

Canadian Broadcast Standards Council

# Annual Report 2008/2009



For the fiscal year running from September 1, 2008 to August 31, 2009

**"Private Broadcasting, Public Trust"**

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## 1. MESSAGE FROM THE NATIONAL CHAIR

In everything it does, the CBSC never loses sight of the three major areas of responsibility set out for it in the original CRTC Public Notice (P.N. CRTC 1991-90) advising licensees and the public that “the Commission fully supports the objective of the Canadian Broadcast Standards Council, which is to encourage high standards of professional conduct on the part of private radio and television broadcasters by ensuring that social concerns and values are reflected in their programming decisions.” Those responsibilities are:

- 1) to inform broadcasters with respect to emerging societal issues and suggest ways to deal with them;
- 2) to administer codes of industry standards; and
- 3) to provide a means of recourse for members of the public regarding the application of these standards.

While the modalities associated with the achieving of these goals have modified over time, their underpinnings have remained undisturbed. Might I reduce them for our shorthand purposes to: “inform, administer and respond”?

In a surprising way, the process has been driven by the third point, namely, the duty to respond. It is the expression of concerns by the public over the years, nearly 20,000 of them, that have informed the CBSC of societal content expectations, and that have shaped the latest versions of the codified standards.

In a departure from its traditional format, this message will reflect those original parameters in its presentation.

### **Respond (Complaints)**

The number of complaint files opened in fiscal 2008/2009 rose to a *record* 2,140, a reflection of the increasing awareness on the part of the public that a process exists to

respond to their concerns about broadcast content issues. Of this number, the CBSC actually handled 1,781 or 83%; the balance were referred to Advertising Standards Canada (ASC) or to the CRTC, principally because they related to non-member broadcasters or dealt with issues that did not fall within the parameters of the Codes administered by the CBSC. Statistics relating to these can be found in Section 3 of this Report.

In addition, as in previous years, the CBSC received “general correspondence” from people seeking, for example, general information about the Council and its Codes or contact information for a broadcaster, making other requests for information, and reacting to, or commenting on, decisions rendered by the CBSC. This year, had such correspondence been classified in the same manner as standard complaints, it would have added a further 142 “files” to the total.

### **Administer (Codes)**

Thanks to the substance of the complaints over the years, which led in many cases to decisions (more about some of these immediately below), old Codes were amended, new Codes created, and new responsibilities allocated.

The oldest of the Codes was the *CAB Code of Ethics*. First formulated in 1943 by the fledgling Canadian Association of Broadcasters, it was the basic set of standards accompanying the CAB’s original 1988 proposal for the self-regulatory body that became the CBSC. It was significantly amended and updated in 2002. Next, chronologically speaking, was the *RTNDA Code of (Journalistic) Ethics*. Created by the Radio-Television News Directors Association of Canada in 1970, it was amended in 1986, but remained largely a wall-mounted set of principles until the CBSC took over its administration toward the end of 1993. It

underwent a wholesale revision in 2000. The *CAB Violence Code* was created in 1987, but was radically changed in 1993 following the representations of Virginie Larivière to Prime Minister Brian Mulroney.

The *CAB Sex–Role Portrayal Code*, created in 1990, was retired from active duty in 2008. Its place was taken in 2008 by the *CAB Equitable Portrayal Code* (the *EPC*), which provides a very modern, inclusive extension of the gender principles to those identifiable groups noted in the *Canadian Charter of Rights and Freedoms* and the Human Rights Clause of that Code. And the CBSC created the *Journalistic Independence Code*, which, with the *EPC* and the *Violence Code*, became a CRTC Condition of Licence for the broadcasters to which it applies.

This year, the CRTC has added to the CBSC's administrative responsibilities the two pay television Codes, namely, the *Industry Code of Programming Standards and Practices Governing Pay, Pay-Per-View and Video-On-Demand Services* and the *Pay Television and Pay-Per-View Programming Code regarding Violence*. It should be noted that there were only six complaints to the CBSC in the pay area this past year, none of which resulted in a request for a ruling.

### **Inform (Decisions)**

Ultimately, the meaning of the codified standards is constantly extended by the decisions of the various CBSC Adjudicating Panels. They serve the purpose of informing broadcasters and the public (and, to some extent, even the regulator) of the CBSC's perspective on societal trends, both as codified and as interpreted. In order to achieve that informing result, those decisions are sent, on their day of release, to every individual wishing to receive them, and they are permanently posted on the CBSC website, where they may be consulted at any moment.

