
CANADIAN BROADCAST STANDARDS COUNCIL

ONTARIO REGIONAL PANEL

CKQB-FM re the song “Crazy Bitch” by Buckcherry

(CBSC Decision 10/11-1169)

Decided September 22, 2011

M. Ziniak (Chair), H. Hassan (Vice-Chair), M. Harris, L. Levinson, J. Pungente

THE FACTS

CKQB-FM (106.9, The Bear, Ottawa) aired an edited version of the song “Crazy Bitch” by Buckcherry on March 14, 2011 just after 5:00 am. The lyrics to that version are as follows:

All right!
Break me down, you got a lovely face
We’re going to your place
And now you got to freak me out
Scream so loud, getting [the original word “fuckin” was removed and replaced with “uh”] laid
You want me to stay, but I got to make my way

Hey! You’re a crazy bitch
But you [“fuck” was removed] so good, I’m on top of it
When I dream, I’m doing you all night
Scratches all down my back to keep me right on

Hey! You’re a crazy bitch
But you [“fuck” was removed] so good, I’m on top of it
When I dream, I’m doing you all night
Scratches all down my back to keep me right on

Take it off, the paper is your game
You jump in bed with fame
Another one night paid in full, uh

You're so fine, it won't be a loss
Cashing in the rocks, just to get you face to face

Hey! You're a crazy bitch
But you ["fuck" was removed] so good, I'm on top of it
When I dream, I'm doing you all night
Scratches all down my back to keep me right on

Hey! You're a crazy bitch
But you ["fuck" was removed] so good, I'm on top of it
When I dream, I'm doing you all night
Scratches all down my back to keep me right on

Get the video
["Fuck" was removed] you so good
Get the video
["Fuck" was removed] you so good

Crazy bitch
Crazy bitch
Crazy ... bitch

Hey! You're a crazy bitch
But you ["fuck" was removed] so good, I'm on top of it
When I dream, I'm doing you all night
Scratches all down my back to keep me right on

Hey! You're a crazy bitch
But you ["fuck" was removed] so good, I'm on top of it
When I dream, I'm doing you all night
Scratches all down my back, come on

Baby girl
You want it all
To be a star
You'll have to go down
Take it off
No need to talk
You're crazy but I like the way you ["fuck" was removed] me

Hey! You're a crazy bitch
But you ["fuck" was removed] so good, I'm on top of it
When I dream, I'm doing you all night
Scratches all down my back to keep me right on

Hey! You're a crazy bitch
But you ["fuck" was removed] so good, I'm on top of it
When I dream, I'm doing you all night
Scratches all down my back to keep me right on

You keep me right on

You're crazy
 But I like the way you ["fuck" was removed] me

The following complaint about the song was received on March 1, 2011, about two weeks *before* the broadcast of "Crazy Bitch" referred to above. The reason for that will be made clear below. The wording of the complaint was in principal part as follows (the full text of all the correspondence can be found in the Appendix):

How is the song "Crazy Bitch" acceptable? It is not only the title of a song by Buckcherry - it is also repeated about a dozen times throughout.

At work (in Ottawa) - in the morning, afternoon and evening - I have heard this song on the radio too many times to count (on 106.9 and 88.5 - though I am quite sure that most or all pop/rock stations air it). Introduced by its title ("Buckcherry's "Crazy Bitch" ...") 'til the end of the song it repeatedly demonstrates the appalling acceptability of condoning - to the point of glorifying - oppressive language; so mainstream that an eight-year-old can turn on the radio and sing along to "you're a crazy bitch but you f**k so good, I'm on top of it."

Leading up to Hallowe'en, on 88.5's morning show, I wondered how the announcers could get away with discussing "slutty costumes". Then I recalled Buckcherry's "Crazy Bitch" and the systemic pattern was glaringly obvious.

What is so frustrating and deplorable is that this pattern is not so obvious to most people; it is simply accepted language which is constantly reproduced by media. For the most part, sexism has become insidious; so entrenched that it is usually unnoticed while its systemic nature and patterns thrive. As a result, "Crazy Bitch" demonstrates how institutional sexism and misogyny is so deep and powerful that even blatant forms can go undetected.

That is no excuse to air it - particularly on mainstream radio.

