
CANADIAN BROADCAST STANDARDS COUNCIL

ATLANTIC REGIONAL PANEL

CHOZ-FM re the song “Money for Nothing” by Dire Straits

(CBSC Decision 09/10-0818)

Decided October 14, 2010

G. Phelan (Chair), B. A. Jones (Vice-Chair), K. Hicks, B. MacEachern,
R. McKeen, R. Morrison

THE FACTS

Dire Straits is a British rock band and the song “Money for Nothing” first appeared on their 1985 album *Brothers in Arms*. CHOZ-FM (OZ FM, Newfoundland) aired a version of the song on February 1, 2010 at 9:15 pm. The lyrics to that version were as follows:

I want my, I want my MTV
I want my, I want my MTV
I want my, I want my MTV

Now look at them yo-yos
That's the way you do it
You play the guitar on the MTV
That ain't workin'
That's the way you do it
Money for nothin' and your chicks for free
Now that ain't workin'
That's the way you do it
Let me tell ya, them guys ain't dumb
Maybe get a blister on your little finger
Maybe get a blister on your thumb

We got to install microwave ovens
Custom kitchen deliveries
We got to move these refrigerators

We got to move these colour TVs

The little faggot with the earring and the make-up
 Yeah, buddy, that's his own hair
 That little faggot's got his own jet airplane
 That little faggot, he's a millionaire

We got to install microwave ovens
 Custom kitchen deliveries
 We got to move these refrigerators
 We got to move these colour TVs

We got to install microwave ovens
 Custom kitchen deliveries
 We got to move these refrigerators
 We got to move these colour TVs

I shoulda learned to play the guitar
 I shoulda learned to play them drums
 Look at that mama
 She got it stickin' in the camera
 Man, we could have some fun
 And he's up there
 What's that? Hawaiian noises?
 And he's bangin' on the bongos like a chimpanzee
 Oh, that ain't workin'
 That's the way you do it
 Get your money for nothin' and the chicks for free

We got to install microwave ovens
 Custom kitchen deliveries
 We got to move these refrigerators
 We got to move these colour TVs

Listen here, now, that ain't workin'
 That's the way you do it
 You play the guitar on the MTV
 That ain't workin'
 That's the way you do it
 Money for nothin' and your chicks for free
 Money for nothin'
 Chicks for free
 Money for nothin'
 And your chicks for free
 Money for nothin'
 Chicks for free
 Money for nothin'
 And the chicks for free
 Money for nothin'
 Money for nothin'
 Chicks for free
 Get your money for nothin'
 Get your chicks for free
 Money for nothin'
 And the chicks for free
 Get your money for nothin'

And the chicks for free
 Look at that, look at that
 Get your money for nothin'
 I want my, I want my, I want my MTV
 Money for nothin'
 I want my, I want my
 And the chicks for free
 I want my MTV
 Get your money for nothin'
 I want my, I want my
 And the chicks for free
 I want my MTV
 Money for nothin'
 I want my, I want my
 And the chicks for free
 I want my MTV
 Money for nothin'
 I want my, I want my
 Easy money
 I want my MTV
 I want my, I want my
 Easy, easy chicks for free
 I want my MTV
 Easy, easy money
 I want my, I want my
 Chicks for free
 I want my MTV
 That ain't workin'

Money for nothin'
 Chicks for free

The CBSC received a complaint about the broadcast via its webform on February 1, which expressed objections to the use of the word "faggot" in the song. The text of the complaint was as follows:

A song was aired, "Money For Nothing" by Dire Straits, and included the word "faggot" a total of three times. I am aware of other versions of the song, in which the word was replaced with another, and yet OZ FM chose to play and not censor this particular version that I am complaining about.

I find this extremely offensive as a member of the LGBT community and feel that there is absolutely no valid reason for such discriminatory marks to be played on-air.

The station responded to the complainant on March 4, explaining its decision to air this original version of the song:

We have reviewed the material in question. When determining what musical selections air on our station, we always take content into consideration, and attempt to balance the point-of-view of our listeners with the integrity and authenticity of the musical selections aired.