This year, a total of 75 decisions were released: 23 of these were formal Panel Decisions and 52 were Summary Decisions. (It should be remembered that Summary Decisions are the informal, non-public variety of decisions that do not incur the time and

expense associated with the formal meetings of an Adjudicating Panel required for a Panel Decision.) Some of the 2008–2009 decisions were particularly significant precedents. Consequently, some of these are noted in this message, but all are dealt with in Section 2 of this Annual Report.

There were three CBSC decisions on broadcasts that attracted *considerable* attention before the CBSC's involvement with the files. These were the interrupted and restarted CTV interview with Liberal leader Stéphane Dion aired complete with outtakes during the October 2008 general election campaign, the nearly annual Radio-Canada broadcast of its year-ending *Bye Bye 2008* on New Year's Eve, and the daily contest program *Call TV* on TQS in June, July and August. As it happened, the CBSC Panels adjudicating those complaints ruled against the three broadcasters (details of these decisions can be found below in Section 2).

One of those matters, that relating to *Bye Bye 2008*, was particularly unusual in that it concerned the principal French-language public broadcaster. The Chairman of the CRTC referred the 200+ complaints to the CBSC by a letter in which he spoke of the CBSC's "considerable experience with complaints about broadcast content" and noted that it would be "helpful for its [the Commission's] consideration of this matter to have the benefit of the CBSC's examination of the complaints." (These 208 complaints are not included in the total of 2,140 complaint files noted above.) In its own conclusions following its evaluation of the CBSC decision (in Broadcasting Decision CRTC 2009–548), the CRTC noted "that both it and the CBSC reached the same general conclusions [regarding] the abusive comment provision of the Television Regulations, [...] the *CAB's Equitable Portrayal Code* [and the failure to] meet the high standard requirement [of the Broadcasting] Act. With this in mind, the Commission endorses the CBSC's conclusions in this matter." In its press release accompanying the decision, the CRTC also "encourage[d] the CBC to explore the possibility of becoming a member of the Canadian Broadcast Standards Council, a self-regulatory body established by Canada's

private broadcasters.”

### **Inform (Website)**

The CBSC’s website is the world’s window on the Canadian self-regulatory system. That accessibility makes it constantly available to complainants, broadcasters, regulators, researchers, and other interested parties around the world. The website includes the all-important complaints form, two sets of FAQs (frequently asked questions), one targeted at members of the public and another aimed solely at broadcasters, all formal CBSC decisions, biographies of Panel Adjudicators, Annual Reports, Codes, lists of broadcaster members (with links to their websites), corresponding links for other bodies both Canadian and international, relevant documents galore, and so on. Moreover, we provide a thorough explanation of the CBSC’s role and our most important Code provisions in 44 languages. A useful indicator of the CBSC’s familiarity to the public is the extent of the world’s recourse to its website. Traffic remained strong with more than 61 gigabytes of total data transferred by viewers during the course of the year. The average time spent on the site by users increased almost 50% to more than 15 minutes per session. It is also fascinating to note that there were visitors from almost 120 identifiable countries this year.

### **AGVOT**

AGVOT-related information is generally sought either by direct request or website page views. Although such requests do not form a large part of the CBSC’s day-to-day activities, they often involve unique questions that require research by the CBSC. It is noteworthy that the files in the AGVOT section of the CBSC website receive more than two thousand page views each month.

### **Broadcaster Members**

The number of private broadcaster members continues to increase, reflecting the belief of broadcasters in the Codes they have created and the self-regulatory system they have supported to ensure pan-industry compliance. At the end of the fiscal year,

CBSC membership stood at 730. And, as noted above, the CRTC encouraged the CBC to consider joining the CBSC. The prospect would make important sense, particularly because of the inevitable confusion for a member of the public wishing to make a complaint about something he or she has seen or heard on television or radio. Where to go with that complaint has not always been obvious. Among other things, the answer has been dependent on knowing whether the broadcaster is or is not a member of the CBSC. Since the standards applied have become essentially identical for private and public broadcasters (due to the Commission’s consistent referral to, and application of, either the *CAB Code of Ethics* or CBSC jurisprudence to non-CBSC members), the unnecessary uncertainty could easily be avoided, to the certain benefit of the public.