Hateful language based on race or sexuality - virtually completely off-limits. Meanwhile, derogatory language towards females has only become more acceptable and widespread. Can someone at the CBSC explain to me why 'nigger' and 'faggot' are horrendous and hateful words (which they are) but 'bitch', 'slut' and 'whore' are not?

Buckcherry's song precedes the term 'bitch' with 'crazy'. That makes the title and lyrics even more meaningful: 1) employing negative female stereotypes (emotional, irrational), which results in 2) contributing to the stigma of mental illness. Statistics show that women are more likely to have emotional disorders, such as depression. Mental health: currently a hot topic in North America and internationally. I am curious if the Mental Health Commission of Canada would consider the word 'crazy' to be derogatory in certain contexts.

Each time I hear this song it personally offends me. Have there been other complaints about this song? I would like to believe that there are other Canadian women who recognize the offensive nature of these terms and the consequences of reproducing them. However, given that girls and women are constantly exposed to the universalization of terms which subjugate and degrade them - simply by turning on the radio in the middle of the day - my hunch is that perhaps they do not recognize such terms as offensive. Female ignorance is not an acceptable explanation; rather, mainstream radio (among other sources) greatly contributes to formulating and

maintaining this ignorance by means of promoting sexist discourse. "Crazy Bitch" is an overt example.

When the CBSC advised the complainant that the Council requires a date and time of broadcast, as well as the identity of the broadcaster, in order to proceed with its review of any complaint, the complainant replied on March 13 in part as follows:

While I understand that there is a 'formal' process when filing a complaint, I am perplexed by the information required. If the circumstances were different - say a broadcaster spoke offensively - the date and time requirement seems logical. However, while at work or in the car (the only two places I hear the radio) it never would have crossed my mind to note dates/times. Should I therefore sit by the radio until I hear the song - record the date and time - and then my complaint will suddenly become relevant? Surely you yourself did not create the complaint process - I do not wish to be abrupt with you. Nonetheless, if this complaint cannot be taken seriously due to the lack of dates/times - it is bureaucracy in its finest form. The song plays. I myself (plus most of Ottawa and likely the country) have heard this song on the radio. That is an absolute truth which can be proved without exact dates and times.

She then supplied the date and time of a broadcast of the song two days later. She wrote simply:

You need at least one example - date, time and station. "Crazy Bitch" by Buckcherry. March 14, 2011. 5:06 am. The Bear 106.9.

This accounts for the divergent dates associated with the original complaint and the later broadcast date.

The broadcaster's Brand Director replied to the complainant on March 24 in pertinent part as follows:

After listening to the broadcast tape, we have determined, with all due respect for your opinion, that the Song does not breach any broadcasting codes administered by the CBSC.

Though you may be of the opinion that the subject matter of the Song is distasteful and not suitable for a younger audience, children are not the target audience of our Station. We acknowledge that younger people may occasionally hear our Station, but we believe it is the role of parents and guardians to help children make appropriate entertainment choices. Social values with respect to sensitive subjects vary immensely from one individual to the next and, as such, it not realistic [*sic*] to expect radio content to correspond to everyone's values, nor is it the role of radio broadcasters to practice moral censorship. Furthermore, we believe that it is important not to restrict artistic expression and that it would be discriminatory to refuse to air a song simply because it deals with subject matter that is considered by some to be distasteful.

The complainant, dissatisfied with the broadcaster's response, sent her Ruling Request on April 7, the substance of which was as follows:

The broadcaster replied to my complaint. It is laughable and offensive.

“With all due respect for your opinion”? I defy anyone to demonstrate how my concern is more an opinion as opposed to fact. “Though you may be of the opinion that the subject matter ... is distasteful and not suitable for a younger audience, children are not the target audience.” a) Again, it is not an OPINION that ‘you’re a crazy bitch but you f*ck so good I’m on top of it’ is distasteful. It IS distasteful, and more importantly it is demeaning & hateful. b) Children’s accessibility to the station is far from my primary concern. I do not have children nor do I want any.

“Social values with respect to sensitive subjects vary immensely from one individual to the next ... it is not realistic to expect radio content to correspond to everyone’s values, nor is it the role of broadcasters to practice moral censorship.” It is not a matter of my values or of moral censorship. It is explicitly derogatory. Period.

“We sincerely regret that you found the song offensive or inappropriate.” Again - it is not an opinion. How can it be argued that it is NOT offensive/inappropriate?: a crazy bitch remains useful as long as she is good in bed. You’re a psycho woman but since I can objectify you, you’re still useful.

