
APPENDIX B

CBSC Decision 11/12-0847+ Sun News Network re *The Source* (Chiquita Banana)

The Complaints

The CBSC received a total of 22 complaints about this broadcast. Thirteen provided enough information for the CBSC to pursue the matter. Of those, 6 filed Ruling Requests. The correspondence for those files is reproduced here.

File 11/12-0847

The CBSC received the following complaint on December 25, 2011. The complainant sent the exact same letter to the CRTC which forwarded it to the CBSC in due course:

Dear Canadian Broadcast Standards Council,

On or about 22 December 2011, Sun TV broadcast a segment of Ezra Levant's commentary program, *The Source with Ezra Levant*. The segment may be viewed and listened to on-line at the following link: <http://bit.ly/tPJgcC>. These comments appear to have been broadcast nationally by Sun TV.

At the end of the segment, Mr. Levant directs certain comments to Manuel Rodriguez, vice-president of government affairs of Chiquita Brands International Inc. Mr. Levant can be heard to state, clearly and emphatically: "...Hey, you. Yeah, you. Manuel Rodriguez. Chinga tu madre."

With the Spanish segment translated into English, this statement means: "...Hey, you. Yeah, you. Manuel Rodriguez. Fuck your mother."

While the CRTC's rules regarding the use of profanity on public television or basic standards for public broadcasts do not seem to be clearly defined, this statement by Mr. Levant would clearly seem to warrant investigation by the CRTC.

The statement is highly offensive in its own right, and more offensive in the context of Hispanic culture. Moreover, the Spanish phrase at the heart of this complaint is widely understood by large numbers of literate unilingual English-speaking Canadians.

I look forward to your response to this complaint.

The CBSC wrote back to this complainant explaining that the CBSC cannot deal with website content and that, if he saw it on traditional television, he would need to provide the specific date and time of broadcast. The complainant replied on January 4, 2012:

Thank you for your response. I am quite aware of the the CBSC's mandate, which, as I understand it, is set by the CBSC itself as a self-regulating organization. As is evident from the video presentation on YouTube, this segment originated as a Sun News Network

broadcast which is clearly within the legitimate purview of the CBSC to investigate if it chooses to do so.

While I watched via the Internet, rather than by an SNN broadcast, according to SNN's schedule the program would have appeared on Dec. 22 between 3 and 4 pm in Alberta, where I live. SNN's broadcast schedule for this program is reproduced in full at the bottom of this email.

In addition, on Dec. 22, Mr. Levant stated in a message disseminated on Twitter.com, a screen copy of which I will be happy to send you if you request, "How did I do with my Spanish pronunciation on the show tonight? Was my accent OK? Tune in at 10ET/8MT & then let me know".

From this I think we can take it from the horse's mouth, as it were, that the program was broadcast or rebroadcast either that evening or the next morning at the times outlined by Mr. Levant. This should give CBSC plenty to go on within the 28 days that broadcasters are required to hold tapes of their broadcasts.

Please keep me apprised of the CBSC's decision on how it intends to proceed with this matter.

Atlantic: Monday to Friday 6 – 7PM
 Newfoundland: Monday to Friday 7:30 – 8:30PM
 Eastern: Monday to Friday 5 – 6PM
 Central: Monday to Friday 4 – 5PM
 Pacific: Monday to Friday 2 – 3PM
 Mountain: Monday to Friday 3 – 4PM

File 11/12-0891

The following complaint of January 4, 2012 was sent to the CRTC and forwarded to the CBSC in due course:

I am writing to complain about Ezra Levant's use of obscene and inflammatory language on his Sun TV show *The Source*. On December 23, in what is only describable as a jingoistic rant, Levant finished his monologue with the words "Chinga Tu Madre." Translated colloquially and literally this means "Fuck Your Mother." If this were said in a movie, I would have no problems. If this were said by a citizen in an interview, I'd have no problem. Swearing and profanity happens. But this was aimed squarely at a person, and was said by a "News" anchor/pundit in a scripted segment. What is more, it seems that Sun hoped that by using a Spanish insult (perhaps one of the worst in the language) it could dodge the scrutiny and punitive measures that would have more obviously followed from saying "Fuck Your Mother" in English, or in French. This isn't about swearing, this is about civility and, while few actually watch this drivel, I hope that the CRTC will show not only Canadians but the international community that we've not abandoned the principles of civil discourse on our airwaves.

