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**CANADIAN BROADCAST STANDARDS COUNCIL**

**ONTARIO REGIONAL PANEL**

**CFNY-FM re the *Dean Blundell Show (Women at War)***

(CBSC Decision 10/11-1767)

Decided July 12, 2011

H. Hassan (Vice-Chair), R. Cohen (*ad hoc*), M. Hamilton, K. King, J. Pungente

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**THE FACTS**

*The Dean Blundell Show* is CFNY-FM (102.1 The Edge, Toronto)'s morning show, which airs from 5:30 to 10:00 am on weekdays and is hosted by Dean Blundell, Todd Shapiro and Derek Welsman. The show generally includes music, news and traffic reports, humorous banter between the hosts, as well as occasional celebrity interviews and in-studio guests. On May 19, 2011, at approximately 8:32 am, the hosts had the following conversation:

Blundell: 102.1 The Edge, Jimmy Eat World, "The Middle". It's, uh, eleven degrees. [Laughing] It's eleven degrees. [Laughter] I was just talking with Raina.

Shapiro: Yeah, yeah.

Blundell: She wor-, she works here. She's, like, "men and women are equal."  
[Laughter]

Shapiro: [Very quietly, under his breath] Oh, Jesus!

Blundell: [While laughing] "Men and women are equal". Funniest thing I've heard all day. "I believe in equality". Wooo. That's so funny.

Welsman: [In a funny voice] Hey listen, you tart, why don't you go back to the oven and just, uh, [other hosts laugh] bake us some muffins, Cheri.

Blundell: Yeah. [All laugh]

Welsman: [In a funny voice] Close your mouth, open your ears and do your chores. [Laughter and snorting]

Shapiro: I don't think this does, bodes very well for us.

Blundell: No. Female listeners?

Shapiro: Growing the female listeners.

Blundell: Growing our female –

Welsman: They know I'm full of crap. Dude –

Shapiro: We are not equal because women are –

Welsman: Better.

Shapiro: – are far superior.

Blundell: Absolutely. They smell better and shave their junk.

Shapiro: And they bring more love to this world, Dean.

Welsman: Yeah.

Shapiro: Men do some awful things to one another. I saw *The Pacific*. [Laughter]  
[In background] From *Brokeback Mountain*.

Blundell: Dude, women do worse things to each other. I'm convinced if we would've just sent the chicks to fight all those wars ... honestly, if we would've sent chicks to fight, twice as many people would've been killed.

Shapiro: Or you just wouldn't know if someone was wounded or if it was that time. [Laughter]

Blundell: [Pretending to be a woman] Oh my god! Sheryl's been shot! Medic! Medic! Medic! No it's okay, it's okay.

Shapiro: [Pretending to be a woman] Look, I'm fine.

Blundell: Just a little bitchy right now. Let's just forget it, okay?

Shapiro: Win the war!

Blundell: [Pretending to be a woman] Let's just, I need some sleep. And my Always. [laughter] This is not a happy period.

Shapiro: You can do it in war. [laughs]

Blundell: Yeah, I wanna see that tampon commercial. [All three hosts laugh]  
Where they're fighting in the trenches in –

Shapiro: Yeah.

Blundell: Iwo Jima. [Laughter]

Welsman: They're all wearing their white outfits.

Blundell: Boom! Boom! Boom! Boom! Boom! Boom! Boom! Boom!

Shapiro: When you, you need to be at your best, you can fake death. [All three hosts laugh]

Blundell: Sarge, you can't worry about, when the enemy is near your foxhole, you can't worry about your foxhole. [Laughter]

Welsman?: Sarge, sometimes I just don't feel fresh. [Laughter] What do you mean, Corporal? Get out there, you're at your best now! You're angry! [Other hosts laugh] Carve some bitch's eyes out! Do it!

Blundell: Yep, should've sent the chicks to war. Anyway.

Shapiro: Or they'll just, like, totally all just, like, --

Blundell: Oh, imagine that.

Shapiro: Just kiss.

Blundell: [Singing] Lonely nights in the foxhole.

[Music begins to play in the background]

Blundell [Imitating a woman's seductive voice] Hey, baby it's a -, listen, while the enemy is taking a break, what do you say we get in the trenches, you know what I'm saying? I'm gonna get in her trench. [Laughs] She's gonna get in my trench. Daisy chain, broads, army broads. And the gun will double as a [pause, then laughter]. I don't call it a bayonet, I call it a bayon-awesome.

Shapiro: Oh, ho! [Laughter]

Welsman: [Laughing] A bayon-awesome.

Blundell: Anyway, eight thirty-six, we got some Edge files comin' up in a minute.