And lastly, my favourite insulting sentence of the letter: “It is important not to restrict artistic expression and it would be discriminatory to refuse to air the song simply because it deals with subject matter that is considered by some to be distasteful.” I’m being discriminatory??? That is infuriating. I am not a strong advocate for censorship, and as a women’s studies and human rights university student I know what discrimination is; I am against it, and I am NOT being discriminatory by suggesting that ‘crazy bitch’ on the radio is the equivalent of ‘stupid nigger’ or ‘dumb faggot’. The latter terms are understood as unacceptable, but ‘crazy bitch’ is not hateful? It’s not discriminatory?

May I make a suggestion? An experiment to test this apparent ‘theory’ of mine. Have [The Bear’s Brand Director] approach a woman on the street. Have him tell her: “you’re a crazy bitch but if you’re a good f*ck you still have some value”. Then ask that woman if she feels offended and discriminated against.

THE DECISION

The Ontario Regional Panel examined the complaint under the following provisions of the *CAB Code of Ethics* and the *CAB 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 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.

- a) Equality of the sexes must be recognized and reinforced through the proper use of language and terminology. Broadcasters shall employ language of a non-sexist nature in their programming, by avoiding, whenever possible, expressions which relate to only one gender.
- 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 Code of Ethics, Clause 9 – Radio Broadcasting

Recognizing that radio is a local medium and, consequently, reflective of local community standards, programming broadcast on a local radio station shall take into consideration the generally recognized access to programming content available in the market, the demographic composition of the station's audience, and the station's format. Within this context, particular care shall be taken by radio broadcasters to ensure that programming on their stations does not contain:

[...]

- (b) Unduly sexually explicit material; and/or
- (c) Unduly coarse and offensive language.

The Panel Adjudicators read all of the correspondence and listened to the broadcast in question. The Panel concludes that the broadcast of the song did not violate any of the foregoing codified standards.

A Preliminary Issue: CBSC Procedural Requirements Bureaucratic or Necessary?

The CBSC fully understands the complainant's point, indeed frustration, about being "perplexed by the information required," namely, the date and time of the broadcast of the song. As she asked rhetorically, "Should I therefore sit by the radio until I hear the song - record the date and time - and then my complaint will suddenly become relevant?" As she went on to argue,

if this complaint cannot be taken seriously due to the lack of dates/times - it is bureaucracy in its finest form. The song plays. I myself (plus most of Ottawa and likely

the country) have heard this song on the radio. That is an absolute truth which can be proved without exact dates and times.

Although she did not mention it, there is also the issue of the identity of the broadcaster, yet another detail which the CBSC would require. Perhaps this point is more obvious. After all, CBSC decisions are rendered as a function of the Council's broadcaster *members*, not as a function of, say, the host, the news reporter, the singer or the program. Consequently, it is essential for the CBSC to know *which* broadcaster may have done the right thing or the wrong thing, as a function of the standards against which their content is measured. (And, after all, the complainant herself indicated that she had heard the challenged song on both an Astral-owned and a NewCap-owned station in Ottawa.)

The complainant deserves an explanation, as do others who use the CBSC's process. She is of course absolutely correct (on one level) when she says that she and many other Canadians have heard the song on the radio. While that is true, there is a question that can only be answered with the recording of the identified broadcast in hand. That is, *which version* of the song was broadcast? As is clear in the matter at hand, the version that was broadcast was *edited*. Numerous words were bleeped. While most of the words that concerned the complainant were not, the CBSC always looks at the entire broadcast (of a program or song), and the words, both those that were present and those that were removed, are very material. In other words, the originally released version that one may purchase on CD or from an online music retailer may not be the one that has been the subject of any particular broadcast. And even in the radio broadcast environment, one broadcaster may have played one version and another broadcaster a different one.

Moreover, it is not very long ago that the CBSC released its decision in *CHOZ-FM re the song "Money for Nothing" by Dire Straits (Review)* (CBSC Review of Decision 09/10-0818, May 17, 2011) and the issue of several different versions of "Money for Nothing" was a material issue for the *ad hoc* National Panel on that occasion. As that Panel pointed out,

One of the matters that the National Panel considers has gotten lost in the shuffle is the availability of versions of the song "Money for Nothing" that do *not* include the challenged word "faggot". They are in fact numerous and are to be found in both audio and video formats. [A detailed list of those audio and video recordings was referred to in the Appendix to the "Money for Nothing" decision.]