Here is the clip on Youtube:
<http://www.youtube.com/watch?v=0voMoBF4cAI&feature=youtu.be>

The rant and final minutes are not included on Sun TV's online video posts:
<http://www.sunnewsnetwork.ca/video/search/all/banana-boycott/1344490473001/page/16>

The CBSC replied to this complainant explaining that it cannot deal with website content, but if he saw it on traditional television, he would need to provide the date and time at which the program aired. He wrote back with that information on January 5:

Hi there,

The complaint was about the television show. It aired on the show. On television. As I said in the original note. I also gave the date and the show name. The YouTube content was only meant to show the version as it appeared on the TV show. Not sure what else I can do. I'll forward your note on to my MP, though! Maybe you folks could look at the tapes and pay attention to the news – where this received a lot of play.

File 11/12-0896

The CBSC received the following complaint via its webform on January 4:

station: Sun News Network
program: Ezra Levant
date: Dec. 22 broadcast
time: approx 5 pm , but not really sure
concern: Winding up a 10-minute denunciation of the banana company's decision to boycott oil from Alberta's tarsands deposits, Levant signed off his Dec. 22 broadcast thusly: "Hey ... Manuel Rodriguez, chinga tu madre" (have carnal relations with your mother).

File 11/12-0904

The CBSC received the following complaint on January 5:

I am appalled at the obscene language used by Ezra Levant on Sun News regarding Chiquita Banana company president.

Surely using obscene language on national television should be disallowed.

The CBSC informed the complainant that it would need the date and time of the broadcast in order to pursue her complaint. She wrote back on January 6:

Thank you for your response.

The epithet used by Mr. Levant (December 22, 2011) was in connection with a complaint he had about Chiquita Banana president, Manuel Rodriguez. He said "chinga tu madre, Mr. Rodriguez" - a particularly coarse and crude Spanish obscenity. I am not sure of the time that the show aired.

I don't believe this falls under the broadcasting code. While Mr. Levant is free to disagree with the practices of any company, surely he should not use obscene remarks on the air.

Thank you for your attention to this matter.

The CBSC wrote back again saying it still needed the time of broadcast. The complainant wrote back again on January 6 with that information:

It was about 5:30 pm (Eastern time)

The CBSC forgot to include that latter January 6 e-mail when it sent the complaint documents to the station for response. The station thus wrote the following on January 10:

In your correspondence to this complainant dated January 6, 2012 at 1:09 pm, you advised that the CBSC required further information concerning certain things, including "the approximate time" that the segment in question aired.

In her response below dated January 6, 2012 at 2:00 pm, this complainant states: "I am not sure of the time that the show aired."

It is my understanding that the CBSC requires complainants to provide at least an approximate airtime for the segment being complained of -- among other reasons, to ensure that the broadcaster has a logger tape available that matches that airtime.

Has there been further correspondence with this complainant in which she sets out the airtime for the segment in question? If not, why is Sun News being asked to respond to a complaint that does not set out the complete details required by the CBSC for consideration of a complaint?

I look forward to your early response.

Sun News Network copied the complainant on that e-mail. Before the CBSC had a chance to respond and clarify that the complainant had indeed provided the time of broadcast, the complainant wrote to the station herself:

I am the complainant. I certainly heard the infraction -- I believe it was about 5:20 pm.

The incident was also reported in the *Toronto Star*.

Let us not pretend that this did not happen. Since your station purports to "get at the truth" in an issue, do not brush this off. This is hypocrisy at its worst.

Sun News wrote back to the complainant again the same day:

Thank you for your email. I am copying [the CBSC] on my response so that the CBSC will have a complete file.

I am not pretending that the broadcast did not occur. I am asking the CBSC to ensure that it complies with its own rules. With respect, the fact that the broadcast was reported in the *Toronto Star* is not a proper basis for a complaint to the CBSC.

However, I am satisfied with your provision of a broadcast time in your email below and will respond accordingly within the schedule set out in [the CBSC]'s email.

The complainant responded:

Thank you.

I did not use the *Toronto Star* report as a basis for my complaint. I merely mentioned it because it seemed as though you were questioning the incident.

I understand that you are using the letter of the law. It might be well for you to remind your program hosts about the guidelines.

Certainly I shall no longer watch Mr. Levant's broadcasts.

The broadcaster wrote back again indicating it would send an official response to her complaint within the required 21 days.

