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## APPENDIX B

### CBSC Decision 11/12-0380 CFNY-FM re the *Dean Blundell Show* (Females, Freezies & Halloween)

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#### The Complaint

The CBSC received the following complaint via its webform on October 12, 2011. The complainant included a copy of a letter he had apparently sent to the station:

station: CFNY 102.1 FM  
program: *Dean Blundell Show*  
date: Oct 11 and Oct 12, 2011  
time: 7:00 am  
concern:

Program Director  
CFNY 102.1 FM  
cc: CBSC

Re: *Dean Blundell Show*, October 11<sup>th</sup> and October 12<sup>th</sup>, 2011

While I have been a fan of CFNY's music selection for more than 20 years, I have never been much of a fan of your morning show. Starting with Humble and Fred and now Dean Blundell, I find the morning show downright annoying. When I'm on my way to work I just want a DJ to introduce some good tunes, maybe tell me a bit of news, and what the weather's going to be like. When I have switched on the *Dean Blundell Show* over the past couple of years, I've been immediately turned off by the immature and idiotic nature of the programming, and have instead turned to listening to my iPod. Over the past two days, I didn't have that luxury. When I tuned into the *Dean Blundell Show* on Tuesday, October 11, 2011 and Wednesday, October 12, 2011, I was more than just annoyed. I was shocked and appalled.

On October 11<sup>th</sup>, Mr. Blundell described a coffee table book he wanted to publish entitled "Chicks I would let touch my thing". He went on to describe several women in the media as "hot", including women who had "great jugs" and a "great ass". This objectification of women is a contravention of CBSC's *Code of Ethics*, Clause 3, Sex-Role Stereotyping, where "...it shall be the responsibility of broadcasters to exhibit, to the best of their ability, a conscious sensitivity to the problems related to sex-role stereotyping, by refraining from exploitation and by the reflection of the intellectual and emotional equality of both sexes in programming." As a father of a young daughter, I can't believe that any radio station would promote such comments.

On October 12<sup>th</sup> things got much worse. Responding to a listener email, Mr. Blundell described a new sexual "move" called a "freezy". He went on to describe the sex act where the man would ejaculate into a condom ("safe" was the term he used) and then the woman

would turn the condom upside down, using her thumb to drain the condom “like a warm freezy.” This sexually explicit material contravenes CBSC’s *Code of Ethics*, Clause 9, Radio Broadcasting which states, “...particular care shall be taken by radio broadcasters to ensure that programming on their stations does not contain:

- (a) Gratuitous violence in any form, or otherwise sanction, promote or glamorize violence;
- (b) Unduly sexually explicit material; and/or
- (c) Unduly coarse and offensive language”

As you know, many children and adolescents listen to The Edge because of their progressive music content. This is what you want them to hear on their way to school?

Later in the program, when Mr. Blundell opposed a group called Jesus’ween, he used the phrase “that’s so gay” to indicate his displeasure with the group. This contravenes CBSC’s *Code of Ethics*, Clause 2, Human Rights, which states that “...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.” At a time when we’re trying to get young people to stop using that phrase, why would The Edge want to condone it? See: [www.thinkb4youspeak.com](http://www.thinkb4youspeak.com)

The final comment I’d like to bring to your attention was made by Todd Shapiro. Mr. Shapiro indicated that he’d “...tell [a group of women] they were sluts, just like all females.” This is another breach of Clause 2 and Clause 3. It is also the kind of misogynistic violence I thought I would never hear on what used to be my favorite radio station. After that, I turned it off. But I know a lot of impressionable young men and women were listening. I hope they never have to listen to this type of thing again.

On November 4, the complainant wrote to say he had not yet received a response from CFNY-FM:

In response to [the CBSC]’s correspondence to me dated October 14, 2011, I am requesting a ruling by the CBSC. I have received no response from CFNY or Corus Entertainment. I would like the CBSC to make a ruling based on my original complaint.

I would also like to note that I am extremely disappointed that not one of the people informed of my complaint chose to respond. Three weeks without any kind of response! This shows a blatant disrespect for me as a listener, and for the entire CBSC process. I hope that CFNY and Corus entertainment will be reprimanded appropriately.

## **Broadcaster Response**

The station responded with a letter dated November 9:

The Canadian Broadcast Standards Council (the “CBSC”) has asked us to respond to your email of October 14, 2011 in which you raised concerns regarding comments made during *The Dean Blundell Show* that aired on CFNY-FM on October 11 and 12, 2011. Specifically, you argue that several of the exchanges between the show’s hosts, Dean Blundell and Todd Shapiro, breached several provisions of the *CAB Code of Ethics* (the “Code”).

We have reviewed a recording of the shows from both days. Before specifically addressing each of your points, we want to express that we understand why you may have found this programming distasteful. There is no question that the exchanges between the hosts of *The Dean Blundell Show* can, on certain occasions, be offensive to certain listeners. This said, the CBSC does not adjudicate matters of taste. Having reviewed the audio of the show and evaluated your concerns within the context of the regulatory framework to which we adhere, we provide the following response.

**1. October 11, 2011**

The excerpt of the October 11 broadcast you refer to involved a discussion about a new local television news program and its hosts. Intending to be flattering, Dean commented on a female host's "jugs", on a male host's ass, and on the physical attributes of other personalities. You argue that this type of comment objectifies women in contravention of Clause 3 of the Code.