In sum, the bottom line is that, even in the case of songs, it is essential for the CBSC to establish both *what* was aired and *which* broadcaster aired it, and that can only be done when the time, date and broadcaster are identified. The CBSC's threshold information requirements are not bureaucratic, perverse or unnecessary. They are rather an honest, good faith attempt to gather the critical information that will enable the CBSC to carry out its mandate.

The “B-Word”

The complainant has been articulate and forceful in her contention that the song “repeatedly demonstrates the appalling acceptability of condoning - to the point of glorifying - oppressive language.” She asks “why ‘nigger’ and ‘faggot’ are horrendous and hateful words (which they are) but ‘bitch’, ‘slut’ and ‘whore’ are not?” In her Ruling Request, she added that the expression “crazy bitch” is “distasteful, and more importantly it is demeaning & hateful” and, finally, that that language is “explicitly derogatory”.

The Ontario Panel has reviewed each of the previous CBSC Panel decisions that touched on the presence of the “B-Word” over the past 14 years. In one of these, which is similar to the matter at hand, namely, *CIOX-FM re a song entitled “Boyz in the Hood”* (CBSC Decision 00/99-0619, October 12, 2000), this Panel recognized that

the song “Boyz in the Hood” is replete with examples of what is often called “street language”. While the language used in this case is not dissimilar to the language used in the movie *White Men Can’t Jump*, the Council cannot fail to observe that, regrettably for some listeners, the safeguards available to television viewers, such as the classification system, viewer advisories and rating icons, cannot reasonably be present in the context of radio programming.

On that occasion, though, this Panel did not express a view on whether the word “bitch” or the phrase “stupid bitch” (both of which were used in the challenged song) were or were not in breach of the Code. The Panel’s conclusion was evidently that, in the absence of “information regarding the time of broadcast which might enable it to evaluate the extent to which the target audience was young enough to push its assessment into another place,” it found no codified standards problem with the word.

In another quite different matter, namely, *CHMJ-AM re Tom Leykis Show (Valentine’s Day)* (CBSC Decision 02/03-0673, July 22, 2003), the host’s reference to the traditionally romantic day was a constant stream of invective regarding women generally and not in any way limited to a single woman. The British Columbia Regional Panel described the language used in the following terms:

This Panel considers that the host’s comments about women in this program are problematic. Playing to his location audience at a local tavern, Tom Leykis consistently characterized women as gold-diggers, emphasized that they merited no special treatment or acknowledgment on Valentine’s Day, underscored only their worth as objects for male gratification, and put breasts on display, as best he could in a radio context. His contemptible declarations regarding women were manifest in many ways, among which were those that follow. He continually used, or condoned the use by others of, the word “bitch”, or employing the definite article, “the bitch” in a frequent spoken equivalent of finger-wagging. He also used “whore” and “vagina” in reference to women and did not hesitate to adorn the panoply of offensive words with adjectival phrases such as “god

awful big fat bitch”, “money whore”, “another illiterate ignorant vagina”, “stupid bitch”, “money greedy bitch”, “pathetic chicks” and so on.

The Panel’s conclusion reflected its characterization of the provocative language used on that episode.

The challenged Leykis broadcast is, in the Panel’s view, in its own way, at the level of Stern’s comments. It continues, in its style, the boys-in-the-locker-room banter and the Panel does find that the extent of its disrespect for women and sweeping generalized disregard for their equality are astonishing. As the CBSC has observed in previous decisions, programming that may be acceptable in the United States may not meet the more respectful standards in the Canadian corner of the global village. The desensitization that such broadcast mockery of women may generate in Canadian audiences should not be underestimated. Nor does it bring benefit to our airwaves. While freedom of expression is a cherished value, the exercise of that freedom without limits does not strengthen Canada’s social fabric. The passages referred to above constitute a breach of Clause 2 of the *CAB Code of Ethics* and 2(c) and 4 of the *CAB Sex-Role Portrayal Code* [the *Sex-Role Portrayal Code* has since been replaced by the *Equitable Portrayal Code*].

While the word “bitch” was used by Leykis, the Ontario Regional Panel does not interpret that decision as responding to *that word in particular*. The Ontario Panel rather understands the constant, *unrelenting* stream of invective that flowed on the B.C. broadcast as a *collective* nasty, standards-breaching objectification of women. It does not consider that the CHMJ-AM decision is a precedent that binds the Ontario Panel with respect to the use of that very word in what is undeniably a very different context.