File 11/12-0909

The CBSC received the following complaint via its webform on January 5:

station: Sun News Network

program: Ezra Levant

date: December 22, 2011

time: 3:00 pm

concern: Would it be OK with you if I said "Hey Ezra, fuck your mother" on CTV, CBC or Global? Would I get bleeped? Would there be complaints? If there weren't complaints would that mean that it's acceptable to swear like that on national television as long as it's in Spanish or another language not English or French?

How low does the tone have to go?

Ah shit, what's the fucking use? The Canada I used to love is dying an agonizing, public death.

File 11/12-0925

The CBSC received the following complaint via its webform on January 7:

station: SunTV

program: *The Source with Ezra Levant*

date: Dec. 22, 2011
 time: 6 pm (viewed online later)
 concern: Regarding "A Message for Chiquita"

Mr. Levant brings discredit to Canadian media standards when he uses foul and derogatory phrases against an individual, to sum up his arguments against a Chiquita boycott of oil from the tar sands. Mr. Levant should apologize to the corporation and to Canadian viewers.

Broadcaster Response

Sun News Network responded to all complainants with the same letter throughout January and February:

Dear [CBSC] and [Complainant]:

I am legal counsel to the Sun News Network ("Sun News"). I am writing in response to [the complainant]'s complaint to the Canadian Broadcast Standards Council ("CBSC") set out below concerning a segment broadcast on Ezra Levant's show *The Source* on December 22, 2011 in which Mr. Levant used the Spanish-language phrase "Chinga tu madre". The segment in question first aired at 5 pm ET, and Mr. Levant used the phrase "Chinga tu madre" at 5:10 ET.

The complaint is that the phrase "Chinga tu madre" translates into a particularly offensive insult.

In fact, it is incorrect to assert that that the phrase bears the single meaning cited by the complainant. A blog post on the Vancouver Sun (which is not affiliated with Sun News) by a Mexican immigrant to Canada named Mario Canseco on January 7, 2012 addresses this point. Mr. Canseco's blog post may be found at the following URL:

<http://blogs.vancouversun.com/2012/01/07/on-the-proper-definition-of-chinga-tu-madre/>

In his blog post, Mr. Canseco discusses Mr. Levant's use of the phrase in some detail and points out that "[I]n the strictest form, 'chinga tu madre' and 'go f@ck yourself' serve the purpose of a particularly mild phrase: 'You are a nuisance, go away'."

Mr. Canseco goes on to discuss the general meaning of the root word "Chingar", as follows:

"That being said, Chingar can have many, many meanings, depending on the context. 'En chinga' means to be in a hurry to finish a task or project. 'No estés chingando' means stop bothering me. 'Qué chinga' means having to do something that is terribly cumbersome. 'Chingadera' means that somebody, or something, hindered your path towards a specific goal. 'Chingón' is a person who is great at what they do. 'Se chingó' means things did not turn out quite as planned."

Finally, Mr. Canseco cites the discussion of the word in the work *The Labyrinth of Solitude*, by the renowned Mexican writer Octavio Paz. In that work, according to Mr. Canseco, Mr. Paz discusses the phrase "Vete a la chingada" and defines it as "an invitation to send the recipient into 'a grey country, located nowhere, immense and empty.'"

Mr. Canseco was later invited to appear on *The Source* on January 17, 2012, at which time he expanded on this discussion. (Because Mr. Canseco's discussion on that appearance is an important element of Sun News' response to this complaint, I am arranging to send a copy of the logger tape for that appearance to the CBSC.) As well as making some of the same points he made in his January 7 blog post, Mr. Canseco noted that "Chinga tu madre" can be (and commonly is) used to mean "Stop bothering me", or "Get lost." Overall, according to Mr. Canseco, there are many ways to look at the phrase, and it is a mistake to regard the phrase as "inviting somebody to do something with their mother."

The phrase, in other words, has many possible meanings. Under the circumstances, Sun News submits that it would not be reasonable for the CBSC to conclude that it bears only the meaning asserted by the complainant.

In addition, it is important to note that Mr. Levant originally used the phrase at the end of a detailed substantive monologue concerning what Mr. Levant regarded as the unwarranted intervention of the Chiquita Banana company into the debate over Canada's oilsands. This topic is a matter of significant political interest, and Mr. Levant's discussion of it is undeniably permissible under Article 5 of the *CAB Code of Ethics*. The overall discussion, therefore, is fully defensible, both under all codes administered by the CBSC and as a matter of the right to free expression under Canadian law, including section 2(b) of the *Charter of Rights and Freedoms*.

