The 9 is not located on the property of LeGrows Travel.  
The 9 is not at Mile one Centre – The 9 is not located on the property Mile One Centre.  
The 9 is not on Kenmount Road – The 9 is not located anywhere on Kenmount Road.  
The 9 is not at Groves Road – The 9 is not located anywhere on Groves Road.

October 3<sup>rd</sup>

The 9 is not at MUN Botanical Gardens – The 9 is not located on the property of MUN Botanical Gardens.  
Head east from Eden – The 9 is located east of the Town Paradise.  
There are two ways to the 9 – You can go east or west on Topsail Road to find the location of the 9.  
The 9 is before the city – The 9 is located outside the city of St. John's. The location of the 9 is west of  
Shed City on Topsail Road. The location of the 9 is east before City Tire on Topsail Road.  
The 9 is not lucky – The 9 is not located on the property of Lucky's Restaurant on Topsail Road.

October 6<sup>th</sup>

The 9 is across from 11 14 – The 9 is located on 1111 Topsail Road across from 1114 Topsail Road  
(Atlantic Home Furnishings).

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## APPENDIX B

### CBSC Decision 08/09-0227 & -0229 CKIX-FM re the Missing 9 Contest

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The following are the clues that were broadcast on October 3, 2008 by CKIX-FM (99.1 Hits FM) for its Missing 9 contest. Each segment began with a beeping noise, followed by static, followed by a female robot voice saying "Acquiring encryption code. Accessing frequency 9.1. Access granted" to indicate that the abductor has "hacked into" the radio station. The "abductor" then gave his clue and the female voice said "Ending frequency transmission. Good-bye."

#### Clue 1

Abductor:       Where's the 9? Where's the 9? *Where* is the 9? If I were a 9, where would I be? I know. Do you? [cackles] Oh, listen to me and listen good. If you find the location, move in real close to your radio and listen carefully. There are two ways to the 9. I'll check in on you later.

#### Clue 2

Abductor:       Mmm. You're starting to annoy me so much I'm even a little confused. I don't like to be rattled. But it's impossible. You're not listening! Why can't you follow simple instructions?! I'm making this so easy and yet you're making it so hard for me to have any fun. Stupid, stupid, stupid. What's wrong with you? I know you haven't found the 9 and I'm starting to think you never will. You're ruining the game. My game. I thought you and I were on the same page. Obviously this is too much for your little brain to comprehend. I tell you when to listen. I tell you to listen carefully. I post my thoughts on my website. Yet you still continually disappoint me. You're trying my patience. You're taking the fun out of my game. I think it's about time I take this experience to a whole new level. Your precious little 9 is coming out of hiding. My pearls of wisdom are still exact. Have you been following? Are you ready to see it? I hope so. Move in real close to your radio and listen carefully. The 9 is not at MUN Botanical Gardens. Do you think you heard me that time? I'll be in touch in one hour.

#### Clue 3

Abductor:       Well, well, well. My listeners, still coming back. Another week is here and gone. And you're still none the wiser. My patience is wearing thin, so get ready because the 9 is coming out of hiding. Let's hope you've been paying attention to me because everything I've told you is so very important. You'll see. You'll all see soon. If you can't find it soon, well [cackles], I won't play this game forever, so you'd better hope you find it real soon. In the meantime, chew on this for the weekend. Move in real close to your radio and listen carefully. The 9 is not lucky. Neither are any of you. I'll be in touch.

#### Clue 4

Abductor:       *What* is the hold-up? You're still searching. You're still looking. And you still are just not listening. What do I have to do? Do you want me to gift wrap it for you? Maybe hand it over on a silver platter? You're making me angry! The location of the 9 will soon

become much clearer. The 9 is coming out of hiding. The clues remain the same. Just remember everything I've told you. You'll need it. Move in real close right now to your radio and listen carefully. The 9 is before the city. I'll be in touch.

### Clue 5

Abductor: I'm beginning to think all you do is waste my time. I'm doing this for you. You're my listeners and it's my game. Remember my words. Get ready, the 9 is coming out of hiding. You'll all see it soon enough. For now, move in real close to your radio and listen carefully. The 9 is east of Eden. I'll be in touch.

The station also broadcast conversations about the contest in various talk sets involving one or more Hits FM hosts (Randy Snow, Leanne Sharpe, Brad Michaels and David James). The following are a few examples:

Snow: Okay, and Leanne was, uh, down there with Chris and Pam at that intersection, uh, throughout the, uh, past hour and she brought along a little camera so she got some wicked shots. We're going to see if the abductor let's us in on *his* website.

Sharpe: Yeah.

Snow: We'll see if we can get those posted up there a little later on today. Speaking of which, I better cut this short 'cause I'm going to get cut off. He should be hacking in any minute.

Announcer: [?] go to the phones. You're on the air.

Sharpe: Hi, Hits FM.

Caller Jerry: How're you doin', Leanne?

Sharpe: Good. How are you?

Caller Jerry: Pretty good. Uh, Leanne, can I hear that, uh, *Pineapple Express* tune, the one from *Pineapple Express*?

Sharpe: Yep.

Caller Jerry: And I was lookin' for your 9.

Sharpe: Oh really?

Caller Jerry: I thought I had it all figured out and then your clue came on today and says it's not on Kenmount Road and that threw everything in the garbage.

Sharpe: Oh no! So back to square one.

Caller Jerry: Yeah.

Sharpe: That guy that hacks in all the time, I mean, he's so deceiving, isn't he?

Caller Jerry: Yeah, well, obviously I was all off.

Sharpe: Who's this?

Caller Jerry: This is Jerry.

Sharpe: Jerry, I'm wishing you the best of luck.

Caller Jerry: Thank you, Leanne.

Sharpe: So back to square one. So where do you think you're gonna start now?

Caller Jerry: I have no idea. I'll go back to the sheet and take a look.

Sharpe: [laughs] And you want to hear M.I.A "Paper Planes"?

Caller Jerry: Yes, please.

Sharpe: Well, may that be the song for your luck.

Caller Jerry: Thank you.

Sharpe: To change it all around.

Michaels: 9.1 Hits FM, Suzie McNeil "Let's Go". Go to 91HitsFM.com. Uh, you know, we're banding together, get together with family and friends and, uh, look for the latest developments, the latest thoughts, the latest messages we've been receiving from our abductor. Uh, you know when to listen: seven, eight, nine in the morning, noon and five pm today we'll hear something, uh, hopefully that will lead us directly to the location of our abducted 9. Uh, you find the 9, you get the reward: ten thousand dollars cash, put up by our friends at City Honda. It's, it's no good if you find it, you know, to hold onto it or to tell us about it. Uh, we want the safe return of the 9. You can do whatever you want with the money. The reward is yours if you can find our abducted 9. Find the 9, get the cash and, uh, let's get this whole scenario over with. It's been going on for way, way too long.

Michaels: 9.1 Hits FM. Uh, former front man for Bush and, uh, doin' his own thing there, uh, soundin' good. Some, some would say he's better known as Gwen Stefani's husband. Gavin Rossdale at 3:49 and "Love Remains the Same". And, uh, well the same old situation here. Uh, we've got the onus put on you to help us find our missing 9 if you can. Well, you've heard now there's a ten thousand reward for it. And we remind you to be respectful, you know, of, uh, public and private property. And you've heard our respective mayors, Dennis O'Keefe and Randy Simms, uh, mention the same thing to you. A lot of, a lot of are on the hunt for the 9 and, you know, we want it so bad, we want it as badly as you do, uh, but, you know, keep a level head when you're goin' about it and listen at five again today for more. Maybe that will give you a jumpstart or a new lead or a new indication maybe of the location. Uh, if you want to keep up to date on things, check out 91HitsFM.com. Find the 9, get the reward. Ten thousand dollars, courtesy of City Honda.

Michaels: 9.1 Hits FM with Katy Perry. It's your number one song today, "Hot 'n' Cold" and, well, I don't know. Mandy Viries, are you hot or cold as you're looking for the 9?

Caller Mandy: Hot today.

Michaels: Yeah?

Caller Mandy: I'm hopin'.

Michaels: Okay, well, yeah, that's the main thing. You gotta stay positive about this thing, right? Now, are you goin' this alone or is this a, you sort of working collectively in a group to, to try and find it?

Caller Mandy: Myself and my husband and our four children.

Michaels: Oh, it's a family affair?

Caller Mandy: It is. And we, we've got another idea now for this evening that we're gonna go and scope out.

Michaels: So, so you mean, another idea for this evening meanin' you've been out on previous nights?

Caller Mandy: We have been. We, we've done a bit of looking, yes.

Michaels: How long have you been looking?

Caller Mandy: Um, almost since the beginning.

Michaels: Okay. Now, you don't want to tell us where you're goin' tonight, do ya?

Caller Mandy: No, I don't, no.

Michaels: Okay. All right. Well, we gotta ask. You never know.

Caller Mandy: I'll, I'll let you know when I find it where it was.

Michaels: There you go. All right, I like that. Uh, you got our five songs today? You're all good to go?

Caller Mandy: I am. Yeah.

Michaels: All right. Start with number five, would you, please?

Caller Mandy: Okay, number five is "Keep Getting Better" by Christina Aguilera. Number four is "Fall for You" by Secondhand Serenade. Number three was "So What" by Pink. Two was "Old School" by Hedley and one is "Hot 'n' Cold" by Katy Perry.

Michaels: All right, my dear. We got a ton of ol' stuff for you. Ready for this? We got tickets to the Coors Light FMX World Tour. That's comin' to Mile One November first. A, uh, twenty-five dollar gift certificate off your next accessory purchase with our friends at Newfound Mobility there on Kelsey Drive. And *Ironman*. Have you seen that? We've got a copy of that DVD.

Caller Mandy: Haven't.

Michaels: No? Oh. Great movie from the summer. Hey, it's all for you today. And, uh, you know, find the 9, you get all that money. Ten thousand dollar reward too, right?

Caller Mandy: That'd be great.

Michaels: Okay. Well, hang on. Thanks for playing today and good luck in your pursuit of our 9, okay?

Caller Mandy: Thanks.

Michaels: 9.1 Hits FM. I'm David James. Kardinal Offishall and Akon right there with "Dangerous". Now, it was a little over two hours ago that the dude dropped his latest clue. If you missed it, jump online. Clues are all there, 91HitsFM.com. This guy's arrogant. That's what's gonna give this 9 away. He got arrogant. He posted the clues online tryin' to just, let's be honest, he's rubbin' it in your face that you can't find the thing. That's what he's doin'. Find it. Win ten thousand dollars courtesy of City Honda. Just find the 9. That's all you gotta do. Although I kind of make that sound easy when I know, of course, it's not easy whatsoever. You miss any clues at all, again, jump online, 91HitsFM.com and his next clue will come again tomorrow morning at seven o'clock with Randy Snow and the Hits Morning Show.

announcer: Dwayne, what do you want to hear tonight?

Dwayne: Uh, Theory of a Deadman "Santa Monica".

announcer: Dwayne, uh, you been lookin' for the 9?

Dwayne: Yeah. Me and my buddy, uh, we're on the highway all day round town so, uh, printed off all the clues on the computer and we got a general idea, so, so it's [????].

announcer: Ten thousand dollars if you find it, buddy. Thanks for callin'.

Dwayne: Right on.