In fact, in general, in the view of the Ontario Panel, the B-word has not, in and of itself, attained the level of the N-word or the “other F-word”, as identified by the complainant. It still has other more benign, even if also relatively tasteless, uses, such as that encountered by the Prairie Regional Panel in *CIRK-FM re T-Shirt Promotion Spot* (CBSC Decision 96/97-0206, December 16, 1997).

In the result, the Council found that the broadcasters in each of the above instances were not in breach of the Codes with respect to the language used. Moreover, it is the view of the Prairie Regional Council in this case that the expressions “Life’s a bitch” and “Kick ass”, while admittedly crude, have fallen into more commonly acceptable usage than a number of the expressions used in the decisions previously cited. In the circumstances, the Council can find no breach of the Code.

Another similar example can be found in the Quebec Panel’s analysis of the initial episode of a series in *CFCF-TV re the premiere episode of The Dark Angel* (CBSC Decision 00/01-0183, August 22, 2001). In that episode,

A complainant was concerned with the use of such words and phrases as “damn”, “listen to the bitch”, “you are a damn ass female”, “kick ass”, and “son of a bitch” during the course of the program. The comment which particularly incited the complaint was uttered just under an hour into the program when an unsympathetic character called the heroine a “prissy little bitch”.

The Panel concluded that

While the language in *The Dark Angel* may not be entirely appropriate, and is not to be condoned, it is neither profane nor obscene. The expressions “damn ass”, “kick ass” or “bitch” are used throughout the program in a very modern and positive way so as to emphasize qualities of friendship (however un-traditional this may seem to some). On the one occasion that the use of the word “bitch” can be presumed to have been intended to have a derogatory meaning, it is used by a despicable character to insult the heroine of the program, thus a gesture without significant negative impact.

In fact, the Quebec Panel concluded that the program in which that language was used did not even require post-Watershed scheduling (the Watershed being the period from 9:00 pm to 6:00 am during which all television programming classified as “exclusively intended for adults” must be aired). Finally, it should be noted that there have also been two decisions in which the term “son-of-a-bitch” has been considered, namely, *CHOM-FM and CILQ-FM re the Howard Stern Show* (CBSC Decisions 97/98-0001+ and 0015+, October 17 and 18, 1997) and *CIQC-AM re Galganov in the Morning* (CBSC Decision 97/98-0473, August 14, 1998). In neither case was that composite word considered a problem.

It is clear that the use of the word “bitch” has not yet been found by any of the CBSC Panels to be a word that is equivalent to the words “nigger” and “faggot”. That said, the Ontario Panel does agree with the complainant’s energetic assertion that the word “bitch” is distasteful; in her words: “[I]t is not an OPINION that ‘you’re a crazy bitch but you f*ck so good I’m on top of it’ is distasteful. It IS distasteful.” That, though, would not, in and of itself, be sufficient to result in a Code breach. As CBSC Panels have long held, questions of taste are to be regulated by the on/off switch or the channel-changer. To be fair, the complainant has not ended her characterization there; she added that the expression is “demeaning & hateful”. It is at this point that the Ontario Panel parts company with the complainant. It does not consider that the word “bitch” or the expression “crazy bitch” has reached that level.

At some point in the future, it *may* become as utterly unacceptable as the words cited in the preceding paragraph (and several others that need not be repeated here). That it has not gotten there yet may reflect the numerous other common usages of the word that exist. Most obviously, the word connotes the female of the dog (or wolf or fox). As the *Oxford English Dictionary* says, in addition to being a word “[a]ppplied opprobriously to a woman [also occasionally to a man]; strictly, a lewd or sensual woman. Not now in decent use; but formerly common in literature,” it is also applied to “things: something outstandingly difficult or unpleasant.” Two of the literary references the *OED* provides are: “For it may be a bitch of a Peace” and “That’s how it is on this bitch of an earth.” In that same sense, it would be commonly used today in a sentence such as “That’s a bitch of a job.” It is also commonly used in a verb form as the synonym of “to complain”.