### **The CBSC’s Adjudicators**

The CBSC as well as the broadcasters whose content is regularly assessed by the Adjudicators recognize the great contribution they make. Representing the public and the industry in essentially equal numbers on every Panel adjudication, they listen to or watch the challenged broadcasts, review the complaints, and weigh these against the CBSC codes and jurisprudence. More important is the freshness, originality, common sense and sound judgment that flow from their deliberations. They discuss or debate every file with diligence, objectivity and awareness of the consequences of their determinations. On the basis of those reflections, they set the broadcast content standards for the future and, as noted above, *inform* the broadcasters and the public of the parameters of the acceptable. Our collective gratitude is, as it ought to be, considerable.

### **Transparency: A New Nominating Procedure**

In the last Annual Report, I noted that the CBSC had proposed a new Adjudicator nomination process to the Commission in March 2008. It was in fact approved, as anticipated. In brief, there will be a Nominating Committee which will consist of between five and seven persons, of whom I will be one. The CBSC’s National Executive

(its Board of Directors), which will appoint the members of the Nominating Committee, will ensure balanced representation reflecting gender, on the one hand, and linguistic diversity (representing the Anglophone, Francophone and ethnocultural communities), on the other. That Committee will in turn recommend all future Adjudicators, whether to populate the recently created Journalistic Independence Panel or to fill empty seats on any of the other Regional or National Panels. Appointments to the Nominating Committee and the Panels will be announced in the coming fiscal year.

### **Acknowledgments**

However great the role of the Adjudicators, they only have matter to review as the result of the skills and dedication of the staff. The reception, assessment and processing of the thousands of complaints and related queries, the generation of information to the public and broadcasters alike, responding to students and researchers, preparation of files for adjudication, and so on depend upon our Communications Co-ordinator Solange Courteau, our Director of Policy Teisha Gaylard, and our Executive Director John MacNab. Without them, the intellectual and policy machinery is still. With them, it hums. On behalf of all Canadians, whose interests they serve, and on my own behalf, I express our considerable appreciation.

RONALD I. COHEN  
National Chair

## 2. DECISIONS RELEASED IN 2008/2009

### DECISIONS RELEASED IN 2008/2009

In order for one of the many complaints the CBSC receives annually to result in a decision, the complainant must submit a Ruling Request or equivalent indication of dissatisfaction with the broadcaster's response to the complaint. Experience shows that satisfaction with broadcasters' responses is generally high, but, on those occasions when a Ruling Request is received, the CBSC Secretariat must determine whether a formal Panel adjudication or a Secretariat Summary Decision is the appropriate resolution in the circumstances. (For a definition and explanation of what constitutes a Summary Decision, see the heading "Summary Decisions" at p. 21.)

The CBSC released a total of 75 decisions (of both varieties) this year (compared to 83 in 2007/2008). Twenty-three of these were Panel Decisions and 52 were Summary Decisions.

### PANEL DECISIONS

Panel Decisions are generally called for when: the issue raised in the complaint is one that has not previously been addressed by the CBSC; that issue has been found in the past to result in a Code breach; or the outcome of an adjudication is uncertain.

Panel Decisions involve a formal adjudication by one of the CBSC's Regional or National adjudicating Panels, which are composed of equal numbers of adjudicators from the general public and the broadcasting industry. Those Adjudicators read all correspondence relating to the complaint from both the complainant(s) and the broadcaster, review the challenged broadcast, and meet to discuss the merits in order to arrive at their determination. Since Panel Decisions play an important role in the shaping of Canadian broadcast content policy, it is essential that

both broadcasters and the general public be aware of these as they are issued. The CBSC accomplishes this goal by electronically advising all interested parties of its formal decisions on the day of their release and by posting all Panel decisions on the CBSC website.

This year, 14 Panel Decisions dealt with television programming and 9 with radio programming. Sixteen decisions related to English-language broadcasts, 6 to French-language programs and one to a Punjabi show. Brief descriptions of each of those decisions are provided below, broadly separated as to television and radio and then subdivided under specific issue-related sub-headings.