Snow: "Crash and Burn" from Alicia Strata, 9.1 Hits FM. Yes, we're still 9.1 and no, no we have not found our missing 9 yet. At least it hasn't been returned to us for the ten thousand dollar cash reward from City Honda, so it's still out there. Have you noticed, though, uh, yesterday, the abductor on his comments, I don't know if he, we're freaking him out a little or not. Maybe he's getting a little on edge. Maybe we're just not playing the game the way he wants us to. Or, I'm thinkin', maybe we're actually getting a little close to actually finding it and this is throwing him off his game. Either way, he's been saying "I'm going to be taking this to a whole new level." Um, "the 9 will be coming out of hiding." What, what is all that? What does that mean? I don't know if you've, uh, been on the website, uh, 9.1HitsFM.com. Everything he's mentioned since we started this is listed there. I'm hoping that if you go through, at least one of you, uh, will actually connect the dots and a light bulb will appear over your head and you're going to be able to know what he's talking about and find our missing 9. That's what it's all about. I got a feeling we're close 'cause he seems a little, uh, a little freaked out, if you know what I mean, if you've listened to him over the past day or so. Anyway, he'll be hackin' in again on Monday morning around seven o'clock. But go to the website and just, uh, see if you can, uh, piece some of that together. Again, it's 91HitsFM.com. Back in a minute, here on Hits.

Snow: Seven degrees now at Hits FM. Oh man, please, please, please let it be so. We received an unconfirmed report and, again, verification process is underway. All the Hits FM staff have been called and wakened [*sic*] from their slumber.

Sharpe: Mm hm.

Snow: And the verification is underway as we speak. Uh, we have it on reliable authority that the missing 9 has been recovered. We've just, I think, shaken off the abductor. He just hacked in there –

Sharpe: Yep.

Snow: -- at a rather unusual time. Ohh, have out-smarted him? Oh, very possibly so! That's all I have for now. Okay? The verification process is underway. And we should know very shortly if indeed the, uh, the missing 9 has been recovered. But it looks good. Stand by for more. All right, I'm Randy Snow along with Leanne Sharpe and Jennifer McCrae and Santana with Rob Thomas. This is "Smooth". 9.1 Hits FM.

The following are transcripts of the contest promos.

Announcer voice-over: 9.1 Hits FM.

[audio montage of callers asking about 9]

announcer voice-over: This morning on *Randy Snow and the Hits Morning Show*.

Snow: Hi, Hits FM.

Abductor: Hello, Randy.

Snow: Hi there. What's your first name?

Abductor: Who I am is not important. What I've got *is*.

Snow: Okay, obviously you don't want to play the game, so that's fine. That's fine, I'm going to have to move on. Hi, Hits FM.

Abductor: [cackles] Still here.

Snow: How's he doin' that?

Abductor: You can't cut me off, so shut up and listen! I've got your precious little 9. You can get your 9 back when I get ten thousand dollars. Have it ready by Tuesday morning at 8:10. Enjoy your weekend, Randy. [cackles]

Announcer voice-over: Our 9 has been abducted and it's gonna take ten thousand dollars to get it back. Can Randy come up with the money? Find out Tuesday morning with *Randy Snow and the Hits Morning Show*. 9.1 Hits FM.

Announcer voice-over: An important message to all Hits FM listeners from Randy Snow, host of *Randy Snow and the Hits Morning Show*.

Snow: On the morning of Friday, August 29<sup>th</sup> Hits FM received a disturbing and anonymous phone call from someone who claimed that had abducted our 9 and demanded ten thousand dollars for its safe return. We were having trouble coming up with that kind of cash on such short notice. But true to their slogan, if you don't shop at City Honda they can't save you any money, not only did they save us the trouble of coming up with the money, they offered it up themselves. I want to thank everyone at City Honda for that. I decided not to reward this person for stealing the 9, but instead offer it to you if you find our beloved 9 and return it to us here at Hits FM. This turn of events has angered this person and he's upset, resorting to other scare tactics to prove he's in control. I swear to you, he is not and his efforts will be in vain. I urge you to help us. Search as individuals, form search parties, get your family, your

friends, your classmates, neighbours all involved. The gang at City Honda are on board with me. They said the same thing. Give the ten grand to whoever finds the 9 and gets it back to you. It's an actual, tangible item. It really is a number 9 and if you find it, you will know immediately you've found it. Please help us get it back. I would like to personally thank you for your help and support and please stay tuned for further updates.

Announcer voice-over: An important message to all Hits FM listeners from Randy Snow, host of *Randy Snow and the Hits Morning Show*.

Snow: Well, my friend, it's been over two weeks since our 9 went missing. The abductor demanded ten thousand dollars for its return. City Honda offered up that money to pay the ransom. We decided not to give it to him, but to offer it to you if you find the missing 9. Now a lot has happened since we refused the abductor's ransom money. He's taken control of our website, hacked into our phone system, and now continues to hack into our most prized possession, our signal! Our link to you! He seems to be playing a little game with all of us. He's taunting us with his puzzling words and comments, thinking none of us our clever enough to figure out what he's up to. He's wrong, isn't he? He's underestimated all of us, hasn't he? Let's get together and get that 9 back. I can tell you this: You will know it when you find it. It really is an actual, tangible number 9, readily identifiable as belonging to Hits FM. We need it back. Please help us find the 9. You do, you'll claim the reward, ten thousand dollars courtesy of City Honda, Kenmount Road. They saved us the headache of trying to come up with that kind of money. And if you don't shop at City Honda, they can't save you any money. Good luck in your search.

Announcer voice-over: An important message to all Hits FM listeners from Randy Snow, host of *Randy Snow and the Hits Morning Show*.

Snow: The abductor of our missing 9 continues to hack into our station offering, as he calls them, pieces of his puzzle. We've already noticed a pattern emerging in the times he's hacking into Hits FM: seven, eight, nine AM, twelve noon and again five PM. Now we'd post his comments on our website, but he has control of that too, at least for now. We'd repeat them on the air, but he's threatened to cut us off if we do. It's important you listen closely to his comments at seven, eight, nine AM, twelve noon and five PM. Our thanks to City Honda who've been great through all of this. If you don't shop at City Honda, they can't save you any money. It's true, because they saved us the hassle of having to come up with that ten grand on short notice. Our thanks to them. And to all of you engaged in your search. Individually or as a group, we appreciate everything you're doing. Find the 9, get the ten thousand dollar reward. It's that simple. And stay with Hits FM for further updates.

Announcer voice-over: An important message to all Hits FM listeners from Randy Snow, host of *Randy Snow and the Hits Morning Show*.

Snow: Some significant developments over the last few days in the search for our missing 9. On Thursday morning, a Polaroid picture of what we now know to be a piece of our missing 9 appeared on our website. On Friday morning, that exact piece of the 9 was delivered by courier to me personally here at Hits FM. We've since turned it over to the authorities. In light of this turn of events, I urge you now more than ever to help us find our missing 9 before it encounters even further damage. As of now, it is still salvageable, but I'm not sure how much longer we can hold out. My thanks to those of you actively engaged in a search. If you've recently become inspired to get involved, I urge you to stay tuned and also to visit our website, 91HitsFM.com. Analyze what's there and help us find that missing 9, please. You will know it when you've found it and that it does indeed belong to Hits FM. Bring it back to us, claim the ten thousand dollar cash reward courtesy of City Honda. If you don't shop at City Honda, they can't save you any money. Again, the website, including the Polaroid of that piece of the missing 9 and more is 91HitsFM.com. Thank you and good luck.

Announcer voice-over: An important message to all Hits FM listeners from Randy Snow, host of *Randy Snow and the Hits Morning Show*.

Snow: Here's the latest on the search for our missing 9. The abductor continues his game of hacking into Hits FM at seven, eight and nine AM, twelve noon and five PM dangling his verbal carrots in front of us. He's also posting those comments now on what he's calling *his* website. Check them out along with the picture of the piece of our 9 he cut off and sent to us at 91HitsFM.com. Our thanks as well to Newfoundland and Labrador Crimestoppers for their support.

Crimestoppers representative: Newfoundland and Labrador Crimestoppers has come on as a partner in this pursuit. It's clear that a serious crime has been committed.

Snow: Find the 9, bring it back to us, claim the ten thousand dollar reward courtesy of City Honda. If you don't shop at City Honda, they can't save you any money. I thank you again, all of you for your help and effort. All we ask is that you respect property and belongings in your search. Together we'll put the abductor in his place once and for all and put our missing 9 back in *its* place, back where it belongs. Right here at Hits FM.

Announcer voice-over: An important message to all Hits FM listeners from Randy Snow, host of *Randy Snow and the Hits Morning Show*.

Snow: Thousands of you are actively engaged in the search for the Hits FM missing 9. I thank you. Maybe you're one of them. No luck in finding it yet, though. Pay no attention to the rumours. When it's found and returned to us, you'll be the first to know. Have you pieced together or made sense of the abductor's comments and hints yet? I think we might have freaked him out a little. Either he's getting really frustrated that nobody's figured it out yet *or* we're getting really close to finding it and this is throwing him off his game. What do you think? I think it's the latter. Have you noticed he's been saying "I'm taking this to a whole new level. The 9 is coming out of hiding"? What do you think he means by that? I know

many of you are engaged in sharing your thoughts on where the missing 9 is with friends, family, co-workers. We encourage that because through working together, sharing thoughts and ideas, I know we'll get our 9 back and I know it's going to be soon. Remember the abductor continues his game of hacking into Hits FM at seven, eight and nine AM, twelve noon and five PM and then posts his comments on the website, 91HitsFM.com. Find the 9. Get the reward. Ten thousand dollars courtesy of City Honda. If you don't shop at City Honda, they can't save you any money. Good luck.

Announcer voice-over: Our 9 has finally been returned. Thanks to all engaged in the search and a big thanks to the man who found our missing 9, Paul Ennis. Paul has returned our nine and claimed the ten thousand dollar reward courtesy of City Honda.

Snow: It's been a long time gettin' closer and closer to our missing 9, but we have it in our hands physically and we have a winner. His name is Paul Ennis. Where did you find it this morning?

Ennis: Self storage mall on Topsail Road. There was a little grey pickup in a parking lot and it was in, in the pan of a truck in a wooden box.

Snow: Paul, I salute you, my friend. You are now my new best friend.

Ennis: You can have your 9 back.

[cheering]

Snow: I'm Randy Snow along with Jennifer McCrae and Leanne Sharpe and this is 99.1 Hits FM.

Sharpe: All right!

Announcer voice-over: Click 991HitsFM.com for full details. We are Newfoundland's hit music station 99.1 Hits FM.

Michaels: 9.1 Hits FM with Suzie McNeil and "Let's Go". 3:26, I'm Brad Michaels. How are you this afternoon? Uh, and did you go to the Devotion Wedding Show there at the Delta yesterday? Big old crowd on hand. Our own Leanne Sharpe was on location and with the piece of the 9, uh, that showed up a couple of Friday, Friday mornings, uh, back with *Randy Snow and the Hits Morning Show*. And, uh, for those that dropped down to, uh, Mark's, uh, Work Warehouse there Thursday night and to the Delta yesterday, you'd actually be able to see, uh, but not touch, the, uh, the piece of the 9 that showed up here a couple of Fridays

back. Uh, 91HitsFM.com, uh, to see that picture if you didn't have a chance to, uh, pop out and see it in person. Uh, what did show up? It's on the site there. As well as, uh, information that could help you get a jump-start on to where our abducted 9 is. You find the 9, you get the reward. Ten thousand dollars courtesy of City Honda. Find the 9, get the cash and, uh, listen at the times, seven, eight, nine in the morning, noon and five o'clock today. We'll hear more.

