
APPENDIX B

CBSC Decision 11/12-0042 CHTZ-FM re *The Biggs & Barr Show* ("The Evil that People Do" Contest)

The Complaint

The CBSC received the following complaint on September 5, 2011:

Subject: radio station HTZ 97.7 - animal poisoning contest

Last week at about 8:40 am Toronto time, HTZ 97.7 in Toronto, the disc jockeys had a contest between two guys who did something "evil". One of the contestants told his story (from a few years back) about [how] he got back at friend for something by "shoving a few hits of acid down his friend's cat's throat". Everyone laughed and the one guy was awarded a prize for the funnier story.

I am extremely upset that a Canadian radio station is allowed to conduct such contests. I spoke with [Mr. H.], the station's VP and GM. He stands by his disc jockeys and the contest. His contact information is below.

I would expect that the CRTC would investigate this and decide if programming like that is appropriate under their licence.

I am in contact with the police (Drug squad) to have at least one of the individuals charged with cruelty to animals as well as drug use/possession or whatever the case may be as evidenced by his full admission on the radio contest segment.

The radio station contact is

[...]

Let me know if you need anything from me to proceed further.

The CBSC wrote back to the complainant explaining that it would need the specific date of broadcast in order to proceed. The complainant provided that information on September 8:

I believe the date was August 26 at approximately 8:40 am.

[Mr. H.] is the GM of the station and he can provide you with the exact date, time and recording of the contest.

Broadcaster Response

The station responded on October 3:

We are in receipt of your complaint from the Canadian Broadcast Standards Council (the "CBSC"), (CBSC File C11/12-42) concerning a contest held on the *Biggs and Barr Morning Show* (the "Program") on 97.7 CHTZ-FM, in St. Catharines, Ontario, (the "Station") at approximately 8:40 am on August 26, 2011 (the "Program"). In your letter, you expressed concerns regarding references during the Program about a contest being held by the Station called "Evil That People Do" (the "Contest").

We deeply regret that the Program upset you and apologize for any offence that it might have caused you or any of our other listeners. It was certainly not our intention to offend anyone.

We want to assure you that we take complaints from our listeners very seriously and have therefore reviewed the tape of the broadcast in question in order to fully understand your complaint. Based on our review of the Program, however, we do not believe that we have violated any of the standards established by the CBSC. I have set out our reasoning below.

By way of background, it is important to understand that the Station is a rock station targeting an audience of males in the 18-34 demographic, which often uses sly or subversive humour to relate to its adult audience. The CBSC mandates that an evaluation of the appropriateness of programming must take into consideration the demographic composition of the target audience of the station. Within this context, the Contest involved listeners phoning in to the Station and recounting incidents in their past where they engaged in activities that were based on getting revenge or playing prank jokes.

After listening to various incidents, the Program hosts would then award a small prize to the participant who recounted the 'worst' incident. Examples of incidents described by callers included Saran-wrapping a boss' office, deflating the car tires of someone who was too drunk to drive and sending naked images of a cheating spouse to family and colleagues. In this same vein, one caller recalled an event that occurred many years ago (described in the caller's words as when he was "young and foolish") to get back at a neighbour who had left chicken fat in the caller's backyard. The caller's dog ate the fat and became gravely ill. The caller went on to say that in a fit of anger and seeking revenge on his neighbour, the caller then gave his neighbour's cat a "couple of hits of acid".

The Program host (Jason Barr) immediately asked if the animal in question was harmed. The caller confirmed that the cat was unharmed. The Program hosts also commented several times that the caller's behaviour was not something that the hosts condoned, nor would they advise treating any animal in such a fashion. At no point did the Program hosts encourage or condone the mistreatment of animals. While there may have been some level of uncomfortable amusement expressed as a means of reacting to the shocking nature of the caller's actions, the focus of the Program hosts immediately shifted to ensuring that the caller's behaviour was not acceptable at any level. It should also be noted that this particular caller was not awarded any prizing.

Although we accept that the broadcast regarding which you've expressed concern may not be to everyone's taste, taking into consideration the demographic composition of the Station's audience, as well as the Station's Rock format, we do not believe that the broadcast was a violation of applicable CBSC standards.

That being said, every listener is important to us. Your comments have let us know that we have missed the mark in your view – and we take it very seriously. I have, therefore, discussed your letter with our hosts and made them aware of your complaint. I have reminded them that while our intentions may have been harmless, we need to be aware of how content can be interpreted.

Our hosts are aware of your concerns and will be sensitive to such concerns on a going-forward basis. As a concrete measure, the Station has put a policy in place to ensure that any type of cruelty towards animals not be permitted as part of contesting or indeed, form any part of the programming at the Station.

Rest assured that we will continue to exercise great diligence on such matters in order to demonstrate sensitivity to our listeners. We also want you to be assured that we take our responsibilities as a broadcaster very seriously and that we strive to ensure that all our programming complies with the standards expected of us as a member of the CBSC.

We sincerely appreciate you listening to 97.7 HTZ-FM. Thank you for taking the time and effort to bring your concerns to our attention. If you would like to discuss this matter any further please don't hesitate to call me directly at [###-###-####].

Additional Correspondence

The complainant filed his Ruling Request on October 7 with the following note. He appears to have included portions of his original complaint and then added comments:

Subject: Animal poisoning

On HTZ 97.7 in Toronto this morning, the disc jockeys had a contest between two listeners who competed for a prize for the worst bad thing that they did. The concept of such a contest leaves a bit to be desired but the station is telling me that's what their target market enjoys.

Anyway, one caller left bad chicken meat at a friend's and his friend's dog ate the meat and got sick. The other caller got back at his friend for something by "shoving a few hits of acid" down his friend's cat's throat.

Everyone laughed and the one guy was awarded a prize for the funnier story.

Not sure where the radio station heads are at there but most people over the age of 10 probably would think there's something wrong with that.

To have a contest on of this nature on the public airwaves is not acceptable. I love funny stories and off-colour stuff as much as any 18-year old, but awarding a prize to someone for abusing an animal goes way past that. The station should be penalized. Perhaps a significant fine donated to a Humane Society would be in order.