In this specific case, the song in question has been played countless times in its original form, from its #1 release in 1984 to the present day, and continues to be aired on stations

across the country in this form. As this selection has been aired continuously for 25+ years, and the original version is regarded by many as an historically successful and essential rock hit in that form with these particular lyrics, management chose in this specific instance to retain the authenticity of this selection. Below we have some chart stats on the single, [which] support its mainstream acceptance:

1986 Grammy for Record of the Year

1986 American Music Award for Record of the Year

1986 9 MTV Video Music Awards

Billboard #1 single September 21 - October 5, 1985

The abridged version is aired on other stations mainly due to its length, but OZ FM changed formats to Active Rock and at that time it was decided that a number of selections be presented in their authentic format, for example:

The Who - "Won't Get Fooled Again"

Golden Earring - "The Twilight Zone"

Guns N' Roses - "November Rain"

Aerosmith - "Sweet Emotion"

All of these songs, in addition to Dire Straits "Money for Nothing", under OZ FM's previous format, aired from time to time in their abridged form, due to their length. However, under OZ FM's new format all of these songs returned to their original form to provide listeners with authentic cut, as other stations in the market and across the country had done.

We understand the concerns you have raised regarding this particular selection and do apologize for any undue stress caused to you as a listener by the lyrical content of this selection, but based on the above reasoning, we have operated with the understanding that in this specific case, no editing of the material is warranted.

Thank you for your comments and concerns. Regardless of the outcome of this particular matter, the input of listeners is of great value to us, and we appreciate you taking the time to bring this to our attention.

The complainant filed a Ruling Request on March 4, which outlined her continued concerns with the song (the full text of the correspondence can be found in the Appendix):

After reading the reply carefully, I still feel as though the reply I received is unsatisfactory.

In the letter, [OZ FM's Senior Vice President] lists a number of reasons in an attempt to justify his stations airing the uncensored version of the song. One of the reasons given was the awards and acclaim that the original version of the song has received. These include 1986 Grammy for Record of the Year and 1986 American Music Award for Record of the Year. This is comparable to the achievements of Kanye West's 2005 song "Gold Digger" which received 9 Grammy nominations, including Record of the Year, and is certified triple platinum. This song contains another discriminatory slur, not directed

towards sexual orientation, but towards race. When played on OZ FM, this slur is censored despite the song's achievements. I fail to see a difference between the two situations.

He also goes on to compare this song to others played in their original format such as: "November Rain" - Guns 'n' Roses and "Sweet Emotion" - Aerosmith. He states that the aforementioned songs, along with "Money for Nothing," were at one time aired in abridged versions due to their length but are now played in their entirety as the result of a new format. However, that appears to be the only thing these songs have in common as neither of them contain the offensive language which is the subject of my complaint.

I am highly dissatisfied with the response I have received. I do not feel the argument in favour of the unabridged version of the song was valid, and it is certainly not strong enough to justify playing such words on the radio. This word carries an unavoidable connotation of hate. By airing it unapologetically on the radio, this station is indirectly propagating hate. Although I can see the value in a timeless classic rock song in its original form, I cannot help but feel that it does not overshadow the importance of ending discrimination.

THE DECISION

The Atlantic Regional Panel examined the complaint under the following provisions of the Canadian Association of Broadcasters' (CAB) *Code of Ethics* and *Equitable Portrayal Code*:

CAB Code of Ethics, Clause 2 – Human Rights

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

CAB Equitable Portrayal Code, Clause 2 – Human Rights

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

CAB Equitable Portrayal Code, Clause 7 – Degrading Material

Broadcasters shall avoid the airing of degrading material, whether reflected in words, sounds, images or by other means, which is based on race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability.

CAB Equitable Portrayal Code, Clause 9 – Language and Terminology

Broadcasters shall be sensitive to, and avoid, the usage of derogatory or inappropriate language or terminology in references to individuals or groups based on race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability.

[...]

- b) It is understood that language and terminology evolve over time. Some language and terminology may be inappropriate when used with respect to identifiable groups on the basis of their race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability. Broadcasters shall remain vigilant with respect to the evolving appropriateness or inappropriateness of particular words and phrases, keeping in mind prevailing community standards.

CAB Equitable Portrayal Code, Clause 10 – Contextual Considerations

Broadcasts may fairly include material that would otherwise appear to breach one of the foregoing provisions in the following contextual circumstances:

- a) Legitimate artistic usage: Individuals who are themselves bigoted or intolerant may be part of a fictional or non-fictional program, provided that the program is not itself abusive or unduly discriminatory.