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## APPENDIX C

### CBSC Decision 08/09-0227 & -0229 CKIX-FM re the Missing 9 Contest

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#### The Complaints

The CBSC received 5 complaints about this contest. Only two of those complainants provided enough information to pursue the complaints and both filed Ruling Requests. Those complaints are reproduced here:

#### File 08/09-0227

The following complaint dated October 9 was sent to the CRTC and forwarded to the CBSC in due course:

The radio station 99.1 Hits FM ran a contest to find a hidden 9. The clues had led many people to search on Topsail Road, myself included. One of the businesses I looked at was Metro Storage Mall; however, when I did, there was a sign posted saying that it was private property and that Metro Storage had no affiliation with the contest to find the 9 and violators of the private property would be prosecuted. Therefore I was deterred from further searching in this area as I am sure many others were as well. On the day the nine was found, a pick-up truck with a "247 Snow Clearing" sign with a phone number (later found to be Brad Michaels' phone #) was driven up to Metro Storage and the nine was found in a box in the bed of the truck.

The complaints that I have are:

1) We were not informed as to where the nine was prior to it being found. I assumed that it was in a Metro Storage unit.

2) If the 9 was in Metro Storage, then Metro Storage had no idea that it was there (admitted by the owner of Metro Storage on a CBC news broadcast). Metro Storage is private property and the only person(s) allowed access to the storage unit(s) are the respective person(s) who rent them. Thus the 9 was impossible to find legally until the last day of the 5<sup>th</sup> week of the contest. Even still, the person who found the 9 had to search in the back of a pick-up truck. The finder of the 9 clearly did not own the truck or have any knowledge of the owner. If he did then the contest had to be rigged.

3) The clues that were given were too vague and you really had to stretch the imagination to figure them out and in some cases the probability of figuring out the clue was astronomical. For example: from the Hits FM web site:

Clue: The 9 is in the book

Explanation: The location of the 9 is in the telephone book on page 393 of the yellow pages.

99% of businesses are listed in the phone book and more than 80% of people are listed in the phone book. This clue adds nothing to the contest. The clues up to this point did not clearly mark a reasonable area of search.

Clue: The 9 cannot be seen

Explanation: The 9 is hidden somewhere.

This clue is totally useless .... It is the premise of the contest .... It's not a clue.

Clue: The 9 is not in the vehicle

Explanation: The 9 is in a box, placed on a truck.

The nine was found IN the bed of a truck, therefore this clue is false. The bed of the pickup was surrounded by four walls; it was IN the truck. In addition, Hits 99.1 broadcast repeated messages from the mayors of both St. John's and Mt. Pearl saying that people must respect the property of others. This means do not search around in the property of strangers and this includes their vehicles. This clue is a flat-out lie.

If the nine was not in Metro Storage, then where was it? If the 9 was in Metro Storage, then 99.1 Hits FM has run an inappropriate contest. If this was the case, then Hits 99.1 was using the Metro Storage business to gain listeners and thus advertising without permission.

Many people went out thinking they had found the location (which was ultimately the actual location) and spent their time and money (gas) looking for the 9. I understand that this is a personal choice; however, it was legally an impossible goal whether the nine was at Metro Storage or not. This is unfair and radio stations should respect the power that they wield.

The CBSC explained that it would need examples of specific broadcast dates and times relating to the contest in order to pursue the complaint. The complainant wrote back with that information on October 21:

Hello,

Thank you for your reply and concern. The contest ran from approximately Sept 8<sup>th</sup> to Oct 5<sup>th</sup> and during this time a set of clues were given (see attachment).

First of all, the clues are very vague, but we were led to believe that the 9 could be gotten at any time during the contest. However, the clue 'Roll up to win' was explained as 'A truck will roll up with the 9'; it is not at all clear. The clue is directed to the listener and thus it implies that the listener should roll up to win.

The clues were very vague, but led most people to search Metro Self Storage where the '9' was ultimately found, but people were not able to find it until the last day of the contest, Oct 6<sup>th</sup>. There was a camera crew waiting to record the event, meaning that the nine was only found when the station was ready to end the contest and thus not making it a contest at all. In addition, about two weeks into the contest, up until the '9' was found, Hits 99.1 repeatedly played soundbites of the mayors of both St. John's and Mt Pearl saying explicitly 'not to vandalize or disturb people's property; that the nine could be found without vandalism and that personal property should be respected'. Ultimately the nine was found in the back of a pickup truck that was marked '247 Snow Clearing' that had been parked in the parking lot at Metro Storage. The truck was not in the parking lot prior to Oct 6<sup>th</sup> and thus the nine was not obtainable until that date even though listeners had been led to believe that it was attainable.

Obviously somebody owned that pickup truck and therefore it was personal property and any respectable person would not search the vehicle as they should have adhered to the request of the mayors.

I have attached a document including the clues and dates that they were given and also the list of clues that were explained after the fact and posted on the 9.1 [sic] Hits FM website (since removed).

I would like to state that I understand that radio contests are meant to be fun and they are very creative sometimes. Personally I think this was a brilliant idea for a contest, but it was not executed fairly. It is not fun when the listeners are grossly misled.

The following list of clues was attached:

September 8<sup>th</sup>

Mark does not have the 9  
Paula does not have the 9  
David does not have the 9  
Jeff does not have the 9

September 9<sup>th</sup>

Leanne does not have the 9  
Jennifer does not have the 9  
Randy does not have the 9  
Brad does not have the 9  
I do not have the 9

September 10<sup>th</sup>

You can touch the 9  
You can feel the 9  
You can hold the 9  
You can carry the 9  
You can sit on the 9

September 11<sup>th</sup>

The 9 is in the province  
This 9 has never been 'round the bay'  
The 9 is in 709  
The 9 cannot be seen  
The 9 is not at 391

September 12<sup>th</sup>

The 9 is in the city  
The 9 is Miles from home  
The 9 is centered  
The 9 is in a dark place  
The 9 is not in one piece

September 15<sup>th</sup>

The 9 is black  
The 9 can shine  
The 9 is white  
The 9 is close to gold  
You can see much more, when you are face to face with the 9

September 16<sup>th</sup>

The 9 is not a 6  
The 9 is not in someone's home  
The 9 is not on someone's home

When you find the '9' you will know it's 'THE' 9  
The 9 is not complete

September 17<sup>th</sup>  
The 9 will float  
The 9 is not wet  
The 9 cannot hear me  
You could find the 9 between 8 and 10  
The 9 is alone

September 18<sup>th</sup>  
To find the 9 , don't check the time  
The 9 is under something  
The 9 is not rocky  
The 9 is on something  
If your interested in seeing the 9, then look online

September 19<sup>th</sup>  
The 9 is not dirty  
The 9 is not underwater

September 22<sup>nd</sup>  
The 9 is not made of wood  
The 9 does not stick  
The 9 does not hang  
The 9 is not underground  
The 9 does not move

September 23<sup>rd</sup>  
Roll up to win  
247  
The 9 can be held in your hand  
The 9 is not large  
You do not pay for the payoff

September 24<sup>th</sup>  
The 9 is in the book  
The 9 is secure  
The weather does not affect the 9  
The road to the 9 is paved  
4 strokes to find the 9

September 25<sup>th</sup>  
Admiral John does not have the 9  
The 9 is not in the vehicle  
The 9 is not surrounded by other numbers  
The 9 is close to home  
There are no back doors with the 9

September 26<sup>th</sup>  
Maximum 60  
The 9 is at a convenient location  
The 9 is not at the tower  
The 9 is in the Avalon  
The 9 is not at the course

September 29<sup>th</sup>  
Please use the other door  
You must stop before you find the 9  
The 9 is a combination of clues  
The 9 is not at City Honda  
You do not have to climb to find the 9

September 30<sup>th</sup>  
The 9 is not pc  
Head west past the gardens  
The 9 is not liberal  
The 9 is not ndp  
Head east past the construction

October 1<sup>st</sup>  
The 9 is over 20 years old  
The 9 is not on a sign  
You could find the 9 at 9 pm  
You could find the 9 at 9 am  
The 9 is not buried

October 2  
The 9 is not at Mile One Centre  
The 9 is not at LeGrows Travel  
The 9 is not at Mile one Centre  
The 9 is not on Kenmount Road  
The 9 is not at Groves RoadThe 9 is NOT at MUN Botanical Gardens!  
The 9 is coming out of hiding... the 9 is East of Eden  
The 9 is before the city

The following is the list of clues explained by the radio station Hits 99.1 and posted on their website. It has since been removed.

The Missing 9 has been found!

September 8<sup>th</sup>  
Mark does not have the 9 – Mark Chancey at Metrobus does not have the 9  
Paula does not have the 9 – Paula Adam from the Signature Salon does not have the 9  
David does not have the 9 – David James does not have the 9  
Jeff does not have the 9 – Jeff Lewis does not have the 9

September 9<sup>th</sup>  
Leanne does not have the 9 – Leanne Sharpe does not have the 9  
Jennifer does not have the 9 – Jennifer McCrae does not have the 9  
Randy does not have the 9 – Randy Snow does not have the 9  
Brad does not have the 9 – Brad Michaels does not have the 9  
I do not have the 9 – The abductor does not have the 9

September 10<sup>th</sup>  
You can touch the 9 – The 9 is a tangible object.  
You can feel the 9 – You can feel the 9 'cause it's an actual physical object.  
You can hold the 9 – You can hold the 9 'cause it's an actual physical object.  
You can carry the 9 – You can carry the 9 'cause it's an actual physical object.  
You can sit on the 9 – The 9 is small enough you can sit on it.

September 11<sup>th</sup>

The 9 is in the province – The 9 is in Newfoundland.  
This 9 has never been 'round the bay' – The 9 has never been outside the city.  
The 9 is in 709 – The 9 is in the area code 709.  
The 9 cannot be seen – The 9 is hidden somewhere.  
The 9 is not at 391 – The 9 is not at HITS FM located on 391 Kenmount Road.

September 12<sup>th</sup>

The 9 is in the city – The 9 is in Mount Pearl.  
The 9 is miles from home – The 9 is not near the radio station.  
The 9 is centered – The 9 is in the middle.  
The 9 is in a dark place – The 9 is in a closed space with no light.  
The 9 is not in one piece – A piece of the 9 has been cut.

September 15<sup>th</sup>

The 9 is black – The 9 is black on the sides.  
The 9 can shine – The 9 shines.  
The 9 is white – The 9 is white on the inside.  
The 9 is close to gold – The 9 is gold in color on the outside.  
You can see much more, when you are face to face with the 9 – You can see your reflection when you look at the 9.

September 16<sup>th</sup>

The 9 is not a 6  
The 9 is not in someone's home  
The 9 is not on someone's home – The 9 is not a number on a house  
When you find the '9' you will know it's 'THE' 9 – Whoever finds the 9 will know it belongs to HITS FM because there is a note attached to it.  
The 9 is not complete – The 9 has a piece cut off it

September 17<sup>th</sup>

The 9 will float – The 9 is Styrofoam  
The 9 is not wet – The 9 is dry.  
The 9 cannot hear me – The 9 is located in an area where you cannot hear the radio.  
You could find the 9 between 8 and 10 – The 9 is located somewhere you could find it between the hours of 8am and 10 pm.  
The 9 is alone – The 9 is the only object in the box.