The CBSC received a complaint dated May 19 about the broadcast. The text of the complaint was as follows (the full text of all correspondence can be found in the Appendix):

This morning, May 19th, 2011, I happened to tune into 102.1 in Toronto at 8:32 am. The host of this particular radio show and his sidekick were speaking about women. The nature of their conversation caught my attention. They were making "jokes", stating that women should be found doing chores and baking muffins; then, in order to justify these misogynist comments, went on to say that they were kidding, that women are superior to men. They didn't stop there and went on to say that women smell better than men and shave their junk (by saying "junk" they're referring to a woman's vaginal area), they proceeded to call women bitches and to call vaginas "foxholes."

Their highly offensive discourse went on to explain how women do far worse things to each other and how well women would do in war, that we would kill far more people. They referred to female soldiers as "Army Broads" and made reference that they (army broads) could wear white outfits while fighting and easily fake death because their periods could fool the enemy into thinking they were dead. They proceeded to make comments related to the sexual orientation of "army broads". They imagined what they called "A Night in the Foxhole", and make reference to the gun doubling as a ... (they left out the words "sexual device" or "dildo") because they were obviously "concerned" they might perhaps sound inappropriate, which, given their previous comments, was laughable.

Misogyny in popular culture is dangerously commonplace. It is extremely offensive to use the word "bitch" or "broad" as a synonym for "woman"; it is also rude to refer to a woman's vaginal area as a "foxhole" or "junk". I am extremely concerned as these hosts demonstrate that they are deeply desensitized to the contemptuous treatment of women. They didn't seem to find their comments in any way unacceptable; in fact, they were having a great laugh at the expense of all females and females who are lesbians.

This station is widely listened to, not only by adults, but also teenagers and children. Making comments like these about women is offensive, obscene and dangerous. This morning, these individuals exposed their contempt of all females, namely female lesbian soldiers. I have every intention of addressing this with the Ontario Human Rights Commission as "the hosts" have sexually harassed women this morning and put women in danger of further sexual harassment. They have helped perpetuate hatred towards females, female soldiers and lesbian females. All soldiers, including the females, put their lives on the line and to speak negatively of them is shameful. As a mother of 3 girls, I am disgusted at the hatred of females on this radio station ... "disguised" as humor. This is not a laughing matter.

The station responded to the complainant on June 9 with the following:

We have reviewed the tape of the Program, and while we agree that the Hosts did make the statements you complain of, it is important to note that these were all said in jest, tongue firmly planted in cheek. We do not believe that the comments made during the Program constitute a violation of the Canadian Association of Broadcasters' *Code of Ethics* (the "Code"), which is administered by the CBSC and to which we adhere.

First, as you are aware, the Station's programming is directed at an adult audience of 18 years of age and older, consists of music, news, talk, and entertainment information and covers diverse topics. The Station offers edgy humor that is sometimes controversial. The Program is an irreverent show and is not a show where the discourse is taken seriously by its listening audience. The Program has entertained its audience with this type of humour for many years on the Station, and while not everyone is going to enjoy that brand of humour, the Hosts make it clear that their show is not to be taken seriously.

The CBSC has said that where programming is directed at an adult audience, "there is no overriding societal interest in curtailing the broadcaster's right to freedom of expression", and that in those circumstances, "crude and vulgar language should be regulated in the same way as other matters of bad taste, i.e. via the on/off or dial button." As noted above, the Program is directed at an adult audience, and as such, need not be rigorously screened.

In view of the foregoing, we do not believe that the Program violated the Code. We do regret, however, that you were offended by some of our programming and since receiving your email, we have had discussions with the Hosts about appropriate on-air content.

We take our responsibilities as broadcasters very seriously, and work hard to make sure all of our programming complies with the *Broadcasting Act*, the *Radio Regulations* and the Code and standards required of us as a member of the CBSC.

The complainant was not satisfied with that response and filed her Ruling Request on June 10. She attached a copy of a letter she had sent to the station, further outlining her concerns about the program:

Thank you for your letter. While I too value the right to free expression, it does not follow that radio stations need provide a forum for the exercise of that right at all costs. "Humour" such as that displayed by the hosts contributes to an overall devaluing of women in our society. That others who may devalue women find it funny to do so does not mean that this particular exercise of "free expression" ought to be supported by a responsible corporate citizen.

I recognize that comedians make a business of finding humour in things that make us uncomfortable. In that way, their art is also socially relevant. But your hosts are not comedians in this sense. They don't push boundaries to make us examine our views on controversial topics. They disrespect and devalue the contributions of women, among others. There is no humour or social commentary in that.