The Panel Adjudicators read all of the correspondence and listened to the challenged broadcast of the song. The Panel concludes that CHOZ-FM breached Clause 2 of the *CAB Code of Ethics*, and Clauses 2 and 7 of the *Equitable Portrayal Code*. The Panel also found that CHOZ-FM breached Clause 9 of the *Equitable Portrayal Code* and that Clause 10(a) of that Code did not relieve CHOZ-FM of those breaches.

A Preliminary Note about Songs

The CBSC has long established the principle that songs broadcast on the airwaves are as subject to the provisions of the CBSC-administered Codes as any other broadcast content. There is no need to review the various codified standards that have been applied in such adjudications in the present matter; however, there is an aspect of the music-related jurisprudence that is worth noting here; namely, the existence and role of *edited* versions of songs in broadcasting. In *CIGL-FM re a song entitled “The Bad Touch”* (CBSC Decision 99/00-0654, October 12, 2000), for example, the Ontario Regional Panel put the foregoing general principles in the following terms.

Whether it is spoken word or set to music, the same rules apply. Music is, after all, no more or less a form of programming than other dramatic, documentary, news or, indeed, advertising material, all of which must conform to the terms of the various Canadian private broadcaster Codes.

The Panel added some information about the existence of broadcast-suitable versions of music.

It should, moreover, be noted that music recording companies, like distributors of motion pictures, generally create more than one version of their respective products. They understand that, in order to facilitate the responsibilities of broadcasters and to render broadcast markets more accessible to their products, they must provide versions that are susceptible of being aired. While broadcasters themselves frequently edit motion pictures, whether for content or to ensure that there are appropriate breaks for commercials, it is obvious that recorded popular songs are not as readily susceptible of broadcaster intervention. The decision for the broadcaster, when there is no edited version of a song, may, therefore, become, in black and white terms, whether to play or not to play. Knowing that, in order to assure air time, recording companies frequently provide a second version which they consider suitable for radio broadcast.

In another decision on that point, taken at the same meeting of the Ontario Regional Panel, namely, *CIOX-FM re the song entitled "Boyz in the Hood"* (CBSC Decision 99/00-0619, October 12, 2000), that Panel reiterated the above points and noted:

It is also appropriate to add that both the music recording industry and Canada's private broadcasters are aware that there are often edited versions of songs, one for direct sale and the other for radio play. They often, therefore, have the choice of which version of a song to play or, in circumstances where they do not, their choice is reduced to whether the song is or is not suitable for airing in terms of the Codes with which they have agreed to comply. [...] In this case, the Council is unaware whether an edited version of the song was available. That is, however, immaterial. Its decision is made as a function of the song as it was played on the air

The foregoing principles are central to the decision of the Atlantic Regional Panel in the present matter.

Whither the Evolution of Language?

The Atlantic Regional Panel notes that Clause 9(b) of the *CAB Equitable Portrayal Code* is relatively new (March 2008). It was included in that Code because the codifiers were conscious of the fact that the standards they created could apply over an extended period of time, during which the vernacular could itself evolve. As the Clause states, "It is understood that language and terminology evolve over time. [...] Broadcasters shall remain vigilant with respect to the evolving appropriateness or inappropriateness of particular words and phrases, keeping in mind prevailing community standards." The wording does not restrict the direction of the evolution, which may, in some cases, head toward greater permissiveness, and in others greater restrictiveness. Although it is not material to the present adjudication, and without doing any etymological research, the Panel observes anecdotally that words that fall into the category of coarse language or swear words tend to work their way toward acceptability in English language broadcasts, while racially insulting words tend to evolve toward unacceptability. An example from a previous CBSC decision manifesting what today might be viewed as quite "soft" coarse language, namely, the words "damn" and "Goddammit", were challenged in a 1994 radio broadcast [see *CFRA-AM re Steve Madely* (CBSC Decision

93/94-0295, November 15, 1994)]. Most examples from the recent experience of CBSC Panels include one or another of the f-word “family”. That said, in its 2005 decision *CHOM-FM re the song “Locked in the Trunk of a Car” by the Tragically Hip* (CBSC Decision 04/05-0324, April 4, 2005), the Quebec Panel dealt with the issue of coarse language evolution in the following terms:

The Quebec Panel is aware of the fact that language usage is constantly in a state of evolution, both on the French and English sides of Canada’s heritage. Formerly unacceptable language gradually but invariably insinuates itself into more common usage and a review of the old and new practice is merited from time to time. That is likely the case with respect to the f-word and its derivatives, which, after all, appear in noun, verb, adjective, adverb and interjection forms in English. Some of those forms are more aggressive and some are more benign but all are undoubtedly extremely offensive to certain sectors of Canadian society. While the Quebec Panel does not suggest any change to the present CBSC rules, it notes that it may be appropriate that some consideration be given to this group of words and other coarse and offensive language in due course.

In the area of racially-charged terminology, the Panel, once again anecdotally, notes that some words once possibly viewed as acceptable from a broadcasting perspective, even if not in good taste, have merged into a category of unacceptable usage. While the Panel cannot refer to any previous decisions in which any of the following words was viewed as tolerable from a standards perspective, the Panel is conscious of their unacceptability on the basis of race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability: “wog” [*CFRA-AM re The Lowell Green Show (Somalia Commission Report)* (CBSC Decision 96/97-0238, February 20, 1998)], “wop” and “guinea” [*CKTB-AM re an episode of the Phil Hendrie Show* (CBSC Decision 02/03-0383, May 2, 2003)], and inferentially “nigger” [*SRC re Bye Bye 2008* (CBSC Decision 08/09-0620+, March 17, 2009)].

The Use of the Word “Faggot”

As to the word under consideration in the matter at hand, namely, “faggot”, the Panel notes that no other CBSC Panel has been called upon to render an opinion, although there are two earlier decisions dealing with the English word “fag”. In the first of these, *CILQ-FM re Parody Skit* (CBSC Decision 95/96-0218, May 8, 1997), the Ontario Regional Panel dealt with a skit entitled “Bob the Fag Man”. The Panel found no breach:

There is nothing complex about the matter under consideration here. The short skit in question is intended as a parody. It plays on the double entendre of the word “fag”, which is used primarily in Britain and its former colonies as a slang term for cigarette, and which has a slang usage in North America to describe a gay man. The sole issue for the Council to consider is whether or not this use of the term was abusively discriminatory vis-à-vis gay men. In the view of the Council, it is not. While possibly an unflattering term, it does not, in the Council's view, rank with certain racial or ethnic epithets (which it

does not wish to repeat here), particularly since members of the gay community use the word themselves from time to time in a non-discriminatory fashion. At worst, “fag” could be considered to be in poor taste, a matter on which the CBSC does not rule. In consequence, the Council finds that there is no breach of the Code.

In the second, namely, *Comedy Network re Comedy Now (“Gord Disley”)* (CBSC Decision 05/06-0290, January 20, 2006), the National Specialty Services Panel dealt with a complaint about the use of the word “fag” in a stand-up comedy routine. The comedian began his joke by saying “I’m not a fag myself” and “homophobia in the year 2000 looks particularly stupid.” He then went on to compare the interior decorating abilities of heterosexual and homosexual men, saying “Fags renovate like a [muted phrase: ‘son of a bitch’]” and suggesting that straight men are not adept at decorating projects. A viewer complained that the word “fag” was an insulting and hateful epithet, and questioned why the station muted coarse language but not that offensive term. The Panel made the following observations about discriminatory humour in general and about this particular broadcast:

Much modern comedy has a discriminatory edge, taking advantage of the propensity of individuals to find humour in difference. The humour may be proposed by individuals poking fun at others or indeed at themselves for the benefit of others. In either case, it is not all discriminatory humour that will be in breach of Clause 2 of the *CAB Code of Ethics*; it is only such humour as goes over the edge. [...] The goal of the Human Rights Clause, of the CBSC and of the National Specialty Services Panel is not to ensure *purity* on the airwaves; it is to protect against *harmful* speech. It is not to avoid *any* tasteless reference on the airwaves, it is to avoid *costly* references. The task of the CBSC is to balance cost and freedom, freedom and cost. It is a difficult endeavour but not a thankless one. When the afflicted are protected, the laughers moan. When the laughers are protected, the afflicted suffer. [...]