September 18<sup>th</sup>

To find the 9, don't check the time – The 9 is not on a clock.  
The 9 is under something – The 9 is located under the lid of the box.  
The 9 is not rocky – The 9 is not located near rocks.  
The 9 is on something – The 9 is located in a box on a truck.  
If you're interested in seeing the 9, then look online – A piece of the missing 9 is on the HITS FM website.

September 19<sup>th</sup>

The 9 is not dirty – The 9 is not near dirt.  
The 9 is not underwater – The 9 is not under or near any type of body of water

September 22<sup>nd</sup>

The 9 is not made of wood – The 9 is made of Styrofoam.  
The 9 does not stick – The 9 is not on a sticker, building  
The 9 does not hang – The 9 is not on a sign  
The 9 is not underground  
The 9 does not move – The 9 is in the box and it does not move.

September 23<sup>rd</sup>

Roll up to win – A truck will roll up with the 9  
2 4 7 (two four seven) – The 9 is located somewhere that is open 24 hours a day.  
The 9 can be held in your hand – The 9 is small enough that you can hold it in your hand without causing any strain to you physically. The 9 is light in weight.  
The 9 is not large  
You do not pay for the payoff – You do not have to spend any money to find the 9 or its location

September 24<sup>th</sup>

The 9 is in the book – The location of the 9 is in the telephone book on page 393 of the yellow pages  
The 9 is secure – The 9 is located in a secure place.  
The weather does not affect the 9 – The 9 is not located outside where it could become weathered.  
The road to the 9 is paved – The 9 is located on Topsail Road  
4 strokes to find the 9 – The 9 is located on 1111 Topsail Road.

September 25<sup>th</sup>

Admiral John does not have the 9 – The 9 is not located at Admiral John's Golf course  
The 9 is not in the vehicle – The 9 is in a box, placed on a truck.  
The 9 is not surrounded by other numbers – The 9 is alone.  
The 9 is close to home – The location of the 9 is across from Atlantic Home Furnishings  
There are no back doors with the 9 – There are no backdoors on the vehicle where the 9 is located.

September 26<sup>th</sup>

Maximum 60 – The maximum speed limit on the road where the 9 is located is 60 east and west  
The 9 is at a convenient location – Metro Self Storage  
The 9 is not at the tower – The 9 is not located at the radio station transmitter  
The 9 is in the Avalon – The 9 is located in the Avalon Peninsula.  
The 9 is not at the course – The 9 is not located on a golf course.

September 29<sup>th</sup>

Please use the other door – Do not use the front doors of the vehicle to find the 9. Open the tailgate on the truck and open the lid on the box.  
The 9 is not at the station – The 9 is not located at any radio station.  
The 9 is not at City Honda – The location of the 9 is not City Honda.  
The 9 is a combination of things – To find the 9 you must use a combination of clues.  
You do not have to climb to find the 9 – You do not need to climb anything to find the 9.

September 30<sup>th</sup>

The 9 is not PC – The 9 is not located where you see a PC sign.  
Head west past the gardens – The 9 is west past Commonwealth Gardens on Topsail Road.  
The 9 is not Liberal – The 9 is not located anywhere you see a Liberal sign.  
The 9 is not NDP – The 9 is not located anywhere you see a NDP sign.  
Head east past the construction – The 9 is located east of the construction signs on Topsail Road as you are leaving Paradise.

October 1<sup>st</sup>

The 9 is over 20 years old – Metro Self Storage has been open for over 20 years. The actual 9 is over 20 years old.  
The 9 is not on a sign – The 9 is not located on a billboard or sign.  
You could find the 9 at 9 pm – You can find the 9 anytime including 9 pm.  
You could find the 9 at 9 am – You can find the 9 anytime including 9 am.  
The 9 is not buried – The 9 is not at a cemetery, burial site. The 9 is not near a grave or tomb.

October 2<sup>nd</sup>

The 9 is not at Mile One Centre – The 9 is not located on the property of Mile One Centre.

The 9 is not at LeGrows Travel – The 9 is not located on the property of LeGrows Travel.

The 9 is not at Mile one Centre – The 9 is not located on the property Mile One Centre.

The 9 is not on Kenmount Road – The 9 is not located anywhere on Kenmount Road.

The 9 is not at Groves Road – The 9 is not located anywhere on Groves Road.

October 3<sup>rd</sup>

The 9 is not at MUN Botanical Gardens – The 9 is not located on the property of MUN Botanical Gardens.

Head east from Eden – The 9 is located east of the Town Paradise.

There are two ways to the 9 – You can go east or west on Topsail Road to find the location of the 9.

The 9 is before the city – The 9 is located outside the city of St. John's. The location of the 9 is west of

Shed City on Topsail Road. The location of the 9 is east before City Tire on Topsail Road.

The 9 is not lucky – The 9 is not located on the property of Lucky's Restaurant on Topsail Road.

October 6<sup>th</sup>

The 9 is across from 11 14 – The 9 is located on 1111 Topsail Road across from 1114 Topsail Road (Atlantic Home Furnishings).

#### File 08/09-0229

The following complaint dated October 6 was sent to the CRTC and forwarded to the CBSC:

99.1 Hits FM, St. John's Missing 9 Contest. I know you have received complaints regarding this. Clues have been given over a month to location of "Missing 9". The announcer asked listeners to help find it using clues given by "abductor". Was also asked to respect property in search for 9 by station. Was found in box of someone's truck that was placed there on October 6. According to announcer Randy Snow he thought the 9 was probably locked inside a storage unit at the location and the "abductor" took it out of hiding. This contest has apparently had people going all over the area for the past month looking for something that (if locked inside) I think was never to be found until this morning. The contest claimed the radio station did not know the location of this 9, but showed up with a camera and recorded the truck being placed on the lot and some of the events that occurred after. I was at the location and there were a lot of vehicles and people moving around in search of it. The video posted shows the person finding it in what he referred to as an "abandoned truck". [He] is alone with not a person or vehicle, moves in front of the camera while the lot was swamped with people and vehicles.

Some questions I would like you to get some answers to:

Why did the radio station give clues to what now appears to be something that was never missing/hidden [and] would not have been found until this morning?

Why does the station show a video in pieces that shows the person finding it is apparently alone while the location was blocked with people?

Why does the finder refer to a truck parked on a business lot as "abandoned"?

The contest was for a 10,000 prize to find a missing 9 that seems was nothing more than a scam publicity stunt to boost the station's ratings. It misled a lot of people, it has had people looking all around for the past month for something that was "apparently" driven onto a lot this morning in what is called an abandoned truck. I would ask that every aspect of this contest be investigated, including the sponsor, the clues, the final location, the video, and all people involved in the contest to ensure that the contest was valid and not a hoax that was set up

from day one. I think the prize money should be released when you verify that this contest was done legitimately.

Again, the CBSC explained to this complainant that it would need specific dates and times of broadcasts in order to pursue the complaint. The complainant wrote back on October 21:

Thank you for your response. I hope by going through this again I can answer the questions.

On September 8/08 CKIX 99.1 Hits FM put off a contest called Find the Missing 9. They claimed that an abductor had stolen the 9 from their station and they did not know where it was located. They claimed that City Honda was offering a ten thousand dollar reward for the person who found it and returned it. The person who was the voice of the abductor gave clues to the location of the missing 9 five times a day. The clues were supposed to lead someone to locate the missing 9 that was hidden. The clues were sometimes specific that lead thousands of people to a certain location only to find nothing. The clues changed over the contest that were somewhat leading to certain locations around St. John's and Mount Pearl but as each person searched they found nothing. The whole time Hits and its crew claimed they knew nothing about the location of the missing 9. On October 6 at 7 am a clue was given that sent people scrambling to Metro Storage on Topsail Road in Mount Pearl. I was one of those people. This location had been checked before and people were told it was private property. They posted a sign saying they were not affiliated with the Missing 9. Hits FM, [and] the mayors of both cities asked that people in their search for the missing 9 please respect the rights of private property and business owners.

The missing 9 was driven in a pickup truck, located in a box under a table in the box of the truck. A lot of [people] saw the truck, fairly new update stickers on it and, as instructed by Hits and the Mayors, would not go through someone's vehicle violating their privacy. The truck had on the back of it a sign with one of the employees of Hits FM phone number on the sign. They claimed the 9 was hidden but never showed up until that morning in a location that had been checked. The truck was never there and the clues did not point towards a pickup truck.

Hits FM also claimed right until that moment that they did not know where the location of the 9 was, yet they put a video person named Headbuzz at the location that filmed the truck arriving, a few people moving on the lot, a few cars, a close-up shot of the back of the truck, then Mr. [P. E.] walks up to the back of the truck, lifts the table, opens the box and retrieves the 9, all shown on video. I was there that morning and that lot was again crawling with people and vehicles. The time frame he walks to the truck and retrieves it not a thing moves in front of the camera. The video appears to be cut, even as Randy is greeting him in the station. Randy appears to be reading a script in front of him. Mr. [P. E.] works for [a tire company] which is located next to Metro Storage where the truck appeared. [P.] was asked live on air on the morning of October 6 where he found the missing 9 by Randy Snow. He first said it was at Metro Storage. Randy replied that it was probably hidden inside one of the storage units (LOCKED, no access to public). He further asked where exactly was it. [P.] replied "I found it in the back of an abandoned truck". The truck shown and seen was a fairly new Dodge Dakota with 2009 stickers on it in good condition. I questioned Hits via email how [P.] knew it was an abandoned truck and next day the reply from [P. E.] was changed to "I found it in a small grey truck". A lot about the contest didn't seem right. I questioned the clues and they posted the answers to the clues which I will add here that didn't fit the contest or the location.

My problems are:

Hits claimed from Sept 8/08 to October 6/08 they knew nothing about the whereabouts of the Missing 9 right up until it was returned, yet a pickup truck (plate number XXX ###) with an employee's (Brad Michael's) phone number (###-####) on the tailgate, plus a well-known video person (Headbuzz) associated with Hits FM shot the whole event on October 6 and was posted on their website.

The clues sent people scrambling for a missing 9 that was supposed to be hidden somewhere and all of a sudden showed up in a truck on October 6 on a lot of a business that had been checked with no success. Clues as I will point out further were leading people to specific places in both cities with no success.

Hits FM claimed that on September 8/08 City Honda was offering a \$10,000 reward for the safe return of the missing 9. I contacted [C. P.], the owner of City Honda, about this and his answer was they did not offer the reward, merely purchased an advertising package with Hits FM same as they do with other stations.

The person who found the missing 9, [P. E.], works for City Tire, the business located next to Metro Storage, where the truck was parked on October 6. He is shown on video just walking to the truck going through the box and pulling out something from it. We didn't check the truck as it was someone's personal vehicle. He doesn't get excited, just pulls it out and looks at it until the video cuts again. My question was: Did he know it was going to be there? Who is the owner of the truck and where was the 9 before October 6?

On October 6 Hits tried explaining some of the clues as I have mentioned, then published them on their website explained with the video.

My complaints are all related to the Hits FM Missing 9 contest: The clues given from Sept 8 to Oct 6, the video shot by Hits FM employee on October 6, the person who found it on October 6, [P. E.], who works next door to location where truck was parked. The website the station changed from www.991hitsfm.com to www.91hitsfm.com for the contest. The false advertising of their call letters from 99.1 to 9.1 plus the advertising that City Honda was putting up reward money when they weren't. The change in broadcast tape question from [P. E.] on October 6 to October 7. Everything associated with the contest from beginning to end seems to be a setup. I believe the Missing 9 was located at the VPCM studio from the day the contest started until the morning of October 6, and all employees of Hits FM, Metro Storage, Steele Communications and [P. E.] knew where it was and where it was going to be.