All of the foregoing being said, the Ontario Regional Panel recognizes that the societal view and acceptance (or the opposite) of the word may change. As Clause 9(b) of the *CAB Equitable Portrayal Code* provides, “language and terminology evolve over time [and that] [b]roadcasters shall remain vigilant with respect to the evolving appropriateness or inappropriateness of particular words and phrases, keeping in mind prevailing community standards.” While the Panel is troubled by the continuing lowering of the bar for coarse language, on this occasion, the Panel has determined that it has not yet evolved to the point that the word “bitch” has become a word in *per se* breach of the Human Rights Clauses of the *CAB Code of Ethics* and the *Equitable Portrayal Code*.

The Panel recognizes, however, that the complainant was also concerned about the context in which the term was employed in this particular song. She asserted that the message of the song was an objectification of *women*, in her words, that “a crazy bitch remains useful as long as she is good in bed.” The Panel does not agree with that interpretation; it does not consider that the expression “crazy bitch”, *as used in the song*, is aimed at womanhood in general. First, the expression was singular, rather than plural, throughout the song, which suggests that the songwriter was not attempting to label *all* women as “bitches” or “crazy bitches”. Second, the actual wording makes it appear likelier that the description was targeted at a single *individual*, whether a fictional character created for the song or indeed inspired by the exploits of an actual celebrity (the song is rumoured to have been based on the well-publicized 2003 Paris Hilton sex tape). The song clearly recounts a very specific viewpoint of, and experience with, an individual woman rather than any sort of generalization based on gender. While the Panel fully appreciates that the complainant might even find that such a usage is offensive, the conclusion of the Panel, as suggested above (adapting the very words used in one part of the complainant’s letter), is that it was *distasteful* but not rising to the level of the breach of a codified standard. In the view of the Panel, the use of the expression in the song is not remotely the equivalent of the broadcast dealt with in the *Leykis* decision.

The Sexual and Coarse Language Content in the Song

There are two previous decisions, one of the B.C. Panel and the other of this Panel that exemplify sexually explicit content on radio, although neither involved a song. In one of these, *CFMI-FM re Brother Jake Morning Show* (CBSC Decision 00/01-0688, January 23, 2002), the B.C. Regional Panel examined episodes of the station’s morning show, which contained sexual innuendo as well as more explicit sexual content. While that Panel ruled that those comments that could be categorized as innuendo or double entendre were merely in bad taste, it found that the more explicit segments were inappropriate for times of the day when children could be listening. For example, the

Panel considered that a lengthy conversation in which one host recounted his date of the previous night where he was “givin’ it to her” on a workbench and “she’s goin’ nuts grabbin’ my nuts” as well as a comedic sketch in which a woman with a Mexican accent is clearly in the throes of passion yelling out things like “oh the tongue” fell into this category.

In the other, namely, *CFNY-FM re The Show with Dean Blundell* (CBSC Decision 01/02-0267, June 7, 2002), certain conversations about the sex lives of the hosts and celebrities were considered by this Panel to be too sexually explicit for times of the day when children could be expected to be listening and thus in breach of Clause 9 of the *CAB Code of Ethics*:

Of the comments or comedic sketches which were as problematic as those noted in the above-mentioned cases, one was the following conversation about Todd’s date [in which they made reference to fellatio].

[...]

A few other conversations and segments also fell into this category, including a joking reference to one of the hosts having sex with his mother and other detailed conversations about the sex lives of the hosts and various celebrities. [...]

In its review of the challenged song, the Panel finds no discussions of explicit sexuality at all. With the muting of the F-word, there are at most the clauses “I’m doing you all night” and the reference to “Scratches all down my back”, but *none* of the explicitness of the two decisions cited immediately above. As to coarse language, the only potentially problematic word, namely, the F-word, has been muted on each occasion. In sum, the Panel finds no breach of Clauses 9(b) or 9(c) of the *CAB Code of Ethics*.

Broadcaster Responsiveness

In all CBSC decisions, the Council’s Panels assess the broadcaster’s responsiveness to the complainant. In the present instance, the Panel notes that the broadcaster’s Brand Director provided the station’s attempt to explain its perspective regarding the complainant’s view. Like the complainant, the Panel finds his statement “that it would be *discriminatory* to refuse to air a song simply because it deals with subject matter that is considered by some to be distasteful” curious, to say the least. Nonetheless, the Panel considers that the broadcaster’s response complied with the Council’s requirements of membership regarding members’ responsibility to respond to complainants. Consequently, the Panel considers that CKQB-FM has fully met that membership obligation in this instance.