By ending his discussion with the phrase "Chinga tu madre", Mr. Levant was doing nothing more than forcefully expressing his opinion regarding the intervention of Chiquita Banana into the oilsands debate. In effect, he was putting an exclamation point on his monologue. Because the phrase is broader in its meaning than the complainant asserts, Sun News submits that its use in this context was entirely legitimate.

For that reason, Sun News submits that this complaint must be dismissed.

Additional Correspondence

File 11/12-0847

The complainant wrote back to the CBSC on February 7:

Thank you so much for your quick response to my note the other night.

In addition, I received today a response from Mr. [T. M.], legal counsel for Sun News Network. I will need a day or two to ponder his response, which on the face of it I find fanciful but which I recognize might be difficult to refute. I'll let you know within the statutory period at any rate.

I did read in the *Toronto Star* a few days ago that indicated you had received only one complaint regarding this matter, which would be, presumably, mine. Are you able to tell me if that is so?

Anyway, best regards. I'll be back to you as soon as possible.

The complainant wrote again on February 15, indicating his dissatisfaction with Sun News' response and desire to pursue the matter:

Thank you for your response on Feb. 7, 2012, to my complaint to the Canadian Broadcast Standards Council about the highly offensive and culturally insensitive remarks made by Mr. Ezra Levant of the Sun News Network on Dec. 22, 2011.

Thanks also to [the Director, Legal Affairs] of Quebecor Media Inc. for his detailed response, in which he makes the argument that my complaint should be dismissed on the grounds I am in error when I state that in Spanish the phrase “Chinga tu madre” is an obscene and highly offensive insult and as such in violation of the CRTC’s rules regarding the use of profanity on public television. He states: “It would not be reasonable for the CBSC to conclude that it bears only the meaning asserted by the complainant.”

Please note that by taking this line of argument, [Quebecor Media’s Director, Legal Affairs] seems to have conceded that if Mr. Levant’s remark were in fact offensive and obscene, it would be in violation of the CRTC’s prohibition of the use of such language on television. I note that the source for [Quebecor Media’s Director, Legal Affairs]’s linguistic research is a single online blog from the *Vancouver Sun*’s community blog network.

I too have made informal enquiries about the common usage of this phrase among native Spanish speakers. I have included excerpts from their comments below:

Ricardo: “Please keep in mind that I’m neither a linguist nor a native Mexican Spanish speaker. I have, however, spent a significant amount of time volunteering my time as a translator (both simultaneous and consecutive) for visitors to Canada from across Latin America. The verb ‘chingar’ is used in a number of ways in Mexico, but the two most common definitions would be ‘to screw something up’ or ‘to fuck’. It’s considered ‘low Spanish’ and always considered vulgar. Nonetheless, it is used frequently and most popular Mexican speakers litter their conversations with the word. It can express anger (chingala! = fuck!), teasing (oye chingado! = hey loser! Or hey asshole!), joking (no me chingues! = no kidding!), frustration (por la chingada! = oh for fucks sake! Or Dammit!). When used before the word ‘madre’ (mother) however, it is impossible to consider the intent innocuous and light. The definition of ‘Chinga tu madre’ can be no other than ‘fuck your mother’. Can that sometimes be used jokingly among friends? If you believe that you can call someone a ‘motherfucker’ in English and have it be innocuous and non-vulgar, then you would believe that ‘chinga tu madre’ could be used likewise. So, to reinforce, the word ‘chinga’ can be used in a number of different ways in a number of different contexts, but when strung together in the expression ‘chinga tu madre’ it can mean nothing other than ‘fuck your mother’. Whether said jokingly, angrily, or seriously, it still means ‘fuck your mother’ – the meaning doesn’t change. If Ezra were to say someone ‘go fuck your mother’, even if it were with a smile on his face and chuckling, what would the response be? The response should be exactly the same for saying that in Spanish.”

Sandra: “The ... explanation of the use of Chinga ... which in reality is a pretty clear description of its many uses; however, when you use chinga and madre together it is the upmost [sic] insult to anyone and their mother, it does not mean ‘you are a nuisance, go away’ it means go fuck your mother, and those are usually ‘fighting’ words. You never include anyone’s mother in your insults unless you want to fight. I would love for that guy to say that to a Mexican, any Mexican to his face and see how long his (face) can stay on T.V.”