Now the clues they posted on their website and how they explained them on October 6 & 7<sup>th</sup>. My problems with the clues I will put in bold and underline below the clue in question. Hits FM clue is normal font, followed by their explanation of it. Most of the clues are misleading and had a lot of people focusing on one area.

September 8<sup>th</sup>

Mark does not have the 9 – Mark Chancey at Metrobus does not have the 9  
 Paula Does not have the 9 – Paula Adam from the Signature Salon does not have the 9  
 David does not have the 9 – David James does not have the 9  
 Jeff does not have the 9 – Jeff Lewis does not have the 9

September 9<sup>th</sup>

Leanne does not have the 9 – Leanne Sharpe does not have the 9  
 Jennifer does not have the 9 – Jennifer McCrae does not have the 9  
 Randy does not have the 9 – Randy Snow does not have the 9

**Randy Snow the morning of October 6 appears to be reading from script as 9 is returned, rehearsed, indicates knowledge of 9, video posted by Hits is at**

**[http://www.youtube.com/watch?v=0MGLk8fw\\_UI&eurl=http://www.991hitsfm.com/](http://www.youtube.com/watch?v=0MGLk8fw_UI&eurl=http://www.991hitsfm.com/) I would like to see what was cut out of it.**

Brad does not have the 9 – Brad Michaels does not have the 9

**The truck used containing the missing 9 had Brad's number on the tailgate, indication of knowledge of the 9.**

I do not have the 9 – The abductor does not have the 9

**Hits never disclosed who this person was.**

September 10<sup>th</sup>

You can touch the 9 – The 9 is a tangible object.

You can feel the 9 – You can feel the 9 'cause it's an actual physical object.

You can hold the 9 – You can hold the 9 'cause it's an actual physical object.

You can carry the 9 – You can carry the 9 'cause it's an actual physical object.

You can sit on the 9 – The 9 is small enough you can sit on it.

September 11<sup>th</sup>

The 9 is in the province – The 9 is in Newfoundland.

This 9 has never been 'round the bay' – The 9 has never been outside the city.

**The truck used: Still don't know who owns it, it may or may not have been outside city, Hits will not confirm it.**

The 9 is in 709 – The 9 is in the area code 709.

The 9 cannot be seen – The 9 is hidden somewhere.

**Hits and the abductor indicated that 9 was hidden in one spot from the first day of contest, when on final day shows up in someone's truck.**

The 9 is not at 391 – The 9 is not at HITS FM located on 391 Kenmount Road.

**I believe it was at the station.**

September 12<sup>th</sup>

The 9 is in the city – The 9 is in Mount Pearl.

The 9 is Miles from home – The 9 is not near the radio station.

The 9 is centered – The 9 is in the middle.

**I still don't know in the middle of what. The video shows [P. E.] reaching over the side of the box.**

The 9 is in a dark place – The 9 is in a closed space with no light.

The 9 is not in one piece – A piece of the 9 has been cut.

September 15<sup>th</sup>

The 9 is black – The 9 is black on the sides.

The 9 can shine – The 9 shines.

The 9 is white – The 9 is white on the inside.

The 9 is close to gold – The 9 is gold in color on the outside.

You can see much more, when you are face to face with the 9 – You can see your reflection when you look at the 9.

September 16<sup>th</sup>

The 9 is not a 6.

The 9 is not in someone's home

The 9 is not on someone's home – The 9 is not a number on a house

When you find the '9' you will know it's 'THE' 9 – Whoever finds the 9 will know it belongs to HITS FM because there is a note attached to it.

The 9 is not complete – The 9 has a piece cut off it

September 17<sup>th</sup>

The 9 will float – The 9 is Styrofoam

The not is not wet – The 9 is dry.

The 9 cannot hear me – The 9 is located in an area where you can not hear the radio.

**A truck with a radio. Hits broadcasts all over that area and beyond, so radio frequency could be picked up.**

You could find the 9 between 8 and 10 – The 9 is located somewhere you could find it between the hours of 8am and 10pm.

**According to October 6 broadcast missing 9 was found after 10pm and before 8am.**

The 9 is alone – The 9 is the only object in the box.

**Clue interpreted by most as it was hidden by itself – would never think of box from this clue.**

September 18<sup>th</sup>

To find the 9, don't check the time –The 9 is not on a clock.

The 9 is under something – The 9 is located under the lid of the box.

**On October 6 live broadcast [P. E.] said he looked in box of truck, lifted a broken table, lifted a cover off a box and retrieved the nine, said it was in the box not under lid.**

The 9 is not rocky – The 9 is not located near rocks.

**misleading clue**

The 9 is on something – The 9 is located in a box on a truck.

**On something? No one clued in that it could be in a box on a truck. It was in the bed of the truck – misleading clue**

If you're interested in seeing the 9, then look online – A piece of the missing 9 is on the HITS FM website.

**Most people looked for sponsor online or hidden clue. It wasn't the nine online, it was a picture of a piece of it.**

September 19<sup>th</sup>

The 9 is not dirty – The 9 is not near dirt.

The 9 is not underwater – The 9 is not under or near any type of body of water.

September 22<sup>nd</sup>

The 9 is not made of wood – The 9 is made of Styrofoam.

The 9 does not stick – The 9 is not on a sticker, building  
The 9 does not hang – The 9 is not on a sign  
The 9 is not underground  
The 9 does not move – The 9 is in the box and it does not move.

**In the box of a truck that drove up to Metro storage – I believe that would be moving.**

September 23<sup>rd</sup>  
Roll up to win – A truck will roll up with the 9.

**Misleading clue, sent a lot of people to Tim Hortons, no one would have interpreted this clue this way.**

2 4 7 (two four seven) – The 9 is located somewhere that is open 24 hours a day.

**Randy first claimed it was inside storage unit, not accessible to public, and in box of private truck would not be accessible to public 24 hours unless you own the truck.**

The 9 can be held in your hand – The 9 is small enough that you can hold it in your hand without causing any strain to you physically. The 9 is light in weight.  
The 9 is not large.  
You do not pay for the payoff – You do not have to spend any money to find the 9 or its location.

**A lot of people spent a lot of time looking for this, driving around burning gas. I would say I spent two tanks of gas, about \$150.00 so I did pay as well as others.**

September 24<sup>th</sup>  
The 9 is in the book – The location of the 9 is in the telephone book on page 393 of the yellow pages

**Metro Storage Location is on page 393, had been checked, sign posted by owner, and who reads the entire phone book??**

The 9 is secure – The 9 is located in a secure place.

**Randy Snow implied it was in storage unit, secure but not accessible, in the box of an open truck in an unlocked box is not secure.**

The weather does not affect the 9 – The 9 is not located outside where it could become weathered.

**Misleading clue, unless box was water tight.**

The road to the 9 is paved – The 9 is located on Topsail Road

**A lot of paved roads and trails – misleading clue**

4 strokes to find the 9 – The 9 is located on 1111 Topsail Road.

**Most took this clue as golf course, and 1111 Topsail Road had been checked.**

September 25<sup>th</sup>  
Admiral John does not have the 9 – The 9 is not located at Admiral John's Golf course

**One of the golf courses checked – misleading clue sent thousands to another course**

The 9 is not in the vehicle – The 9 is in a box, placed on a truck.

**Most assumed reference to Hits FM vehicle. In the vehicle when talking about a truck would be in cab.**

The 9 is not surrounded by other numbers – The 9 is alone.

The 9 is close to home – The location of the 9 is across from Atlantic Home Furnishings

**Misleading clue, a lot of businesses with “home” in title, and location checked**

There are no back doors with the 9 – There are no backdoors on the vehicle where the 9 is located.

**THIS ONE CONFLICTS WITH USE OTHER DOOR CLUE BELOW.**

September 26<sup>th</sup>

Maximum 60 – The maximum speed limit on the road where the 9 is located is 60 east and west

The 9 is at a convenient location – Metro Self Storage

**Still don't know why that applies to Metro when it was in truck. Convenient for Hits maybe.**

The 9 is not at the tower – The 9 is not located at the radio station transmitter

The 9 is in the Avalon – The 9 is located in the Avalon Peninsula.

**Never referred to as “in the Avalon”; it's “ON THE AVALON” – misleading clue**

The 9 is not at the course – The 9 is not located on a golf course.

**This one posted after thousands flooded golf course in city.**

September 29<sup>th</sup>

Please use the other door – Do not use the front doors of the vehicle to find the 9. Open the tailgate on the truck and open the lid on the box.

**The taligate on a truck is not a door – misleading clue**

The 9 is not at the station – The 9 is not located at any radio station.

**I believe it was there until October 6.**

The 9 is not at City Honda – The location of the 9 is not City Honda.

**Neither was the 10k reward.**

The 9 is a combination of things – To find the 9 you must use a combination of clues.

**The combination of clues was misleading.**

You do not have to climb to find the 9 – You do not need to climb anything to find the 9.

**If you open the tailgate of the truck you do have to climb in to open the box.**

September 30<sup>th</sup>

The 9 is not PC – The 9 is not located where you see a PC sign.

Head west past the gardens – The 9 is west past Commonwealth Gardens on Topsail Road.

The 9 is not Liberal – The 9 is not located anywhere you see a Liberal sign.

The 9 is not NDP – The 9 is not located anywhere you see a NDP sign.

Head east past the construction – The 9 is located east of the construction signs on Topsail Road as you are leaving Paradise.

**Most people were using these clues with others and focusing on an area over and over not close to Metro Storage, but fit clues.**

October 1<sup>st</sup>

The 9 is over 20 years old – Metro Self Storage has been open for over 20 years. The actual 9 is over 20 years old.

**Misleading clue – Metro check for nine before Oct 6**

The 9 is not on a sign – The 9 is not located on a billboard or sign.

You could find the 9 at 9 pm – You can find the 9 anytime including 9 pm.

**9 was found shortly past 7am**

You could find the 9 at 9 am – You can find the 9 anytime including 9 am.

**Misleading – found shortly after 7am**

The 9 is not buried – The 9 is not at a cemetery, burial site. The 9 is not near a grave or tomb.

October 2<sup>nd</sup>

The 9 is not at Mile One Centre – The 9 is not located on the property of Mile One Centre.

The 9 is not at LeGrows Travel – The 9 is not located on the property of LeGrows Travel.

The 9 is not at Mile one Centre – The 9 is not located on the property Mile One Centre.

The 9 is not on Kenmount Road – The 9 is not located anywhere on Kenmount Road.

The 9 is not at Groves Road – The 9 is not located anywhere on Groves Road.

**All misleading clues.**

October 3<sup>rd</sup>

The 9 is not at MUN Botanical Gardens – The 9 is not located on the property of MUN Botanical Gardens.

**One of the areas people constantly checked because of clues.**

Head east from Eden – The 9 is located east of the Town Paradise.

**I looked for everything relating to street business, etc with Eden – misleading clue**

There are two ways to the 9 – You can go east or west on Topsail Road to find the location of the 9.

**Misleading clue**

The 9 is before the city – The 9 is located outside the city of St. John's. The location of the 9 is west of Shed City on Topsail Road. The location of the 9 is east before City Tire on Topsail Road.

**Metro Storage is in CITY OF MOUNT PEARL – misleading**

The 9 is not lucky – The 9 is not located on the property of Lucky's Restaurant on Topsail Road.