This decision is a public document upon its release by the Canadian Broadcast Standards Council. It may be reported, announced or read by the station against which the complaint had originally been made; however, in the case of a favourable decision, the station is under no obligation to announce the result.

APPENDIX

CBSC Decision 10/11-1169 CKQB-FM re the song “Crazy Bitch” by Buckcherry

The Complaint

The following complaint was submitted to the CBSC on March 1, 2010:

Hi,

The following e-mail was sent well over a month ago. I would like to know why I have yet to receive a response.

On the CBSC website it says to contact the broadcaster regarding a complaint. That seems pointless for my complaint.

How is the song “Crazy Bitch” acceptable? It is not only the title of a song by Buckcherry – it is also repeated about a dozen times throughout.

At work (in Ottawa) – in the morning, afternoon and evening – I have heard this song on the radio too many times to count (on 106.9 and 88.5 – though I am quite sure that most or all pop/rock stations air it). Introduced by its title (“Buckcherry’s Crazy Bitch ...”) ’til the end of the song it repeatedly demonstrates the appalling acceptability of condoning – to the point of glorifying – oppressive language; so mainstream that an eight-year-old can turn on the radio and sing along to “you’re a crazy bitch but you f**k so good, I’m on top of it.”

Leading up to Halloween, on 88.5’s morning show, I wondered how the announcers could get away with discussing “slutty costumes”. Then I recalled Buckcherry’s “Crazy Bitch” and the systemic pattern was glaringly obvious.

What is so frustrating and deplorable is that this pattern is not so obvious to most people; it is simply accepted language which is constantly reproduced by media. For the most part, sexism has become insidious; so entrenched that it is usually unnoticed while its systemic nature and patterns thrive. As a result, “Crazy Bitch” demonstrates how institutional sexism and misogyny is so deep and powerful that even blatant forms can go undetected.

That is no excuse to air it – particularly on mainstream radio.

Hateful language based on race or sexuality – virtually completely off-limits. Meanwhile, derogatory language towards females has only become more acceptable and widespread. Can someone at the CBSC explain to me why ‘nigger’ and ‘faggot’ are horrendous and hateful words (which they are) but ‘bitch’, ‘slut’ and ‘whore’ are not?

Buckcherry’s song precedes the term ‘bitch’ with ‘crazy’. That makes the title and lyrics even more meaningful: 1) employing negative female stereotypes (emotional, irrational),

which results in 2) contributing to the stigma of mental illness. Statistics show that women are more likely to have emotional disorders, such as depression. Mental health: currently a hot topic in North America and internationally. I am curious if the Mental Health Commission of Canada would consider the word 'crazy' to be derogatory in certain contexts.

Each time I hear this song it personally offends me. Have there been other complaints about this song? I would like to believe that there are other Canadian women who recognize the offensive nature of these terms and the consequences of reproducing them. However, given that girls and women are constantly exposed to the universalization of terms which subjugate and degrade them – simply by turning on the radio in the middle of the day – my hunch is that perhaps they do not recognize such terms as offensive. Female ignorance is not an acceptable explanation; rather, mainstream radio (among other sources) greatly contributes to formulating and maintaining this ignorance by means of promoting sexist discourse. "Crazy Bitch" is an overt example.

After receiving more information about the CBSC's complaint process, the complainant sent the following correspondence on March 13:

Thank you for your response.

While I understand that there is a 'formal' process when filing a complaint, I am perplexed by the information required. If the circumstances were different – say a broadcaster spoke offensively – the date and time requirement seems logical. However, while at work or in the car (the only two places I hear the radio) it never would have crossed my mind to note dates/times. Should I therefore sit by the radio until I hear the song – record the date and time – and then my complaint will suddenly become relevant? Surely you yourself did not create the complaint process – I do not wish to be abrupt with you. Nonetheless, if this complaint cannot be taken seriously due to the lack of dates/times – it is bureaucracy in its finest form. The song plays. I myself (plus most of Ottawa and likely the country) have heard this song on the radio. That is an absolute truth which can be proved without exact dates and times.

If there was an editorial in the newspaper regarding this matter and readers replied noting that they too had heard this song on Ottawa radio – would that be valid evidence? In the event that I hear the song again, I will be sure to forward you the date/time immediately.

