
APPENDIX B

CBSC Decision 11/12-1881 & -1942 CFRB-AM re comments made on *The City with Mayor Rob Ford*

The Complaints

The CBSC received a total of 64 complaints about this broadcast. Of those, 36 were provided with the opportunity to request a ruling (the remaining 28 either did not provide enough information to order copies of the broadcast or the complainants clearly had not actually heard the broadcast themselves). Of the 36 complainants who were given the opportunity to request a ruling, only 2 did so. Their complaints are reproduced here:

File 11/12-1881

The CBSC received the following complaint on May 7, 2012:

I am writing to complain about blatantly offensive language and comments used during Sunday, May 6th's broadcast of *The City with Mayor Rob Ford* on CFRB 1010 of Toronto, Ontario, Canada, airing between 1PM and 3PM Eastern Standard Time.

During this broadcast, Mayor Ford and his guests made several remarks that were quite offensive:

- When referring to Daniel Dale, a *Toronto Star* reporter that Ford had recently had a run-in with, they said, "I've been told the *Star* purposely assigned their most effeminate reporter".

- When referring to former mayoral front-runner George Smitherman, Menzies (the guest on the show), made a disgusting comment about his sexual orientation and linked this to HIV/AIDS: "Could you imagine if I was at that all-candidates meeting and I went to George Smitherman and I said, 'You know what, George, being a practicing homosexual and the fact that you've been involved with all kinds of illicit drug use, how do we know you won't engage in high-risk sex and drug use that will bring about HIV-leading-to-AIDS and you'll die in office?' I would be run out of town on a rail!"

This type of behaviour is contrary to section VI, subsections 2, 3 and 4 of the Canadian Association of Broadcasters' *Equitable Portrayal Code*, of which CFRB 1010 is bound to uphold as a member of the CBSC.

I would like a formal apology issued by CFRB, Mayor Rob Ford, Doug Ford and Mr. Menzies, in addition to having this show removed from the broadcast airwaves.

File 11/12-1942

The CBSC received the following complaint on May 8 via its webform:

station: 1010 Newstalk 1010
 program: <http://www.newstalk1010.com/shows/robford.aspx>
 date: Sunday, May 6th, 2012
 time: 1:00 pm to 3:00 pm

concern: You need to listen to it. Talk about delivering horse excrement to *Toronto Star*. Homophobic remarks. Personal insults. Indirect threats to people's jobs. Listen to Sunday, May 6th show was an example [sic]. This website provides some quotes. <http://toronto.openfile.ca/blog/news/2012/rob-and-doug-ford-show-recap-week-eleven>. Suspect it does not meet standards. But you be the judge.

The CBSC wrote back to the complainant, explaining that it could not accept complaints from individuals who only heard the program on a website. The complainant wrote back on May 9 indicating that he had in fact heard the original radio broadcast:

But I did listen to the program.

I used the blog data to save me typing out offensive material.

For example the horse excrement remark was not in the blog (web link). I know that because I listened to it.

The CBSC therefore accepted his complaint.

Broadcaster Response

The station provided the same response to both complainants on June 11:

We are in receipt of your complaint sent to the Canadian Broadcast Standards Council (the "CBSC") CBSC File C11/12-[#####] with respect to a broadcast of the program called *The City*, hosted by Mayor Rob Ford and Councillor Doug Ford, broadcast by NewsTalk 1010 CFRB, Toronto, on Sunday, May 6th from 1 pm – 3 pm (the "Program").

Please be assured we take complaints from our listeners very seriously. We have therefore carefully reviewed your complaint and the broadcast in question in order to properly respond to your concerns.

After listening carefully to the Program in question, with respect, we cannot agree with the conclusion set out in your letter. We do not believe that the content of the Program violated any of the broadcasting standards established by the CBSC.

We would like to point out that Mr. Menzies, a guest on the Program that day, was offering a strictly hypothetical situation as an analogy to the discussion of press scrutiny on the Mayor's weight loss challenges. While we fully respect the fact that you may disagree with Mr. Menzies' use of such analogy, we believe that Mr. Menzies was using such an analogy to express an opinion regarding his evaluation of the current political climate and his political analysis of discourse within such climate.