**Misleading**

October 6<sup>th</sup>

The 9 is across from 11 14 – The 9 is located on 1111 Topsail Road across from 1114 Topsail Road (Atlantic Home Furnishings).

**Last clue sent A LOT OF PEOPLE THERE TO METRO STORAGE, checked before, nine placed in private vehicle.**

As you can see from this response, I feel the clues/explanations, the video shot that morning Oct 6 by Headbuzz, the truck, [P. E.], Hits FM, its employees, and its partners/parent company, Metro Storage, Steele Communications are all part of this Missing 9 contest in some form: videos, air tapes LIVE, websites, advertisements. All of it is part of the missing 9 contest and should be investigated to prove it was legitimate and fairly done and not a setup just to improve the stations ratings. I think that the only people who could/did and were always meant to benefit from the contest were Hits FM's ratings and [P. E.].

Thank you again. I still believe this contest was a scam and a hoax, and I hope you prove me wrong. I trust this is enough information for you.

PS: Check out the Facebook group "Down with Hits FM"

I look forward to hearing from you, 28 days would put the date to November 2, 28 days past date of contest end on October 6.

The CBSC then informed the complainant that it would be pursuing his complaint. The complainant wrote back on October 31:

Again thank you for your response. So basically the station has and will not be penalized in any way, shape or form for what the listeners saw as a setup and a scam. Your response indicates that the only thing that will happen is that [the Assistant Program Director] and [the Program Director] of Hits VPCM and Steele will have the opportunity to contact me via email with an apology for upsetting me (as well as hundreds of listeners).

Has anyone from CBSC looked at the full video of Oct 6? Has anyone investigated the person who found the missing 9 who works next to the location it was found? Has anyone checked to see who owned the pickup used? Checked Metro Storage employees (I sent you a message after telling you more information on where it was)? Has anyone asked why they had thousands of people looking for something that from what I've been told was locked inside a storage locker at Metro Storage when the clues used were leading us to a location on a wild goose chase? Has anyone asked or checked why the audio tape was changed with [P. E.]? Has anyone asked why the video done by a Steele/Hits employee appears to be set up?

[CBSC Communications Coordinator], these are the questions I, as well as over 800 people in our Facebook group would like answers to from the CBSC. We think this missing 9 contest was a scam and a setup from the beginning for ratings. We think that all staff at CKIX Hits FM including Headbuzz the video person, Steele Communications, Metro Storage, and [P. E.] were in on this hoax and that no listener of Hits FM during the missing 9 contest would ever win the ten thousand dollar prize.

These are what we want you to answer for us. If I receive an apology from the two people you cc'd this email to, it will mean that nothing will be done about this and no investigation was done by CBSC.

I am not sure what logger tape that you're referring to that they will have the opportunity to address. I have asked for more than just a logger tape to be investigated as I have stated above. On the video, Randy Snow appears to be reading from a script when the 9 was returned to the station. That means that it was rehearsed and scheduled to be found on Oct 6. A lot of questions we as the group I am part of are still not answered. CKIX can keep logger/video/script/recordings for 28 days, so I'm guessing that they will respond on November 3 (28 days later) with an apology, then destroy the tapes as per CBSC requirements, like I have asked the entire contest from day one to final day including all parties involved are made accountable for the contest. I leave this in your hands. It will be interesting what [the Assistant Program Director] and [the Program Director] have to respond on?

I'll let you know what I get from them.

Thank you for your time, and I speak for a lot of upset people. We do want answers to all questions raised. Check the Facebook group. I have posted a link in a previous email including the name of a relative of a Hits employee who posted on our Facebook group. Check the group out.

Thank you

## **Broadcaster Response**

The station responded to all complainants on November 19:

In response to your complaint to the Canadian Broadcast Standards Council (CBSC C08/09-0227), the following is a comprehensive explanation of how the promotion took place from beginning to end. We trust that this insight will answer any questions you may have.

The "Missing 9" was locked in a storage unit in early September, secretly, so as not to involve the owner, management or staff of Metro Self Storage ("MSS"). The locker number and pass code to the storage facility where the "Missing 9" was located at MSS were contained within the clues given throughout the promotion. At no time did we, or anyone associated with the promotion, advise the owner or manager of MSS that the "Missing 9" was on his premises. The location of the "Missing 9" was never disclosed to any of the staff at MSS or [P. E.] (the winner of the \$10,000 prize). In the spirit of fairness, it was of the utmost importance to keep the location of the missing 9 confidential. Throughout the duration of the promotion, only Hits FM management and some staff with a definite "need to know" had knowledge of the location of the "Missing 9".

Throughout the promotion, a series of daily clues were given to our listeners to narrow the search for the location of the "Missing 9". These clues led some listeners to the premises of

MSS. Through his own deduction, the owner of MSS felt a need to protect the privacy of his property and customers so he posted a “This is Private Property – Violators will be Prosecuted” sign at his gate stating he had no affiliation with the “Missing 9” promotion. The owner explained all this publicly after the promotion, when questions arose from the public asking why he posted the sign.

On discovering the “No Trespassing” sign had been posted at the location of Metro Self Storage, the programming team at Hits FM were challenged with a number of issues:

- How to avoid having our contestants violate the posted privacy of the location where the “Missing 9” was hidden.
- How to present the “Missing 9” at the location to which the clues already pointed; in essence making sure we did not materially change the location of the “Missing 9”.
- How to continue with the same line of clues that a reasonable person would follow.

Clearly we needed to have the “Missing 9” outside the fence rather than inside, in the storage shed.

On Friday morning October 3<sup>rd</sup>, the character of the abductor stated “the 9 is coming out of hiding”. The comment “the 9 is coming out of hiding” was promoted on October 3<sup>rd</sup> through the weekend, three full days, on HITS FM giving listeners fair notice that the “Missing 9” would be “out of hiding”.

We had clues prepared for delivery in the usual morning schedule for Monday, October 6.

It was probable that some persons who had been following the clues would piece them all together on Monday morning October 6<sup>th</sup>. In the event of a winner sometime on Monday, to share that moment with our listeners on our website, a camera crew was set up at Atlantic Home Furnishings, directly across the street to monitor activity, if any, around the site. We were able to film the winner finding the “Missing 9”. The video was posted to the website [www.991hitsfm.com](http://www.991hitsfm.com) to provide a fun recap of the event for our listeners. Although the video was edited for content and time, it is a true representation of what happened. HITS FM is supplying the CBSC with the complete unedited footage of all the video taken on the morning in question.

On October 6<sup>th</sup> shortly after 7am, the “Missing 9” was found by the winner, Mr. [E.]. Mr. [E.] had been following the promotion and on hearing the 7am clue, he went to the location he worked out from the clues, searched and found the “Missing 9” in a box on the flatbed part of a truck parked in the area. Mr. [E.] was not given any clues or consideration not afforded to all listeners.

To satisfy the three tests that we considered important to ensure fairness and the spirit of a fun radio promotion, we:

- moved the “Missing 9” “outside” the MSS fence onto public property to avoid any issues regarding trespass.
- did not materially alter the location of the “Missing 9”—the location where the “Missing 9” satisfied all the clues to that point.
- ensured that the same line of clues was continued to ensure continuity of the search for those engaged in the promotion.

To align with the clue connections, the "Missing 9" was not "in" the cab/passenger compartment of the vehicle. Vandalism or damage to the vehicle was not an issue; the "Missing 9" was outside, on the truck bed. The pick-up truck belonged to (and was used with the permission of) an employee of Steele Communications/HITSFM - it was not "abandoned".

The truck was parked at 6 am on the day Mr. [E.] located the "Missing 9" after we retrieved the "Missing 9" from its hiding place in the MSS storage unit, just inside the fence. Signs on the truck were clues to validate to an astute follower of the promotion that they had indeed come to the right place.

Mr. [E.] completed the course of clues with absolutely no contact or help from us. He fairly won the prize.

Had MSS not posted the sign on his property, the contest would have continued to the end exactly as we had originally laid it out. However, even with the change necessitated by the MSS posting of its "No Trespassing" sign, we are satisfied that every reasonable effort was made and rational decision was taken to ensure fairness in the ultimate conclusion of this promotion.

## **Additional Correspondence**

### File 08/09-0227

The complainant wrote to the CBSC on November 19, indicated that he was "still not satisfied" and attached a copy of an email he had sent to the station:

With all due respect, this was not a fair or fun contest. This explanation certainly does not make me feel any better. Before I get into any details, I just want to say that in my complaint I made no reference to Mr. [E.] having prior notice as to the whereabouts of the "9" and I don't believe that he did. My issue is that the contest was not fairly conducted. Also, many other people followed the clues to MSS, including me.

Firstly, MSS is private property and the owner should have been notified that you were conducting a contest. Just like you couldn't hide the "9" in a citizen's shed without notification. Why was the owner not notified? As recognized by the owner, after locking the "9" in MSS it would have been a crime for anyone to enter the area to retrieve the "9". Therefore it was legally impossible for anyone to get the "9" and all the while you were broadcasting that the nine could actually be found at any time. How is that fair? As an aside, I believe that MSS (or their clients) really have a legal argument with Hits (or the parent company) since MSS property was used to promote the station and the private access code for MSS was given out to the general public along with an invite to the general public to enter the facility. Stated by you in your email to me:

The "Missing 9" was locked in a storage unit in early September, secretly, so as not to involve the owner, management or staff of Metro Self Storage ("MSS"). The locker number and pass code to the storage facility where the "Missing 9" was located at MSS were contained within the clues given throughout the promotion. At no time did we, or anyone associated with the promotion, advise the owner or manager of MSS that the "Missing 9" was on his premises.

Secondly the clues were beyond misleading. I will illustrate below:

In your email to me you stated:

To align with the clue connections, the "Missing 9" was not "in" the cab/passenger compartment of the vehicle. Vandalism or damage to the vehicle was not an issue; the "Missing 9" was outside, on the truck bed.

This does not align with the clues. The clue said "The 9 is not in the vehicle". That does not mean the 9 was not in the cab/passenger compartment. For instance, when I say to someone "Put the chair IN the bed of the truck" it means that it is IN the truck .... If the truck leaves, the "CONTENTS" go with it.

You stated: "[Mr (E.)] found the 'Missing 9' in a box on the flatbed part of a truck parked in the area."

Definition of Flatbed: An open truck bed or trailer with no sides, used to carry large objects such as heavy machinery, cars, or houses. (from [www.answers.com](http://www.answers.com))

Flatbed – (noun) 1. Also called flatbed trailer, flatbed truck. a truck or trailer having an open body in the form of a platform without sides or stakes. (from [www.dictionary.com](http://www.dictionary.com))

Also in your email to me you stated:

Signs on the truck were clues to validate to an astute follower of the promotion that they had indeed come to the right place.

The sign on the truck said "Snow clearing" and had a phone number. There was no indication on the sign that the truck belonged to anyone affiliated with Hits. Also the constant soundbites from the respective mayors of St. John's and Mount Pearl were telling listeners to "respect" people's property. Searching in anyone's vehicle without permission is not respectful.

In closing, I really just want you to know that you were not honest with the listeners about the contest over the duration. I understand that you tried to make good of a bad situation, but the bad situation was brought about by your actions in the first place. Even in your current response you still could not give an honest answer. In reading your response to me, I think it's clear that you did not read my complaint. I think there is a measure of respect and honour missing here. Often times the views of your listeners can be overlooked as the majority of people will "get over it" or "forget about it". I think many people don't even bother with your contests because they had a bad experience in the past. I guess that's probably an indication of the effectiveness (or lack thereof) of the advertising that you offer. In this case, I would say that many of your listeners were displeased and I'm sure you are getting many complaints. I know that there were several Facebook groups created and one in particular has over 800 members. I know the whole situation left me with a bad taste in my mouth. It's disgusting really.