The CBSC has dealt with the subject of sexist and degrading material on numerous occasions. On one such occasion, the CBSC failed to find a breach by the *Howard Stern Show* where the use of the term "piece of ass" was used to describe women as well as men. In that case, the complainant had objected to the persistent use of the term to describe certain female guests. Although found to be distasteful, the CBSC did not find the material sexist on the basis that Stern used the term to describe people of both sexes (*CILQ-FM re the Howard Stern Show*, CBSC Decision 99/00-0717 & -0739). In this case, Dean and Todd did not hesitate to objectify the male host as well, referring to him as having "a great ass". To the extent that both men and women were the subjects of the discussion, we don't believe the excerpt to be an example of sexist speech that would violate broadcasting standards.

**2. October 12, 2011**

(i) The first of the two excerpts you refer to from the October 12 broadcast involved discussion of an email in which a certain sexual act (called a "freezy") was described. You expressed the view that this exchange was sexually explicit, and therefore, contravened Clause 9(b) of the Code.

In decisions relating to the interpretation of Clause 9(b), the CBSC has stated that a program may contain sexual overtones, but will not constitute a breach unless sexually explicit (*CJVC-FM re Local Exotic Dancer Bar Commercial*, CBSC Decision 97/98-0282). Explicitness will not be found where the program contains no suggestion of reality or description of a sexual act (*CFQR-FM re The Morning Show*, CBSC Decision 01/02 -1137), or if filled with double entendres and suggestive comments (*CFMI-FM re Brother Jake Morning Show*, CBSC Decision 01/02-1137). During this portion of the show, the hosts were relaying a listener's written description of a sexual activity. It was clear to the listeners that Dean was scanning the email before reading it over the air to ensure that it didn't include any explicit sexual references. Dean deliberately used vague language and innuendo ("previously-busy safe" instead of "used condom"), when relaying the contents of the email. For this reason, we believe the segment fell short of sexual explicitness and failed to contravene Clause 9(b) of the Code.

(ii) The second of the two excerpts you refer to involved a discussion about a religious group by the name of "JesusWeen", the followers of which claim to promote October 31 "as a day to expect a gift of salvation" ([www.jesusween.com](http://www.jesusween.com)). One of the hosts joked that the title of the organization, (read: its reference to the word 'ween') sounded "gay". You believe that

the hosts' use of the word "gay" to express their "displeasure with the group" is a violation of Clause 2 of the Code.

The hosts made two types of comments with respect to gay people in this excerpt. First, they use the word "gay" to express the view that the name of the organization makes it sound silly or trivial. The CBSC has stated on several occasions that it will only find a breach of Clause 2 in cases where the target of the comments is a member of an enumerated class of persons. As explained in *CHNL-AM re a Sports Commentary* (CBSC Decision 02/03-0054), the use of the word "schizo" to describe someone *outside* of a disabled group, while regrettable, does not constitute discrimination. A similar situation arises here, in that the hosts' comments attribute "no negative characteristics" to gay men or women, but rather, target a not-for-profit organization. While we don't encourage the colloquial use of the word "gay" as an insult, we don't find that, in this context, it was used in a manner that breached broadcasting standards.

Second, the hosts make a play on words that the members of JesusWeen were gay men who were interested in Jesus' 'ween'. At some point in the exchange, the hosts imitated fictitious members of the group using a stereotypically gay man's voice. It is important to note that for a segment to breach Clause 2 of the Code, it must be found to "contain abusive or discriminatory material...harsh language or imagery, nastiness, utter insensitivity or the like" (*CFYI-AM re Scruff Connors and John Derringer Morning Show*, Decision 01/02-0279). In a similar case involving homosexuals where a fictitious "Gay James Bond" spoke in a stereotypically effeminate voice, the CBSC found that although it did "present stereotypical images of homosexual males....[the CBSC] does not consider that they constituted abusively or unduly discriminatory comment with respect to an identifiable group". For these reasons, we don't believe that these comments breached Clause 2 of the Code.

(iii) Finally, you expressed concern about Todd's comment that he'd "...tell [a group of women] they were sluts, just like all females." These words must be evaluated in their proper context. At this point in the program, Dean and Todd were discussing what they liked about Hallowe'en. Dean mentioned that Hallowe'en is his favourite day with his kids because he loves trick or treating with them. Todd said he liked it because it's a night he goes "clubbing". Dean joked that Todd likes Hallowe'en because he can dress up like a French maid and have sexual exploits with men. Todd responded in agreement that dressing up like a French maid gave "him an excuse to be a slut like every other female". While distasteful, we don't believe that the comment breached Clause 2 of the Code. The comment was not about women in general, nor was it directed at women on account of their innate characteristics. Rather, it was a comment on the *behavioural choice* made by *some* women to dress provocatively on Hallowe'en. For these reasons, we don't believe it fit the description of discrimination towards a group protected under Clause 2.

We do regret that you were offended by some of some of our programming. 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 recognize the importance of listener feedback and appreciate all comments.

## **Additional Correspondence**

On November 23, the complainant filed his Ruling Request with the following letter:

To All Concerned Parties:

After careful consideration of [CFNY-FM's Program Director's] reply, I am requesting a ruling by the CBSC. Firstly, I reject the notion that both men and women were equal "...subjects of the discussion". Both Dean and Todd objectified the female members far more so than any male mentioned. I also don't think the objectification of a male justifies the continued objectification of women. [The Program Director] does not comment on Mr. Blundell's coffee table book, clearly geared toward the objectification of women.

Secondly, I disagree with [the Program Director] and believe the "freezy" segment is sexually explicit as stated in my original complaint. Thirdly, [the Program Director's] example of a ruling with regard to the word "schizo" is completely unrelated to my original complaint regarding the word "gay". Lastly, I reject the idea that context can somehow justify the reference to all females as sluts. Mr. Shapiro is not talking about "...a behavioural choice by some women", as he clearly states "...sluts, just like EVERY OTHER female".

I trust the CBSC will find that my original complaint is valid, and that the hosts and CFNY did contravene several sections of the Code.