In the meantime, I would like to know why bureaucracy trumps relevancy. Is this simply the methodology of the CBSC or is this somehow outlined in some form of Canadian (or provincial) law? If it's covered in some form of law, where can I find it?

The complainant submitted the following additional information on March 15:

Hi again,

You need at least one example – date, time and station.

"Crazy Bitch" by Buckcherry. March 14, 2011. 5:06 am. The Bear 106.9

Broadcaster Response

The station responded on March 24:

By an e-mail dated March 18, 2011 [sic], the Canadian Broadcast Standards Council ("CBSC") has asked us to respond to your complaint with respect to the song "Crazy Bitch" by Buckcherry (the "Song") broadcast on the airwaves of CKQB-FM The Bear 106.9 (the "Station") at approximately 5:06 am on March 14, 2011.

Please be assured that we take complaints from our listeners very seriously. We have therefore carefully reviewed the broadcast tape of the Song in question in an effort to properly respond to your complaint. After listening to the broadcast tape, we have determined, with all due respect for your opinion, that the Song does not breach any broadcasting codes administered by the CBSC.

Though you may be of the opinion that the subject matter of the Song is distasteful and not suitable for a younger audience, children are not the target audience of our Station. We acknowledge that younger people may occasionally hear our Station, but we believe it is the role of parents and guardians to help children make appropriate entertainment choices. Social values with respect to sensitive subjects vary immensely from one individual to the next and, as such, it not realistic [sic] to expect radio content to correspond to everyone's values, nor is it the role of radio broadcasters to practice moral censorship. Furthermore, we believe that it is important not to restrict artistic expression and that it would be discriminatory to refuse to air a song simply because it deals with subject matter that is considered by some to be distasteful.

That being said, we sincerely regret that you found the Song to be offensive or inappropriate, and hope that it will not color your opinion of our Station as a whole.

We take our responsibilities as a broadcaster very seriously and continually strive to ensure that all our programming complies with the standards expected of us as a member of the CBSC. To that end, we will continue to exercise great diligence with respect to what is broadcast on our Station in order to demonstrate sensitivity to our listeners.

Thank you for taking the time and effort to bring your concerns to our attention.

Additional Correspondence

After confirming her next step in the process, the complainant filed her Ruling Request on April 7:

I presume that you have access to my original complaint. Nevertheless, I am adding it to this comment box because it is my direct concern, plus I feel that it demonstrates why the broadcaster's response is insufficient.

[The complainant pasted her original complaint in this section of her Ruling Request]

The broadcaster replied to my complaint. It is laughable and offensive.

"With all due respect for your opinion"? I defy anyone to demonstrate how my concern is more an opinion as opposed to fact. "Though you may be of the opinion that the subject matter ... is distasteful and not suitable for a younger audience, children are not the target audience." a) Again, it is not an OPINION that 'you're a crazy bitch but you f*ck so good

I'm on top of it' is distasteful. It IS distasteful, and more importantly it is demeaning & hateful. b) Children's accessibility to the station is far from my primary concern. I do not have children nor do I want any.

"Social values with respect to sensitive subjects vary immensely from one individual to the next ... it is not realistic to expect radio content to correspond to everyone's values, nor is it the role of broadcasters to practice moral censorship." It is not a matter of my values or of moral censorship. It is explicitly derogatory. Period.

"We sincerely regret that you found the song offensive or inappropriate." Again – it is not an opinion. How can it be argued that it is NOT offensive/inappropriate?: a crazy bitch remains useful as long as she is good in bed. You're a psycho woman but since I can objectify you, you're still useful.

And lastly, my favourite insulting sentence of the letter: "It is important not to restrict artistic expression and it would be discriminatory to refuse to air the song simply because it deals with subject matter that is considered by some to be distasteful." I'm being discriminatory??? That is infuriating. I am not a strong advocate for censorship, and as a women's studies and human rights university student I know what discrimination is; I am against it, and I am NOT being discriminatory by suggesting that 'crazy bitch' on the radio is the equivalent of 'stupid nigger' or 'dumb faggot'. The latter terms are understood as unacceptable, but 'crazy bitch' is not hateful? It's not discriminatory?

May I make a suggestion? An experiment to test this apparent 'theory' of mine. Have [The Bear's Brand Director] approach a woman on the street. Have him tell her: "you're a crazy bitch but if you're a good f*ck you still have some value". Then ask that woman if she feels offended and discriminated against.