#### File 08/09-0229

The complainant submitted his Ruling Request on November 20 with the following note:

I did respond to [the General Manager] of Steele Communications regarding the Missing 9 contest as he responded and explained. He claims that the 9 was locked inside a storage unit until the last day of the contest on Oct 6. This was not a fair contest. They gave clues sending listeners looking for something they couldn't find if locked away. He claims Metro Storage knew nothing of the nine stored there. This is a licensed bonded secure storage and I doubt that someone could store an object there without their knowledge.

He claims that the 9 was placed in a box inside the box of a Hits employee's pickup on Oct 6 hidden under a broken table. They asked listeners to respect private property and they put it in someone's truck. They claimed City Honda offered the reward when City Honda says they didn't. They claim that the clues gave the location and the combination with the locker number at Metro Storage and there was no hint of this. They claim that anyone could have found this 9. How could we if it was not accessible to us to find until the last day they moved it to a private vehicle? They videotaped the event of the morning it ended. I have requested that the full tape be shown with time frames. I have also forwarded my response to [CKIX-FM General Manager] to [S. C.], CBSC Correspondence Coordinator, with more detail.

The complainant sent the following email dated November 20:

In response to email from [CKIX-FM General Manager], cc to CBSC:

First, thank you for your response. There are still some problems with this contest that a lot of people have. One thing that does bother me is you had 21 days to respond and you wait until the last minute. I will highlight some in your response. You will find my comments in bold print below the response from [the General Manager]. [The CBSC Communications Coordinator] said in her earlier email that broadcasters take concerns seriously in response. The staff at Steele failed this by not responding to any complaints until they were forced to by CBSC on the last day they had to respond. I would assume that all history of the Missing 9 contest has now been cleared away and forgotten. I would still request that the video shot by Headbuzz be released showing the time frames and actual events, and on behalf of many former listeners of Hits and Steele Association broadcasters the questions below are not answered to satisfaction. Read down please and decide.

Thank you

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In response to your complaint to the Canadian Broadcast Standards Council (CBSC C08/09-0299), the following is a comprehensive explanation of how the promotion took place from beginning to end. We trust that this insight will answer any questions you may have.

The "Missing 9" was locked in a storage unit in early September, secretly, so as not to involve the owner, management or staff of Metro Self Storage ("MSS"). The locker number and pass code to the storage facility where the "Missing 9" was located at MSS were contained within the clues given throughout the promotion.

**Can you explain where or what clue(s) had the locker number and pass code in them???**

At no time did we, or anyone associated with the promotion, advise the owner or manager of MSS that the "Missing 9" was on his premises. The location of the 'Missing 9' was never disclosed to any of the staff at MSS or [P. E.] (the winner of the \$10,000 prize). In the spirit of fairness, it was of the utmost importance to keep the location of the missing 9 confidential. Throughout the duration of the promotion, only Hits FM management and some staff with a definite "need to know" had knowledge of the location of the "Missing 9".

**You had people/listeners searching all over St. John's and Mount Pearl looking for something that you claim was locked inside a storage locker not accessible to anyone but the person who supposedly placed it there. Your clues led people to numerous places including golf courses, Tim Hortons, and more specific around the area of the Brad Gushue Highway and Thorburn Road area. It led people to the Metro Storage where they found the sign "no trespassing" so they moved on using the clues to try**

and find again something that was not accessible to those in the search. Do you expect your listeners to believe that you can store something in a secure building and the owner/operator not know about it? I'm pretty confident in saying that [the owner] does not have things stored in his premises for two months and not know what was there or who placed it there. For insurance and security purposes, no storage facility would do this. I have asked to store items at that particular location and was told that I needed a list of everything I was storing for safety/security/insurance purposes. Another note: the morning the 9 was found, I was there shortly after that clue was given. The person who was sitting inside the building did not come out to see why so many people had flooded their lot. If they knew nothing of what was happening and put up the No Trespassing sign, they would [have] come out and questioned why we were all there or called the Constabulary. So did they know if the nine was there; I think they did based on what happened.

Throughout the promotion a series of daily clues were given to our listeners to narrow the search for the location of the "Missing 9". These clues led some listeners to the premises of MSS. Through his own deduction the owner of MSS felt a need to protect the privacy of his property and customers so he posted a "This is Private Property – Violators will be Prosecuted" sign at his gate stating he had no affiliation with the "Missing 9" promotion. The owner explained all this publicly after the promotion, when questions arose from the public asking why he posted the sign.

On discovering the "No Trespassing" sign had been posted at the location of Metro Self Storage, the programming team at Hits FM were challenged with a number of issues:

**Your daily clues along with the abductor's words led your listeners to many locations including Metro Storage, but your station had listeners looking for, again, something that was never accessible to find. I'm not sure why the sign was posted, if it was part of the game, part of Metro??? However, the clues as you say led some listeners to Metro Storage where a "no trespassing" sign was placed which clearly stated they had no involvement with the missing 9, that was weeks before the contest ended. If the 9, as you claim, was inside one of those lockers, at that time when the sign was placed, your contest became invalid. You gave clues leading to a missing object that was not accessible to anyone but the person with the combination to a security locker. The owners claim no responsibility or knowledge of it and lead people away from it, and you continue to give clues that keep your listeners on a wild goose chase for a missing 9 that was never missing. Missing and locked away are different. Your time to "step up to the plate" if the 9 was locked inside one of those lockers was the day the sign was posted by Metro, not weeks after knowing that people had given up on the location and flooded other locations that did match your clues. There were many places that matched the clues, but as you have stated it was never available because it was locked away.**

- How to avoid having our contestants violate the posted privacy of the location where the "Missing 9" was hidden.

**Throughout the whole contest, HITS FM, Crimestoppers, the mayors of both St. John's & Mount Pearl asked that people in search of the missing 9 respect the rights of privacy of personal and business property. I am one of many that did respect that right. I would not want a stranger entering my property or business for fear of vandalism. Yet you first claim you placed the 9 inside a secure locked unit at Metro that would have taken someone to break the law to get it, then you claim that you moved the 9 to the box of someone's pickup, inside a box under a broken table. That morning, I saw the truck there, but would not dare search someone's vehicle**

regardless as respect for [sic] the owner. Most people saw the truck there and, as I did, assumed it belonged to someone who was searching or working at Metro. It would have been an invasion of privacy to search any part of the vehicle.

- How to present the “Missing 9” at the location to which the clues already pointed; in essence making sure we did not materially change the location of the “Missing 9”.

**In fact, you did change the location of the 9 based on what you have stated. You claim the clues led to the 9 inside the storage locker as you placed it, then the 9 was removed from the locker, placed in a covered box placed in the box of a truck, which is visible from the video driving onto the lot. You claimed your clues led to Metro Storage where the 9 was locked inside and not accessible, then you claim that someone from Hits removed it, put it in their truck and parked it on Metro’s lot. All of this goes against the idea of the contest.**

- How to continue with the same line of clues that a reasonable person would follow.

**You had a lot of reasonable listeners following the clues, putting the clues together, searching locations, finding “no trespassing” signs, told by businesses flooded with people to leave as the 9 was not there. No one I know would have violated private or personal property to find the 9, and you placed it, as you claim, inside that locked building and then in someone’s truck. Reasonable people respected the rights of privacy using your clues.**

Clearly we needed to have the “Missing 9” outside the fence rather than inside, in the storage shed.

**Of course it had to come outside. You had thousands of people looking for an object that was stored inside a locked building not accessible even with the clues. What, if the 9 was locked inside, was your plan for the listeners to find it? To have them break in to get it?**

On Friday morning October 3<sup>rd</sup>, the character of the abductor stated “the 9 is coming out of hiding”. The comment “the 9 is coming out of hiding” was promoted on October 3<sup>rd</sup> through the weekend, three full days, on HITS FM giving listeners fair notice that the “Missing 9” would be “out of hiding.

**Your listeners knew the 9 was hidden, but, as I have said, hidden and locked away are two different meanings.**

We had clues prepared for delivery in the usual morning schedule for Monday, October 6. It was probable that some persons who had been following the clues would piece them all together on Monday morning October 6<sup>th</sup>. In the event of a winner sometime on Monday, to share that moment with our listeners on our website, a camera crew was set up at Atlantic Home Furnishings, directly across the street to monitor activity, if any, around the site. We were able to film the winner finding the “Missing 9”. The video was posted to the website [www.991hitsfm.com](http://www.991hitsfm.com) to provide a fun recap of the event for our listeners. Although the video was edited for content and time, it is a true representation of what happened. HITS FM is supplying the CBSC with the complete unedited footage of all the video taken on the morning in question.

**The video you speak of did go against the ads by Hits FM that no one knew the location of the 9, including all the staff. I would like to see the entire video with time frames to show the events of the time the 9 was removed from the locker until it was**

**found by Mr. [E.]. He, in the video, was the only person to check a truck parked on that lot. You said shortly after 7am it was found. Still, people questioned how this person who works next to the location found it so quick, how he was the only one to check and violate a private vehicle.**

On October 6<sup>th</sup> shortly after 7am the “Missing 9” was found by the winner, Mr. [E.]. Mr. [E.] had been following the promotion and on hearing the 7 am clue he went to the location he worked out from the clues, searched and found the “Missing 9” in a box on the flatbed part of a truck parked in the area. Mr. [E.] was not given any clues or consideration not afforded to all listeners.

**We all followed the promotion, the clues and the contest every day. No one I know figured that a location already checked and signs posted, a private vehicle parked, no one I know would have walked up to that truck and rummaged in the box of it. And any contest where a person who worked next to the location of the 9 had found it so quickly and easily would raise some questions about their knowledge of its location.**

To satisfy the three tests that we considered important to ensure fairness and the spirit of a fun radio promotion, we:

- moved the “Missing 9” “outside” the MSS fence onto public property to avoid any issues regarding trespass.
- did not materially alter the location of the “Missing 9”—the location where the “Missing 9” [was] satisfied all the clues to that point.
- ensured that the same line of clues was continued to ensure continuity of the search for those engaged in the promotion.

**You talk of fairness of the contest. You have thousands of listeners looking for something that was under lock and key until the last day of the contest. You have people risking personal safety looking in areas for the 9 based on your clues given. You move the nine to an outside location when it was presumed accessible by so many who said so many times “I KNOW WHERE IT IS”, but was never available. You did alter the location of the 9 by claiming it was locked away, then on the last day moving it to someone’s vehicle. The clues pointed to many places and Metro Storage already posted signs stating it wasn’t there. I have, as many others, examined the clues and the explanations posted and in many emails to your station and personnel, the clues appear to be manipulated to fit, and a lot of the clues are incorrect relating to the truck/location. You speak of continuity. Your clues led people to specific locations in the cities including Metro Storage, but as hard as your listeners searched where they were so certain they had it, it was never accessible until October 6. To make the contest fair from the beginning the 9, as we assumed, would have been hidden in a location that anyone could have found it from day one whether by clues or by chance. The only time the 9 was to be found was on Oct 6, so from October 5 back to the start of the Missing 9 contest, it was never fair to those of us who searched for it and played by your rules and respected your wishes.**

To align with the clue connections, the “Missing 9” was not “in” the cab/passenger compartment of the vehicle. Vandalism or damage to the vehicle was not an issue; the “Missing 9” was outside, on the truck bed. The pick-up truck belonged to (and was used with the permission of) an employee of Steele Communications/HITSFM - it was not “abandoned”. The truck was parked at 6 am on the day Mr. [E.] located the “Missing 9” after we retrieved the “Missing 9” from its hiding place in the MSS storage unit, just inside the fence. Signs on

the truck were clues to validate to an astute follower of the promotion that they had indeed come to the right place.