### TELEVISION

One of the television-related decisions this year involved an unusual situation for the CBSC, as it dealt with a non-member public broadcaster, namely, Société Radio-Canada (SRC); the CBSC's involvement was pursuant to a special request from the CRTC. That decision addressed a large number of complaints about a program called *Bye Bye 2008* that had raised numerous issues, including: abusive or unduly discriminatory comment; violence against women; improper comments about different groups, public figures and companies; representation of women; and the provision of viewer advisories. Three other television decisions dealt with widely-publicized broadcasts. Two of these related to outtakes from an interview with Liberal leader Stéphane Dion, and a third dealt with a phone-in contest program in Québec called *Call TV*. Other television decisions this year touched on issues of accuracy of news, privacy, bias in information programming, violence, and coarse language in a public affairs program.

### Bye Bye 2008

The CRTC received more than 200 complaints about SRC's New Year's Eve variety show *Bye Bye 2008*. The long-running annual program generally focuses on events and people in the news during the previous twelve months; it is replete with sketches that satirize and parody its targets. The challenged episode was broadcast beginning at 11:00 pm on December 31, 2008 and rebroadcast on January 1, 2009 at 8:00 pm. The CRTC asked the CBSC to review the matter on the basis of the Council's "considerable experience with complaints about broadcast content". It was the content of some of the comedic segments of the program that had generated the complaints. For example, a number of sketches contained comments about Blacks, such as: a joke about how "practical" it was for the Americans to elect Barack Obama as President since the colour contrast of a Black man in the White House would make it "easier to shoot him"; a sketch in which a character told viewers to hide their purses because a Black man was appearing on the program; as well as comments about Governor-General Michaëlle Jean being a housemaid and Nelson Mandela being a gardener. The Quebec Regional Panel concluded that this content violated the provisions of the Canadian Association of Broadcasters' (CAB) *Equitable Portrayal Code* relating to abusive comment, negative portrayal, stereotyping and degradation. The Panel did not find the same problems with jokes made about English Canadians being boring, telecommunications company call centres being outsourced to India, First Nations people sniffing gas, and immigrants as convenience store operators. The Panel considered that those comments were more light-hearted than those made about Blacks. Some complaints raised issues relating to making fun of public figures, such as politicians and celebrities. The Panel found that these were acceptable parodies. It also concluded that a parody of Julie Couillard, a woman who had had a widely-publicized romantic relationship with a federal Cabinet minister, was not degrading to women as whole because it only targeted one particular woman. The Panel did, however, have a problem with a sketch that parodied the violent events in the Roy hockey

family dynasty in 2008 by portraying the wife as a constant victim of domestic violence, when no such aspect of Roy family life had in fact arisen. The Panel found that sketch in violation of Article 7.0 of the *CAB Violence Code*, which relates to violence against women. In addition, the Panel noted that the 8:00 pm broadcast on January 1 should have contained viewer advisories due to some of the sexually suggestive content. As anticipated, the CRTC then conducted its own review of *Bye Bye 2008*, taking the CBSC's decision into consideration. The CRTC upheld all of the CBSC's findings, with the exception of the *CAB Violence Code* violation for the Roy sketch.

### Accuracy of News

Clause 5 of the *CAB Code of Ethics* and Article 1 of the Radio Television News Directors Association of Canada (RTNDA - The Association of Electronic Journalists) *Code of (Journalistic) Ethics* both require that news be presented accurately. That proscription applies to the visual images used in a television news piece as much as to the spoken content of a report. Article 7 of the RTNDA Code also requires that errors be corrected quickly.

In *CTV Newsnet re a segment on Mike Duffy Live (Chinese Ambassador)* (CBSC Decision 07/08-1577, August 7, 2008), the National Specialty Services Panel dealt with a complaint about a segment on the public affairs program during which host Mike Duffy interviewed China's Ambassador to Canada about the controversy surrounding China's treatment of Tibet in light of the upcoming Summer Olympic Games in Beijing. During the interview, one half of the screen showed the dialogue between the Ambassador and Duffy while the other showed footage of a protest. In the clip, men wearing "Free Tibet" bandanas were being pushed, dragged and hit by police officers. The caption at the bottom of the screen at the beginning of the segment read "Tibet Protests Spread" and later changed to "Chinese Ambassador to Canada Responds to Tibet Protests". A viewer complained that the video had inaccurately left the impression that the protest footage was from China when it was actually from

Nepal and showed Nepalese enforcement officers. CTV Newsnet agreed that the video should have been accurately labelled, but it argued that the segment as a whole addressed the issue of protests in support of Tibet more generally. The Panel concluded that the broadcaster's failure to identify the location of the video left the inaccurate impression that the citizen protest and police reaction had taken place in China. The Panel concluded that CTV Newsnet had violated Clause 5 of the *CAB Code of Ethics* and Article 1 of the *RTNDA Code of (Journalistic) Ethics*.