We also think that it is important to note that the Program is a talk show hosted by the Mayor and his brother. Guests are invited on the Program, and listeners call in to discuss local city issues and politics. These guests and callers offer their own opinions and interpretations of events or topics. We understand, and indeed expect, that the broad spectrum of opinion, and the manner of their expression, will not be to everyone's taste. It is essential to the nature of the talk radio format, however, that varying points of view be expressed and debate encouraged.

We note that Councillor Doug Ford stated the following day on NewsTalk 1010 that Mr. Menzies' analogy in no way reflected views of the Mayor or himself. We would also like to take this opportunity to unequivocally state that Mr. Menzies' comments in no way reflect the views of NewsTalk 1010.

We strongly affirm the values of equality, respect and dignity set out in the Canadian Association of Broadcasters' *Code of Ethics*. To that end, we take our responsibilities as a broadcaster very seriously and strive to ensure that all our programming complies with the standards expected of us as a member of the CBSC. Please rest assured that we will continue to exercise great diligence on such matters in order to demonstrate sensitivity to our listeners.

Thank you for taking the time to share your concerns with us.

Additional Correspondence

File 11/12-1881

The complainant submitted his Ruling Request on June 11:

After receiving a response from Astral Media (CFRB 1010's parent company), I am unsatisfied with their response to my original complaint.

- 1) They mention that Mr. Menzies was offering a strictly hypothetical situation, as an analogy to the scrutiny that the mayor received for this weight loss challenge.

- I am sorry, but overweight men do not constitute an easily recognizable and targeted group in society (such as LGBT individuals). The analogy used is not only inappropriate, but cannot be claimed to be commensurate to describe scrutiny over a failed weight loss challenge versus discrimination based on the implication that gay men use drugs and engage in high risk sexual practices (thus contracting HIV and AIDS). This reasoning is clearly flawed. It only promotes stereotypes and is clearly a negative portrayal of this group. Mr. Menzies, whether hypothetically or not, mentioned that Mr. Smitherman was a "a practicing homosexual" who would "engage in high-risk sex and drug use that will bring about HIV-leading-to-AIDS". This is not the same as someone saying Mayor Rob Ford is failing at his (self-imposed) weight loss challenge.

- 2) They also mention that Mr. Menzies was a guest and that Doug Ford offered a disclaimer the next day on the radio station that his views did not reflect Doug or Rob Ford's views.

- This was a half-hearted, post hoc disclaimer that was given because of the backlash that had begun. Why did Rob or Doug Ford not instantly condemn the remarks and say "Hey Mr. Menzies, that isn't an appropriate remark"? By remaining silent on the initial broadcast, the two hosts implicitly affirmed their agreement with their guest and thus are culpable of violating the *Equitable Portrayal Code*. Hosts have a responsibility to ensure that they moderate conversation, and, though they may welcome varying and diverse opinions, they must instantly condemn remarks which are hateful, violate human rights or are guilty of gross (and harmful) stereotype. Nothing less should be expected of those who have the privilege of using the (public) airwaves.

In the end, the comments issued against Gay men on this edition of the talk show violate section VI, subsections 2, 3 and 4 of the Canadian Association of Broadcasters' *Equitable Portrayal Code*. Just because the person who said it was a guest and stating an opinion is irrelevant. There was no attempt to condemn the comments right away and I firmly believe action should be taken by the CBSC to ensure this type of behaviour is not taken as acceptable in 2012 in Canada. This goes beyond political considerations, this is about defamation and a gross injustice that was committed on public airwaves run by CFRB 1010 (and Astral Media).

Thank you and I look forward to your further investigation and response.

File 11/12-1942

The complainant filed his Ruling Request on June 11 along with a note directed to the radio station:

Thank you for your response. I do agree it is difficult to offer a wide spectrum of opinion without potentially causing some listener concerns. I trust that the CBSC is the adjudicator in this matter.

I am not sure you are aware that on last Sunday's show, Councillor Ford used a derogatory term in reference to an individual of Polish origin. It appears that guest and callers are not the only issue and now the the host(s) are now crossing the line. Do you not have a time delay to prevent remarks like this from going to the airwaves?