**The clues you posted and played daily did not lead listeners to the box of someone's truck which was considered off-limits for privacy. The idea of the abandoned truck was from your broadcast that morning live on the air with Randy Snow and [P. E.]. Randy asked him where he found the 9. He stated it was in a box under a broken table in an abandoned truck at Metro Storage. I immediately questioned this with Hits as how Mr. [E.] would assume, when no one else saw, that a fairly new Dodge Dakota pickup truck, not damaged, not marked, with an up-to-date plate and a 2009 sticker on the plate parked on a business lot would be abandoned by someone (unless he knew more info on it). My idea of an abandoned truck/vehicle would not be close to that. If a truck had been scrapped, left for weeks somewhere, might be abandoned, but not a truck parked on a lot the way it was. When I questioned this, the statement by [P. E.] had changed from an abandoned truck to a small grey truck, all done as appeared to be same day but the broadcast tape of the live radio interview the morning he returned it had changed. The claim was that no one at Hits knew the location of the 9, but an employee of Hits drove their truck to the lot with the 9 in it. If the 9 was removed from the locker and driven to the lot at 6am that morning, then the location of the 9 did change. The video when examined doesn't show the truck coming out of the gate. It shows the pickup pulling on to the lot (the headlights show where it enters). Even if the nine was in the box of the truck inside a box under a broken table, it would be a violation of your wishes to look or rummage in the box of that truck. Your station promoted respect of property through the contest and you place it in a private vehicle's box concealed in a box under a table. To open that box it was in, to rummage through that box of the truck would be an invasion of privacy and a form of vandalism to open that box. The sign on the back of the truck said "247 Snow Removal" with the phone number ###-####. I need to know how this sign on that truck was to lead listeners to "the right place"??? The sign appeared to me to be professionally done. Being in NFLD, [it's] not unusual to find someone advertising for 24/7 snow removal on their vehicle, and after some listeners investigated the number (after the contest caused such an uproar) it was a number registered to Brad Michaels from Hits FM. I saw the truck, saw the sign, and like so many thought nothing more than someone's truck with a sign on the gate advertising. To touch this vehicle would be a violation of privacy.**

Mr. [E.] completed the course of clues with absolutely no contact or help from us. He fairly won the prize.

Had MSS not posted the sign on his property, the contest would have continued to the end exactly as we had originally laid it out. However, even with the change necessitated by the MSS posting of its "No Trespassing" sign, we are satisfied that every reasonable effort was made and rational decision was taken to ensure fairness in the ultimate conclusion of this promotion.

**There is really no way to prove what Mr. [E.] knew or didn't know. From your last statement above, your intent with the missing 9 was to lock it inside the Metro Storage locker until the contest ended. How were the listeners searching for the 9 supposed to find it inside a locked storage unit. You call it a fair contest to have people looking all over wasting time and money in search of an object that was inside a locked building not accessible to [the] public. Your plan was to keep us looking until you were ready to bring it out on the last day and do what with it? Or did you plan to give someone entrance to the building to find it? Did you plan from the start to move it from the locker to a private vehicle? Whatever your plan was, it still had your listeners**

looking for something never to be found until Oct 6. Metro Storage posted those signs weeks before the contest ended and you continued to keep it in hiding, not accessible to [the] public as you claim.

[CKIX-FM General Manager], I have repeated some things I, as well as a lot of others, see wrong with the Missing 9 contest.

You and your station received many questions from people like me and never had the common courtesy to respond to them.

You had 21 days to respond to this complaint and, as I thought, you wait until day 21 to respond.

The Missing 9 was never accessible for us to find regardless of where you claim it was.

Your contest claimed no one at Hits knew the location. A video camera from Hits and an employee of Hits were involved on the day of 6<sup>th</sup>, and you say that others knew the location as well.

You asked people to respect privacy and rights and you place the Missing 9 in a container in a pickup truck and expect people to find it because you put a sign on that truck that we were supposed to know that it was the location of the 9?

You claim that Metro had no involvement in this. This a licensed, secured, bonded company that I have asked before about storing some stuff. The person I spoke with informed me that I could store nothing in their facility without a detailed list of what I had. So how could you store something in their locker without their knowledge of what it was?

Your broadcast of that morning changed on what Mr. [E.] called an abandoned truck when questioned.

Your contest also said that City Honda was offering a 10,000 reward for the return of the missing 9. I emailed City Honda and questioned their involvement with the contest and was told by [the owner] that they had purchased advertising with Hits FM and DID NOT offer the 10,000 reward, which was false advertising.

You changed your call sign to 9.1 Hits FM which is a violation of federal regulations. Do I think the contest was fair from beginning to end based on what I have seen and what you have given me as a response? NO, I don't. The contest was set up as most contests are, but yours has had a lot of listeners upset as to how it played out in the end.

The station provided the CBSC with an additional explanation of the contest on December 18:

99.1 CKIX-FM's "Missing 9 Contest" was a scavenger hunt type contest in which clues were provided on air to Contest participants throughout the Contest. The Contest was at all times in full compliance with the requirements of all applicable regulations and laws.

The Contest was conducted based on a theme involving a storyline – namely, that the "9" was an actual numeral taken from the Station sign, was "kidnapped", with the "kidnapper"

(whose part was played on air by a Newcap announcer) from time to time “seizing control” of the Station’s broadcasting during short vignettes and who also purportedly “seized control” of the Station’s website. The “kidnapper” demanded a \$10,000 ransom for the return of the “9”.

The Contest conception involved the Station taking the position that, rather than paying the ransom, it would pay a “reward” – actually, of course, the Contest prize – to whomever located the missing “9” based on the “clues”.

In setting up the contest, the missing “9” was locked in a storage unit at Metro Self Storage in St. John’s, Newfoundland in early September 2008 secretly, without involving or informing the owner, management or staff of Metro Self Storage so as to preserve confidentiality. The locker number and pass-code for entry to permit access to the storage facility were contained with the “clues” given throughout the promotion. At no time during the promotion did Station staff advise the owner or manager of Metro Self Storage that the “9” was on Metro Self Storage premises. The location of the “9” was never disclosed to any of the staff at Metro Self Storage or to [P. E.], who was the eventual winner of the prize, the Station having, of course, recognized that it was of the utmost importance to keep the location of the “9” confidential. Throughout the duration of the Contest, only Station management and staff with a “need to know” had knowledge of the location of the “9”.

As noted, a series of daily clues was given to listeners to enable them to narrow the search for the location of the “9”. These clues led some listeners to Metro Self Storage premises. Without involvement of the Station, the manager of Metro Self Storage felt the need to protect the privacy of his premises and customers, so he posted a “This is Private Property – Violators will be Prosecuted” sign at the gate of Metro Self Storage indicating that Metro Self Storage had no affiliation with the Contest. The manager explained all of this publicly after the conclusion of the Contest, when questions arose and the public asked why the sign had been posted.

The posting of the “No Trespassing” sign at Metro Self Storage posed unexpected challenges for the Station’s staff responsible for administering the Contest, in that:

1. It was necessary to avoid having contestants violate the newly posted privacy of the Metro Self Storage location where the “9” was hidden;
2. It was necessary to present the “9” at the location to which the clues already pointed, in order to preserve the validity of the clues. In essence, this involved ensuring the location of the “9” was not materially changed; and
3. It was necessary to continue with the same line of clues such that a reasonable person could narrow his or her search and locate the “9”.

The best available solution was to relocate the “9” outside (but not far from) the fence protecting the Metro Self Storage premises.

On the morning of October 3, 2008, the “kidnapper” stated on air that “the ‘9’ is coming out of hiding”. This comment was promoted/repeated on October 3 (which was a Friday) and throughout the following weekend, thereby giving listeners proper notice that the “9” would be “out of hiding”.

The Station had “clues” prepared for on-air delivery in the usual morning schedule for Monday, October 6, 2008. Station staff felt that some persons who had been following the clues would be in a position to piece everything together and locate the “9” on the morning of October 6, 2008. In anticipation of a winner emerging on that date, and so as to be in the position to share that moment with Station listeners on its website, a camera crew was set up at Atlantic Home Furnishings, across the street from Metro Self Storage, to monitor activity, if

any, at the site. The video caught the winner finding the missing "9", the video, in edited form, was posted to the Station website to provide an entertaining recap of the event for listeners. While that video was edited for content and time, it represents a correct representation of what occurred.

Shortly after 7:00 am on October 6, 2008, Mr. [E.] located the "9". He had been following the promotion and on hearing the first clue of October 6, 2008 at 7:00 am, he went to the location he worked out from the clues and searched and found the missing "9" in a box on the open, flatbed part of a truck parked in the area. Mr. [E.] was not provided with any clues or consideration not afforded to all listeners.

The "9" had been moved from the storage shed within the Metro Self Storage fenced area outside the fence, into the open (i.e. no cap or box) pickup truck, so as to avoid issues as to trespassing on Metro Self Storage property, with the truck parked in the appropriate area to ensure continuity with past clues. The location in the open truck bed was to ensure that no issues arose as to vandalism or damage to the vehicle, which, in any event, belonged to an employee of the Station. The vehicle was parked at the location at which the "9" was found at 6:00 am on October 6, 2008, after the "9" was retrieved from its storage shed and signs were placed on the truck as clues to validate to an astute listener that he or she had arrived at the correct location.

Thus, it was necessary during the contest to change the location of the "9" and this was done in a way so as to preserve the validity of the contest and the continuity of the clues and to avoid the posted "No Trespassing" signage which created the issues described above.

To summarize, there has been full compliance with all applicable laws as all required information in respect of the Contest and chances of winning were appropriately made known, the distribution of prizes was not unduly delayed and the prize was distributed on one of the mandated bases, namely, on the basis of skill (i.e. in following the clues and locating the missing "9").

Further,

All contest rules were provided as part of the contest set-up already described, involving, as previously noted, the contest conception of the "9" having been kidnapped for ransom. The rules, which should have been clearly evident to everyone concerned from the relevant broadcast clues and related data, were that a \$10,000 prize would be paid to the person who located the missing "9" based on the clues provided. Particulars of the information broadcast are provided with the materials accompanying this letter, as below.

Included with this letter, we are sending 7 copies of the same package each containing:

**A DVD with 3 videos:**

- the unedited footage of the morning the 9 was found.
- the video re-cap of the 9 being found which we had posted to our website.
- the 30 sec TV commercial we ran during the promotion (which ran at Empire Theatres).

***Highlighted the bullet point of the promotion to the public.***

**A CD with:**

- 8 promos broadcast on the station during the promotion.

- examples of how we promoted the missing 9 thru announcer talk sets and callers.
- all clues from October 3<sup>rd</sup>, where 4 of the 5 indicate from the character of the abductor the 9 was coming out of hiding.

**Scripts:**

Scripts for the 8 promos that ran during the promotion so the adjudicators can follow along with the audio from the promos on the CD.

If there is any further information you require, please contact me or [CKIX-FM Assistant Program Director] at Steele Communications (Newcap Radio Inc.).