A very similar situation arose in *CIII-TV (Global Ontario) re a report on News Final ("Dual Protests")* (CBSC Decision 07/08-1677, October 22, 2008). During its 11:00 pm newscast, Global Ontario had aired a report that covered two protests that had occurred in Toronto that day: one to protest China's treatment of Tibet, and the other to demonstrate support for China as host of the 2008 Summer Olympics. The station aired a video clip with the caption "Lhasa, Tibet" which showed officers in camouflage uniforms dragging and pushing protestors. A viewer complained that the footage was in fact from Katmandu, Nepal. Global Ontario aired a correction to that effect two days later. The Ontario Regional Panel concluded that the broadcast had violated Clause 5 of the *CAB Code of Ethics* and Article 1 of the *RTNDA Code of (Journalistic) Ethics* because it inaccurately identified the location of the video. The Panel did not, however, require Global Ontario to make a decision announcement because the station had already aired a correction as per its obligations under Article 7 of the RTNDA Code.

Accuracy of terminology used in two separate news reports was the subject of a joint decision of the National Conventional Television Panel and the British Columbia Regional Panel, *Global re a report on Global National ("Deportation Delayed") & CIVT-TV (CTV British Columbia) re a report on CTV News at Six* (CBSC Decisions 07/08-1136 & -1135, August 7 & 19, 2008). Both of the reports covered the case of Laibar Singh, a man from India who had requested refugee

status in Canada, but whose claim had been rejected. While still in Canada, Singh suffered an aneurysm that had left him paralyzed. His supporters felt that the Government should allow Singh to remain in Canada on compassionate grounds and attempted to prevent Canada Border Services agents from deporting him. Both reports stated that Singh was in Canada "illegally". The complaint came from an organization called Media Watch which argued that using the word "illegally" was an inaccurate characterization because many refugees travel with false documents out of necessity and Canadian and United Nations rules recognize this fact. The Panels pointed out that the reports were balanced, in that they contained interviews with individuals who supported both sides of the debate. The Panels also concluded that the reports were accurate because the international documents themselves use the words "illegal" and "unlawfully"; refugee claimants are protected from prosecution for using false documents while their claims are being processed, but "there is no change in the *illegality* of the original possession or use of false documents." The Panels also commented on Media Watch's assertion that the stories should have included more background about the rules regarding refugee claims: "the broadcasters [did not have] any duty [...] to educate the audience in detail on procedural issues that might have been material in reporting a different matter."

### Proper Presentation of News Interviews

In addition to accuracy issues, both the *CAB Code of Ethics* and the *RTNDA Code of (Journalistic) Ethics* contain provisions relating to unfair or otherwise inappropriate presentations of news. Clause 5 of the *CAB Code of Ethics* and Article 1 of the RTNDA Code mention fairness and bias, while Clause 6 of the *CAB Code of Ethics* requires the "full, fair and proper" presentation of news. Article 8 of the RTNDA Code also requires that journalists treat their subjects and sources with decency, while Article 5 warns them to resist pressures to change or alter the news. These matters arose in two related decisions.