You are correct that the on/off dial is the marketplace's way of regulating content. I have spoken to many people who do turn off the Edge because they are offended by your hosts. Unfortunately it seems there is a large enough segment of the population that finds this inappropriate and insensitive programming entertaining. However, you may soon find that the more reasonable majority of listeners find some value in expressing their views of the Edge's corporate decision to provide a forum for such offensive programming to your advertisers. That, I suspect, may have more sway with you than the moral rightness or wrongness of the content you are helping to distribute.

Fundamentally, while we cannot and should not restrict the right of people to express ideas, even bad ones, there is no need for a radio station to provide a forum for such "entertainment". You are not government, bound by the *Charter of Rights and Freedoms*. Like any other citizen, the Edge can choose the "off" button too -- with more impact than an individual listener, and therefore arguably more responsibility to do so.

## THE DECISION

The Ontario 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 3 – Negative Portrayal*

In an effort to ensure appropriate depictions of all individuals and groups, broadcasters shall refrain from airing unduly negative portrayals of persons with respect to race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability. Negative portrayal can take many different forms, including (but not limited to) stereotyping, stigmatization and victimization, derision of myths, traditions or practices, degrading material, and exploitation.

### *CAB Equitable Portrayal Code, Clause 4 – Stereotyping*

Recognizing that stereotyping is a form of generalization that is frequently simplistic, belittling, hurtful or prejudicial, while being unreflective of the complexity of the group being stereotyped, broadcasters shall ensure that their programming contains no unduly negative stereotypical 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.

The Panel Adjudicators read all of the correspondence and listened to the broadcast in question. The Panel concludes that the broadcast breached all of the aforementioned Code provisions.

### ***The Issue: The Treatment of Women***

Whichever of the foregoing provisions is applicable, the complainant's underlying concern is with the hosts' treatment of women. (While the complainant groups lesbian women in her concern, it is clear to the Panel that they are not so mentioned on account of their sexual orientation but rather on account of their gender. In the circumstances, the issue of their sexual orientation is not treated separately in this decision.) The issue for the Panel is whether the dialogue has been any of abusive, unduly discriminatory, unduly negatively stereotypical, degrading or otherwise amounting to unduly negative portrayal. The conclusion of the Panel is that the attitude of the hosts constituted a

frontal assault on all of the foregoing prohibitions. First of all, the attitude of the broadcaster's on-air representatives was mocking, demeaning and ridiculing in tone. They began by referring to a Corus employee, saying, "She's, like, 'men and women are equal,'" which was followed by laughter, and the disbelieving comment by co-host Todd Shapiro, "Oh, Jesus" and the utterly undercutting observation by host Blundell, "Funniest thing I've heard all day." One of the co-hosts then piped in, "Hey listen, you tart, why don't you go back to the oven and just, uh, [other hosts laughing] bake us some muffins," to which he added: "Close your mouth, open your ears and do your chores." The Panel is hard-pressed to imagine more unduly negatively stereotypical comment than that collective introduction to the subject of the moment.

The hosts then moved to a different angle in their discussion of women, with reference to their "junk", "trenches" and "foxholes" (i.e. genitals), menstruation, associated "bitchiness", nastiness (as in wartime killing capacity), referring to them as "broads" and "army broads", and guffawing all the while. The Panel considers this series of comments degrading and abusive, exacerbated, moreover, by the mocking, laughing tone of the hosts.

The Panel found the attitude, tone and nature of the foregoing comments very similar to what this Panel dealt with in its decision in *CHOM-FM and CILQ-FM re The Howard Stern Show* (CBSC Decision 97/98-0001+, October 17-18, 1997). As it framed the matter then,

Stern consistently uses degrading and irrelevant commentary in dealing either with guests or callers. The CBSC understands, by his demeanour and laughter, that he and, presumably, Quivers and others on his show find such comments amusing. It may well be the case that many in his audience find such comments entertaining. This sort of adolescent humour may work for some in private venues but it is thoroughly in breach of Canadian codified broadcast standards. Women in this country are entitled to the respect which their intellectual, emotional, personal and artistic qualities merit. No more than men. No less than men. But every bit as much as men.

It also considers some of the circumstances and explanations treated in *CKAC-AM re Doc Mailloux (six episodes)* (CBSC Decision 06/07-0168 & -0266, August 23, 2007) to be helpful in the matter at hand. The host of that open-line talk show often labelled women as (translation) "broads", "wenches", "tarts", "crazies" and "simpletons". He also made comments about the proclivity of "feminine malice", and blamed any number of societal problems on females and their "castrating" behaviour. The Quebec Panel said, among other things,

The Panel considers the words or expressions to be of a similar nature, particularly in the collective use he makes of them. While there may be a future occasion when one or another of these is, on individual basis, not found in breach of the codified standard applied here, the cumulative effect of the terms is undeniably degrading, abusive and unduly discriminatory.