In the matter at hand, the humour appeared to be aimed, if anywhere, at straight men, rather than gays, at the creatively-challenged rather than at the creatively adept. To the extent that the decorative barbs were aimed at both groups, the Panel considers that they were, at worst, equally weighted. The Panel finds that the humour was distinctly nasty. The question, then, is appropriateness of use of the word “fag”, which is the cornerstone of the complainant’s concern. Does its presence in the segment colour the skit? Does it turn an anodyne presentation into a heavy-handed, bludgeoning or nasty one? Is the term “fag” the equivalent of some of the well-publicized racial epithets that are *per se* unacceptable? The Panel considers that the word is not the equivalent. [...]

This is not to suggest that there might not be circumstances in which it might be presented in a sneering, derisive, nasty tone but that is not what the Panel considers the present usage to be. It is benign, light-hearted, distinctively tickling. The Panel finds no breach of the Human Rights Clause in any aspect of the broadcast under consideration.

[...]

The complainant’s conclusion was that “the people at the Comedy Network don’t think hatred is as offensive as swearing!” In the light of its own conclusions regarding the word “fag”, the Panel does not agree with the complainant. It does not consider the word “fag” to be either *inherently* hateful, abusive or unduly discriminatory. Based on the Comedy Network’s correspondence, it appears that the broadcaster holds a similar view of the word “fag”. Consequently, there was no reason for it to bleep or mute the word. [...] The

Panel considers that there is no fault to be imputed to the Comedy Network's choice in this regard.

The Panel notes that those two precedents dealt with the shorter form of the word challenged in the present complaint, namely, "fag" rather than "faggot". While the Panel cannot substitute its view of those two decisions for the views of those Panels (in 1997 and 2006), it is aware of the fact that the shorter word has a couple of commonly-known harmless usages in English (although primarily the version spoken in the United Kingdom). The first is the term for a junior who performs duties for a senior in the English public schools tradition. The second is the term for a cheap cigarette or, even more generally, any cigarette. While those are entirely acceptable current usages of the short form, "fag", the use of "fag" as a colloquial term to designate a homosexual was judged acceptable in the two instances just cited. That said, the Atlantic Panel draws no conclusion regarding any possible future decision regarding the use of the word "fag"; its conclusions in the matter at hand relate solely to the longer term "faggot".

In that connection, the Panel does note that there is an acceptable, but less common (in comparison to the frequency of the benign use of the word "fag"), inoffensive usage of the word "faggot" in English (once again principally in the version spoken in the United Kingdom). It is a bundle of sticks, twigs, or small branches of trees, if not also of rushes and herbs, bound together. Since that word has a less frequently encountered inoffensive appearance in ordinary parlance, it is less likely to "benefit" from a benign usage as a double entendre or otherwise, particularly in Canada, and therefore has a greater likelihood than "fag" to be problematic. That said, the Panel acknowledges that the word "faggot", although lightly sarcastic in its application in the song, was not used in a "sneering, derisive, nasty tone", as the *Comedy Now* decision anticipated in its evaluation of "fag".

Still, the Panel concludes that, like other racially driven words in the English language, "faggot" is one that, even if entirely or marginally acceptable in earlier days, is no longer so. The Panel finds that it has fallen into the category of unacceptable designations on the basis of race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability. In addition to the terms already so categorized by previous CBSC Panels, there are undoubtedly other racial epithets (not yet the subject of CBSC Panel decisions) that would likely fall into the category of words that are inherently problematic. In any event, the Atlantic Regional Panel concludes that the use of the word "faggot" in the song "Money for Nothing" was unacceptable for broadcast and that, by broadcasting an *unedited* version of the song, CHOZ-FM breached Clause 2 of the *CAB Code of Ethics*, and Clauses 2, 7 and 9 of the *Equitable Portrayal Code*. The Panel notes parenthetically that the song would not otherwise fall afoul of any of the foregoing broadcast standards if suitably edited.