Clearly, according to these native Spanish speakers, there is a distinction between the use of the verb “chingar” alone and the use of the same word in the context of “your mother.” Judging from the remarks I have quoted, when the two concepts are used together, there is no alternative meaning but one that is similarly offensive and profane in both English and Spanish.

Equally clearly, the intention of Mr. Levant when he used these two concepts in one breath was to give offense in an obscene fashion. Mr. Levant's manner of delivery, which is plain to any viewer of the segment, suggests he understood this distinction and intended to be both profane and offensive. Indeed, he appears to be "calling out" the person he was attacking by name. It is clear on the face of it, that Mr. Levant's remark was both obscene and offensive and therefore in violation of the CRTC's rules.

I would add that while the CRTC regulations place some restrictions on the mode of expression, as is appropriate for the use of public frequencies owned by all Canadians, they in no way interfere with Mr. Levant's Charter-protected right to express strong opinions on any topic.

I have carefully considered the broadcaster's response and I remain concerned, so I am therefore requesting a ruling by a CBSC panel. As Mr. Levant's remark was clearly both obscene and offensive, and seemingly intended to be so, it was therefore in violation of the CRTC's rules and this complaint should be upheld.

File 11/12-0891

The complainant wrote back to the CBSC and Sun News on February 8 indicating his dissatisfaction with the station's response:

Dear [CBSC] and Sun News Legal Counsel,

I've stewed on this letter for a couple of weeks. I had hoped to address it with the detailed reply warranted by such a literary-studies defence piece. Alas, I simply haven't the time, resources or interest to further pursue this beyond this note. That is, I suppose, precisely how this usually works. And it is likely why organs like Sun "News" are able to get away with this sort of dishonest, uncivil drivel.

The CBSC would only have to contact a professor of Spanish, or speak with any citizen of South or Central America, or Mexico, to discover that Chinga Tu Madre, without any doubt, is only translatable into an explicit insult. Despite what [Quebecor Media's Director, Legal Affairs] claims, there is no hermeneutic ambiguity.

After speaking with Spanish-fluent colleagues and friends I was reassured that there is no alternate meaning. One of my colleagues noted that Sun News Counsel is correct to note that the verb "chingar" has a variety of interpretations in Mexican and South-Central American cultures, by virtue of their colonial past. But their reading of the phrase, as a total, is moot. There is only one possible translation for the phrase "chinga tu madre," even if the tone with which it is expressed may vary. The same can be said of our use of "Fu#\$ You," which may sound angry, threatening, benign, or playful depending on intonation, but it still means "Fu#\$ You."

I was actually going to let this complaint wither away until I received this gem of legal reasoning from [Quebecor Media's Director, Legal Affairs]. Not only is it probably the strangest legal document I've ever read, its reasoning is so absurd that it reads like a comedian trying to talk himself out of a bad joke. Not surprisingly, then, after sending this letter to several colleagues I was also told that Mr. Canseco's reasoning -- whose blog post is the core of [Quebecor Media's Director, Legal Affairs]'s defence -- is actually eerily similar to a number of Mexican stand-up comedians' bits. It seems a bit cheeky to me, and ought to for

the CBSC, that the best legal defence that a counsel can offer is a blog-post that is concerned with the etymology and connotations of Chingar as a word, when what is at issue is the use of a phrase.