[...]

All in all, the Quebec Panel finds that the series of anti-female and anti-male comments made during the various challenged episodes of the Doc Mailloux program constitute a breach of Clause 2 of the CAB Code of Ethics and of Article 4 of the *CAB Sex-Role Portrayal Code* [now replaced by the *Equitable Portrayal Code*].

Applying the foregoing principles to the matter at hand, the Panel concludes that the broadcast of May 19, 2011 breached Clauses 2, 3, 4 and 7 of the *Equitable Portrayal Code*, as well as the mirrored provision in Clause 2 of the *CAB Code of Ethics*.

### **Broadcaster Responsiveness**

In all CBSC decisions, the Council's Panels assess the broadcaster's responsiveness to the complainant. In the present instance, the Panel finds that the response of the broadcaster's Program Director focussed on the issues that concerned the complainant, which is fundamentally what is required as a component of CBSC membership requirements. That said, the Panel is quite conscious of the fact that the response did not come close to satisfying the complainant. That is, of course, always the case when matters reach this level since, for that to happen, there must be a difference in perspective between the complainant and the broadcaster. Nonetheless, it is the thoughtfulness of the response that determines whether the broadcaster has met the CBSC membership responsibility of responsiveness, and in the matter at hand, the Panel considers that CFNY-FM has met its membership obligation of responsiveness in this instance.

### **ANNOUNCEMENT OF THE DECISION**

CFNY-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 *Dean Blundell Show* was broadcast; 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 CFNY-FM.

The Canadian Broadcast Standards Council has found that CFNY-FM, 102.1, The Edge, breached the Canadian Association of Broadcasters' *Code of Ethics* and *Equitable Portrayal Code* in its broadcast of the *Dean Blundell Show* on May 19, 2011. During a conversation about women on the morning show, the three co-hosts of the program alleged the inequality of women vis-à-vis men, and made comments judged by the Panel to be

abusive, unduly discriminatory, unduly negatively stereotypical, degrading or otherwise amounting to unduly negative portrayal of women. The foregoing comments were found in breach of Clause 2 of the *CAB Code of Ethics* and Clauses 2, 3, 4 and 7 of the *Equitable Portrayal Code*.

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

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## APPENDIX

### CBSC Decision 10/11-1767 CFNY-FM re the *Dean Blundell Show (Women at War)*

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#### The Complaint

The CBSC received the following complaint via its webform on May 19, 2011:

Dear Sir/Madam,

This morning, May 19th, 2011, I happened to tune into 102.1 in Toronto at 8:32 am. The host of this particular radio show and his sidekick were speaking about women, the nature of their conversation caught my attention. They were making "jokes", stating that women should be found doing chores and baking muffins; then, in order to justify these misogynist comments, went on to say that they were kidding, that women are superior to men. They didn't stop there and went on to say that women smell better than men and shave their junk (by saying "junk" they're referring to a woman's vaginal area), they proceeded to call women bitches and to call vaginas "foxholes."

Their highly offensive discourse went on to explain how women do far worse things to each other and how well women would do in war, that we would kill far more people. They referred to female soldiers as "Army Broads" and made reference that they (army broads) could wear white outfits while fighting and easily fake death because their periods could fool the enemy into thinking they were dead. They proceeded to make comments related to the sexual orientation of "army broads". They imagined what they called "A Night in the Foxhole", and make reference to the gun doubling as a ... (they left out the words "sexual device" or "dildo") because they were obviously "concerned" they might perhaps sound inappropriate, which, given their previous comments, was laughable.

Misogyny in popular culture is dangerously commonplace. It is extremely offensive to use the word "bitch" or "broad" as a synonym for "woman"; it is also rude to refer to a woman's vaginal area as a "foxhole" or "junk". I am extremely concerned as these hosts demonstrate that they are deeply desensitized to the contemptuous treatment of women. They didn't seem to find their comments in any way unacceptable; in fact, they were having a great laugh at the expense of all females and females who are lesbians.

This station is widely listened to, not only by adults but also teenagers and children. Making comments like these about women is offensive, obscene and dangerous. This morning, these individuals exposed their contempt of all females, namely female lesbian soldiers. I have every intention of addressing this with the Ontario Human Rights Commission as "the hosts" have sexually harassed women this morning and put women in danger of further sexual harassment. They have helped perpetuate hatred towards females, female soldiers and lesbian females. All soldiers, including the females, put their lives on the line and to speak negatively of them is shameful. As a mother of 3 girls I am disgusted at the hatred of females on this radio station ... "disguised" as humor. This is not a laughing matter.