Contextual Considerations

There have been two Panel decisions that have touched on the applicability of the contextual consideration of legitimate artistic usage. In *CFBT-FM re a segment on The Kid Carson Show* (CBSC Decision 08/09-1275, September 24, 2009), the British Columbia Regional Panel was called upon to deal with a typical morning radio program, on which one of the guests made many “outlandish, preposterous, outrageous and unacceptable” statements relating to women. Without reviewing those here, since they and the bulk of that decision are of little relevance, suffice it to say that the B.C. Panel did conclude that Clause 10(a) was

more appropriately applied to dramatic or documentary programming than to a program of the nature of that under consideration here. The Panel fully appreciates that another Panel may encounter a circumstance in which an extension of the application of that provision may be warranted; however, in the matter at hand, it is unnecessary to the B.C. Panel majority’s conclusions.

Similarly, in *CFNY-FM re a “Spencer the Cripple” segment on the Dean Blundell Show* (CBSC Decision 08/09-0650, June 25, 2009), the Ontario Panel noted the likelihood that Clause 10(a) would be likely to apply to “dramatic, documentary or journalistic programming [that] may portray discriminatorily offensive or hate-filled characters or plots without falling afoul of the provisions of the *EPC*.”

The Atlantic Panel agrees with that conclusion. It considers that the primary purpose of Clause 10(a) was to protect longer-form programming in which an idea or context that would otherwise be problematic under one of the negative portrayal provisions of the *Equitable Portrayal Code* was advanced by one or more of the characters or principals of the program. Thus, for example, the broadcast of a film such as *To Kill a Mockingbird* would likely be acceptable despite the significant expression in the film of abusive views of the townspeople in that racially-charged trial of the young black man, Tom Robinson, who had allegedly raped a white woman. In another analogous circumstance that was considered by a CBSC Panel, namely, that of the film *Midnight Express*, the National Specialty Service Panel was called upon to evaluate allegedly abusive content about the Turkish people in *Midnight Express* in *History Channel re the movie Midnight Express* (CBSC Decision 98/99-0203 and 0244, June 17, 1999). Although neither the *Equitable Portrayal Code* nor any equivalent of Clause 10(a) existed then, the Panel, acknowledging its substance, said that

the discriminatory comment does not target the Turkish people or the nation. The bitter discriminatory perspective is limited to injustices perpetrated by the jailers, the lawyers and the judges and this perspective of the system is a legitimate political point of view, one protected by freedom of expression and *artistic license* and, therefore, is not in breach of any Code. [Emphasis added.]

There are, it goes without saying, limitless similar examples of dramatic and documentary films anticipated by Clause 10(a). The Panel is not, however, of the view

that the Clause will generally be of application in the case of a song, in which the exposition of a context is less likely to be present. The Panel certainly does not close the door to that possibility but it does not consider that “Money for Nothing” is such a song. The Panel finds no case for the application of the exception protecting legitimate artistic usage on this occasion.

Nor does the Panel conclude that the history of the recognition of the song in the mid-1980s in any way protects its airplay in unedited form today. The societal values at issue a quarter century later have shifted and the *broadcast* of the song in 2010 must reflect *those* values, rather than those of 1985.

Broadcaster Responsiveness

In all CBSC decisions, the Council’s Panels assess the broadcaster’s responsiveness to the complainant. In the present instance, the Panel finds that the response of the broadcaster’s Senior Vice President focussed directly on the issue that concerned the complainant. He attempted to justify the airplay of the song based on the public recognition of it more than 25 years before. He was careful to cite specific examples of that recognition and was, he hoped, helpful and convincing to the complainant on that basis. While the complainant clearly did not share the broadcaster’s perspective, that was her right and the reason for which any complaint file is ultimately referred to a CBSC Panel for adjudication. In the end, it is the thoughtfulness of the response that determines whether the broadcaster has met the CBSC membership responsibility of responsiveness, and the Panel considers that CHOZ-FM has fully met that membership obligation in this instance.

ANNOUNCEMENT OF THE DECISION

CHOZ-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 within seven days following the release of this decision during the time period in which the song “Money for Nothing” by Dire Straits was broadcast, 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 CHOZ-FM.

The Canadian Broadcast Standards Council has found that OZ FM breached the Canadian Association of Broadcasters’ (CAB) *Code of*

Ethics and Equitable Portrayal Code in its broadcast of the song “Money for Nothing” by Dire Straits on February 1, 2010. The song contained a word that referred to sexual orientation in a derogatory way, contrary to Clause 2 of the *CAB Code of Ethics* and Clauses 2, 7 and 9 of the *CAB Equitable Portrayal Code*.