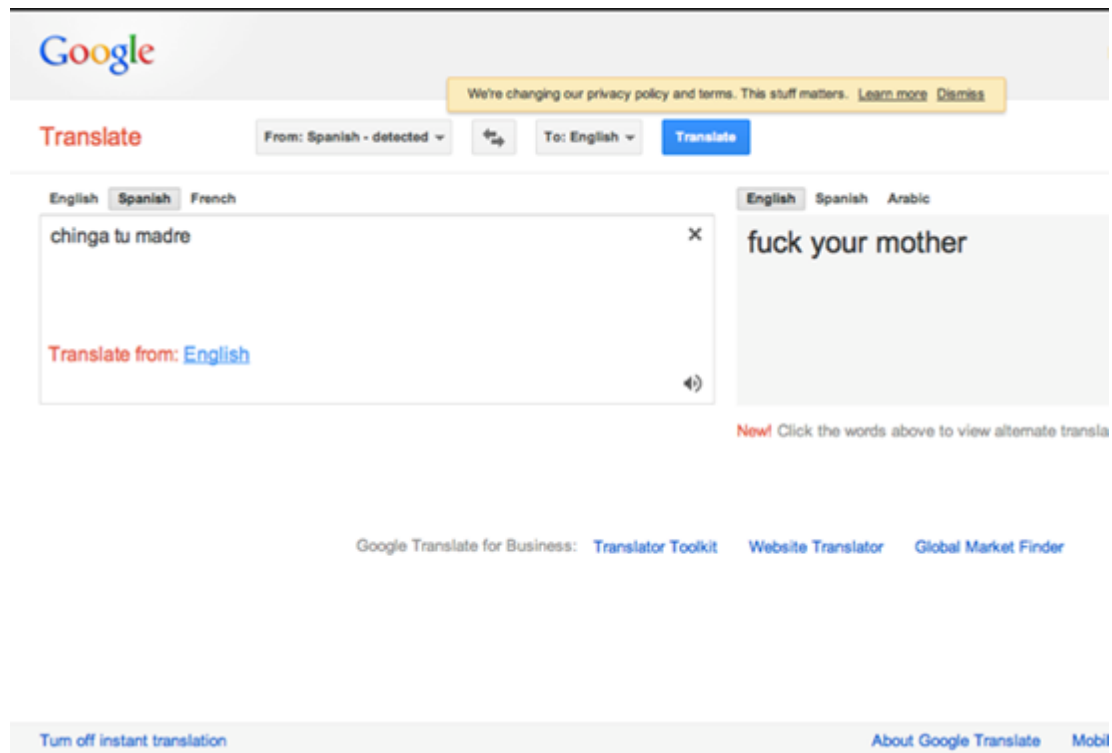
Technically, the etymology of Fu#\$ can be traced to a pre-obscene meaning in Anglo-Saxon culture, but that does not mean that it is not obscene profanity in contemporary discourse. So while we're citing comedians, I would refer to the Monty Python bit on the meaning of "Fu#\$," which notes that that word actually comes from the German word "Frichen" which means "to strike." And as my legal proof I submit the link to this YouTube movie <http://www.youtube.com/watch?v=yhh7lu76yUA>.

Moreover, while we are being cheeky, perhaps I can refer [Quebecor Media's Director, Legal Affairs] and the obviously unilingual and literalist writers at Sun News to wikipedia:

http://en.wikipedia.org/wiki/Spanish_profanity

Simply search Chinga Tu Madre on this page and you'll see that Mexicans think it obscene enough that it is worthy of a financial fine if someone's car horn emits the phrase.

Perhaps there is still too much hermeneutic wiggle room in this. So let me refer you to the common and widely used "Google Translate." If you look at the attached screenshot, you'll see that -- without any doubt -- Google translates this to mean "Fu#\$ your mother."



This defence is so cynical and poorly reasoned that it should "vete a la chingada." By the reasoning of Sun Legal Counsel, I did not just say that this argument should "fu#\$ off." Rather I am philosophically suggesting that this argument should be "vanquished to the grey country, located nowhere, immense and empty." It seems an appropriate suggestion given that [Quebecor Media's Director, Legal Affairs] and Sun News seem content to live in a land of grey space where there is, thankfully, no black and white meaning to obvious insults.

Perhaps I've made my point by now. This defence is absurd. Mr Levant insulted another person in a different language and will likely get away with it because of the CBSC's lack of familiarity with Spanish. To the CBSC and Sun News I would say this: if the Mexican government thinks that a car horn that emits this phrase in a public space is fine-worthy, then it is appalling to think that one could use this phrase on Canadian public airwaves and then get away with it by sheepishly pointing out arcane definitions, and etymological root verbs and nouns.

The CBSC should deal with this the same way they would deal with someone saying "fu#\$ your mother," on television. Honestly, I don't even care about the use of obscenities; I have no sense that some profane line has been crossed. But the hypocrisy and mean-spiritedness of Sun made this follow-up impossible to not write. A few days ago Sun News attacked the CBC for using public dollars to create "pornographic content," committing what Ezra Levant eloquently called the "peddling [of] smut on the public dollar." I'm glad that Sun thinks we ought to hold broadcasters to some higher moral standards when they use public resources. But if, as Sun itself believes, use of public resources means that one must be held to some higher moral contract with the public, then they have breached that contract in their use of profane language on the public airwaves.

Or is that just another grey zone?

I look forward to a reply, and to the CBSC's decision to levy some sort of punishment for this transgression of the moral standards that must, as Sun agrees, be held in the highest of esteem when dealing with public resources.