## Broadcaster Response

The broadcaster replied on June 9:

The Canadian Broadcast Standards Council (the “CBSC”) has asked us to respond to your email of May 27 [sic], 2011, in which you raised concerns regarding comments made during *The Dean Blundell Show* (the “Program”) that was aired on May 19, 2011, on 102.1 the Edge (the “Station”). Specifically, you were offended by comments made by the Program’s hosts, Dean Blundell and Todd Shapiro (the “Hosts”), during a discussion about the equality of women. You stated that the Hosts made jokes that women “should be found doing chores and baking muffins”, and that, in order to justify these misogynist comments, the Hosts went on to say that they were kidding, and that “women are superior to men”. Among other things, you also referred to what you felt was a highly offensive discourse between the Hosts when they stated that, “women would do far worse in war, and would kill more people in war, and that women would wear white outfits while fighting and easily fake death because their periods would fool the enemy into thinking that they were dead”. In short, you believe the Hosts demonstrated that they are deeply desensitized to the contemptuous treatment of women, that they didn’t seem to find their comments in any way unacceptable and that they were having a great laugh at the expense of all females.

We have reviewed the tape of the Program, and while we agree that the Hosts did make the statements you complain of, it is important to note that these were all said in jest, tongue firmly planted in cheek. We do not believe that the comments made during the Program constitute a violation of the Canadian Association of Broadcasters’ *Code of Ethics* (the “Code”), which is administered by the CBSC and to which we adhere.

First, as you are aware, the Station’s programming is directed at an adult audience of 18 years of age and older, consists of music, news, talk, and entertainment information and covers diverse topics. The Station offers edgy humour that is sometimes controversial. The Program is an irreverent show and is not a show where the discourse is taken seriously by its listening audience. The Program has entertained its audience with this type of humour for many years on the Station, and while not everyone is going to enjoy that brand of humour, the Hosts make it clear that their show is not to be taken seriously.

The CBSC has said that where programming is directed at an adult audience, “there is no overriding societal interest in curtailing the broadcaster’s right to freedom of expression”, and that in those circumstances, crude and vulgar language should be regulated in the same way as other matters of bad taste, i.e. via the on/off or dial button.<sup>1</sup> As noted above, the Program is directed at an adult audience, and as such, need not be rigorously screened.

In view of the foregoing, we do not believe that the Program violated the Code. We do regret, however, that you were offended by some of our programming and since receiving your email, we have had discussions with the Hosts about appropriate on-air content. We take our responsibilities as broadcasters very seriously, and work hard to make sure all of our programming complies with the *Broadcasting Act*, the *Radio Regulations* and the Code and standards required of us as a member of the CBSC.

We trust that this letter has addressed your concerns. We at the Station recognize the importance of listener feedback and appreciate all comments.

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<sup>1</sup> *CIQC-AM re Galganov in the Morning*, CBSC Decision 97/98-0473

## Additional Correspondence

On June 10, the complainant filed her Ruling Request with the following letter:

I am using my response to [The Edge's Program Director] as my additional comments to be considered by the council. Please see below.

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Thank you for your letter. While I too value the right to free expression, it does not follow that radio stations need provide a forum for the exercise of that right at all costs. "Humour" such as that displayed by the hosts contributes to an overall devaluing of women in our society. That others who may devalue women find it funny to do so does not mean that this particular exercise of "free expression" ought to be supported by a responsible corporate citizen.

I recognize that comedians make a business of finding humour in things that make us uncomfortable. In that way, their art is also socially relevant. But your hosts are not comedians in this sense. They don't push boundaries to make us examine our views on controversial topics. They disrespect and devalue the contributions of women, among others. There is no humour or social commentary in that.

You are correct that the on/off dial is the marketplace's way of regulating content. I have spoken to many people who do turn off The Edge because they are offended by your hosts. Unfortunately it seems there is a large enough segment of the population that finds this inappropriate and insensitive programming entertaining. However, you may soon find that the more reasonable majority of listeners find some value in expressing their views of The Edge's corporate decision to provide a forum for such offensive programming to your advertisers. That, I suspect, may have more sway with you than the moral rightness or wrongness of the content you are helping to distribute.

Fundamentally, while we cannot and should not restrict the right of people to express ideas, even bad ones, there is no need for a radio station to provide a forum for such "entertainment". You are not government, bound by the *Charter of Rights and Freedoms*. Like any other citizen, The Edge can choose the "off" button too -- with more impact than an individual listener, and therefore arguably more responsibility to do so.