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

APPENDIX

CBSC Decision 09/10-0818 CHOZ-FM re the song "Money for Nothing" by Dire Straits

The Complaint

The following complaint was submitted via the CBSC webform on February 1, 2010:

station: CHOZ-FM

program: Evening Programming (unsure of host)

date: February 1, 2010

time: 9:25 pm

concern: A song was aired, "Money for Nothing" by Dire Straits, and included the word "faggot" a total of three times. I am aware of other versions of the song, in which the word was replaced with another, and yet OZ FM chose to play and not censor this particular version that I am complaining about.

I find this extremely offensive as a member of the LGBT community and feel that there is absolutely no valid reason for such discriminatory marks to be played on-air.

Broadcaster Response

The station responded on March 4:

We have reviewed the material in question. When determining what musical selections air on our station, we always take content into consideration, and attempt to balance the point-of-view of our listeners with the integrity and authenticity of the musical selections aired.

In this specific case, the song in question has been played countless times in its original form, from its #1 release in 1984 to the present day, and continues to be aired on stations across the country in this form. As this selection has been aired continuously for 25+ years, and the original version is regarded by many as an historically successful and essential rock hit in that form with these particular lyrics, management chose in this specific instance to retain the authenticity of this selection. Below we have some chart stats on the single, [which] support its mainstream acceptance:

1986 Grammy for Record of the Year

1986 American Music Award for Record of the Year

1986 9 MTV Video Music Awards

Billboard #1 single September 21 - October 5, 1985

The abridged version is aired on other stations mainly due to its length, but OZ FM changed formats to Active Rock and at that time it was decided that a number of selections be presented in their authentic format, for example:

The Who - "Won't Get Fooled Again"

Golden Earring - "The Twilight Zone"

Guns N' Roses - "November Rain"

Aerosmith - "Sweet Emotion"

All of these songs, in addition to Dire Straits "Money for Nothing", under OZ FM's previous format, aired from time to time in their abridged form, due to their length. However, under OZ FM's new format all of these songs returned to their original form to provide listeners with authentic cut, as other stations in the market and across the country had done.

We understand the concerns you have raised regarding this particular selection and do apologize for any undue stress caused to you as a listener by the lyrical content of this selection, but based on the above reasoning, we have operated with the understanding that in this specific case, no editing of the material is warranted.

Thank you for your comments and concerns. Regardless of the outcome of this particular matter, the input of listeners is of great value to us, and we appreciate you taking the time to bring this to our attention.

Additional Correspondence

The complainant filed her Ruling Request on March 4 with the following comments:

I have received a reply from [the Senior Vice President], of NTV/OZ FM radio regarding my complaint placed through the CBSC in late February. The complaint regards an uncensored version of the song "Money for Nothing" by Dire Straits which contains the word "faggot" on three occasions. After reading the reply carefully, I still feel as though the reply I received is unsatisfactory.

In the letter, [the Senior Vice President] lists a number of reasons in an attempt to justify his stations airing the uncensored version of the song. One of the reasons given was the awards and acclaim that the original version of the song has received. These include 1986 Grammy for Record of the Year and 1986 American Music Award for Record of the Year. This is comparable to the achievements of Kanye West's 2005 song "Gold Digger" which received 9 Grammy nominations, including Record of the Year, and is certified triple platinum. This song contains another discriminatory slur, not directed towards sexual orientation, but towards race. When played on OZ FM, this slur is censored despite the song's achievements. I fail to see a difference between the two situations.

He also goes on to compare this song to others played in their original format such as: "November Rain" - Guns n' Roses and "Sweet Emotion" - Aerosmith. He states that the aforementioned songs, along with "Money for Nothing," were at one time aired in abridged versions due to their length but are now played in their entirety as the result of a

new format. However, that appears to be the only thing these songs have in common as neither of them contain the offensive language which is the subject of my complaint.

I am highly dissatisfied with the response I have received. I do not feel the argument in favour of the unabridged version of the song was valid, and it is certainly not strong enough to justify playing such words on the radio. This word carries an unavoidable connotation of hate. By airing it unapologetically on the radio, this station is indirectly propagating hate. Although I can see the value in a timeless classic rock song in its original form, I cannot help but feel that it does not overshadow the importance of ending discrimination.