File 11/12-0896

The complainant submitted his Ruling Request on January 26 with the following note:

I believe the excuses given by [Quebecor Media's Director, Legal Affairs] (on behalf of Ezra Levant) referring to a recent Mexican immigrant's use of the swear word, reminds me of bloggers who can force a circle peg into a square hole if need be.

Rationalizing such anti-social behaviour I believe is unacceptable and a clear message needs be sent to Mr. Levant who has made a career of testing limits of "free speech" in Canada.

Allowing Mr. Levant to escape the consequences of broadcasting his swearing will only serve to encourage further disrespect for Canadian viewers.

File 11/12-0904

The complainant sent an e-mail on January 26 indicating her dissatisfaction with the station's response:

Thank you for your interesting letter. It appears that the level of legalese sophistry is alive and well.

I see that you have found one person who believes that Mr. Levant's use of language was not, in fact, crude, but rather meant as a somewhat playful gesture to make his point about multinational companies.

I have a number of Spanish speaking friends who disagree.

Of course you will take this tack. You are, after all, hired by the Sun News Network to protect their interests.

I have no affiliation with any national news network.

I am offended.

I hope that our broadcasting standards people will chastise Mr. Levant for his use of language which is offensive to many people.

File 11/12-0909

The complainant filed his Ruling Request on January 26 with the following note:

I received the "response" from the Sun News Network legal counsel, Mr. [T. M.], this morning, January 26, 2012. This "response" was received with one day remaining in the 21-day response period and 19 days following the Mario Canseco blog entry in the *Vancouver Sun*.

The response is unsatisfactory. The response is meaningless. It is also insulting.

Mr. Canseco, for all his undoubted virtues, appears to be the only Spanish speaker writing in the English language today, at least that I can discover from detailed on-line searches, who appears to offer any alternative translations for, or even doubts about the meaning of the phrase "chinga tu madre". His attempt to conflate "go fuck yourself" and "chinga tu madre" with "You are a nuisance, go away" would be ridiculous in a grade 9 student essay, let alone in the writings of a man we are expected to take seriously when he speaks in the media about the meaning of the polls his company conducts.

And while I'm sure Octavio Paz offered a fascinating dissertation on the various meanings and nuances of the word "chingar", it is rather difficult to read for myself from the link provided in the "response" as the linked-to document is in Spanish. Simple translation searches on the World Wide Web indicate that the word translates into English as, more or less, "fuck". I suspect a perusal of scholarly literature on our own language would turn up many works over many decades on the origins, meanings and nuances of the old English word "fuck". None of those works has led to the word being commonly used in news magazine programs by broadcast journalists, respected or otherwise, however.

Further, neither Mr. Canseco nor [Quebecor Media's Director, Legal Affairs] offer up any indication, when throwing around all their fanciful alternative meanings for the phrase, where Mr. Rodriguez' mother should figure into their musings. Ignoring the inclusion of Mr. Rodriguez' mother is the strongest indicator of all that both Mr. Canseco and [Quebecor Media's Director, Legal Affairs] are clutching at straws. Perhaps Mr. Canseco or [Quebecor Media's Director, Legal Affairs] have alternative translations for the Spanish phrase "tu madre".

And finally, it seems to me that the surest way to resolve the matter would be to ask Mr. Rodriguez himself what he understood the phrase to mean in the moment it was spoken to him. Personally, I have little doubt that Mr. Rodriguez' answer to that question would be neither scholarly nor amused.

File 11/12-0925

The complainant filed his Ruling Request on January 31 with the following note:

The content of this response is an attempt to deflect the seriousness and offensiveness of this phrase by referring only to other different phrases. "No me chingues" means "don't annoy me" (in very strong terms); however, there is no alternative connotation or meaning to "Chingua tu madre" than to "fuck your mother". A survey of translation websites consistently shows this. Mr. Levant cannot hide behind obscure arguments of linguistic meaning and at the same time present himself as an informed commentator on international affairs.

[Quebecor Media's Director, Legal Affairs]'s response is not adequate. One would not expect Mr. Levant to change his views of the boycott, but Mr. Levant should apologize to the president of the Chiquita corporation and to the community of Canadian viewers who expect more reasonable journalism than this.

In the absence of this apology, I request a ruling by the CBSC, to clarify the standards of tone that are expected in the Canadian broadcasting media.