The first was *CJCH-TV (CTV Atlantic) re CTV News at 6 (Stéphane Dion interview)* (CBSC Decision 08/09-0196+, January 12, 2009). Five days before the October 14, 2008 Canadian federal election, CTV Atlantic news anchor Steve Murphy conducted an interview with the then Liberal Party leader, Stéphane Dion. Murphy asked Dion, "If you were prime minister now, what would you have done about the economy and this crisis that Mr. Harper has not done?" Dion started to answer the question, but then asked to start again because the time frame of Murphy's question was unclear. Murphy agreed to start again, but re-asked the question in essentially the same terms. After two more restarts, Dion provided a lengthy answer to the question and the rest of the interview proceeded uninterrupted. The entire exchange, including the restarts, was broadcast on CJCH-TV's 6:00 pm newscast. Murphy introduced the clip by informing viewers that CTV had originally told Dion's team that it would not air the restarts, but then decided to do just that because it felt that it was important for voters to see everything that happened. The broadcast of the false starts generated numerous complaints from Canadians across the country. In general, complainants felt that it was unfair that CTV had aired the outtakes and that it was understandable that Dion had had comprehension difficulties because the question had been awkwardly worded. CTV argued that it was important for voters to see how Dion handled himself in stressful situations and that, had it succumbed to pressure from Dion not to air the restarts, it would have violated Article 5 of the *RTNDA Code of (Journalistic) Ethics*. The Atlantic Regional Panel observed that the broadcast had been accurate and therefore fair because it had simply shown everything that had occurred. The Panel did, however, consider that the phrasing of Murphy's question was "confusing" as it "mixes not only tenses (present and past), *but also* moods (subjunctive and indicative)," so "blame for misapprehension cannot simply be laid at the feet of the interviewee." The Panel concluded that the broadcast breached Article 8 regarding decency because CTV had committed not to air the false starts. The Panel stated, "restarts and retakes are a

common, not a rare, occurrence. The decision to extend such a courtesy was neither unreasonable nor even unusual. The Panel considers that this courtesy was the *moreso* justified in light of the poorly framed question." Some complainants also suggested that Dion had been treated unfairly due to his linguistic background, on the one hand, and his publicly-acknowledged hearing disability, on the other. The Panel found no evidence of undue discrimination on those bases.

The same false starts were broadcast later the same day during a public affairs discussion program. The CBSC also received complaints about that broadcast, which resulted in another CBSC decision, *CTV Newsnet re an episode of Mike Duffy Live Prime Time (Stéphane Dion Interview)* (CBSC Decision 08/09-0213 & -0281, April 6, 2009). Following the clip of Dion's restarts, Duffy facilitated a panel discussion which included representatives from various federal political parties, including the Liberals, who offered their thoughts on why the restarts had occurred and how this would affect the campaign. Liberal MP Geoff Regan suggested Dion had not understood Murphy's question due to a hearing impairment. Throughout the discussion, Duffy then insisted that Regan had accused CTV of "making fun of somebody's physical impairment." The majority of the National Specialty Services Panel concluded that the rebroadcast of the false starts was unfair and a breach of Clause 6 of the *CAB Code of Ethics*. The majority also found that Mike Duffy's repeated misrepresentation of Regan's views constituted a breach of that same clause. Two Adjudicators dissented, taking the position that the broadcast of Dion's outtakes was newsworthy and that Duffy's misrepresentation of Regan's statement was adequately clarified within the program by Regan himself.

### Privacy

News broadcasts are required to respect people's privacy under Article 4 of the *RTNDA Code of (Journalistic) Ethics*. That Article states that journalists will ensure that reporting does not unreasonably infringe

privacy except when necessary in the public interest. This aspect of news reporting arose in one decision this year.

*CITV-TV (Global Edmonton) re a News Hour report ("Daughter Sues Foster Mom")* (CBSC Decision 07/08-1158, May 12, 2008) dealt with a news report that told the story of a adult woman who was suing her foster mother. The daughter alleged that her foster mother had deceived her biological mother in order to get custody and then had raised her in sub-standard housing. The report consisted primarily of an interview with the 71-year-old foster mother who denied the allegations and showed the reporter photographs of the daughter throughout the years. Those photographs and clips from home videos appeared on screen. The CBSC received a complaint from the daughter who was concerned that her name, photographs and other identifying information had been provided without her permission. Global argued that there was no publication ban regarding the court case, so it was entitled to broadcast the information. The Prairie Regional Panel found no violation of Article 4 because the woman had herself initiated the court proceedings which are, by their nature under the Canadian judicial system, public. The Panel commented that "[the daughter] cannot [...] avoid the consequence of her decision to begin her litigation against her adoptive mother. It rendered an otherwise private issue very public. Moreover, the personal details revealed are inextricably linked to the legal proceedings she herself instituted."

### **Balanced Programming during Election Campaigns**

Programs that are not actual newscasts or public affairs programming are not bound by the *RTNDA Code of (Journalistic) Ethics*, but they must nevertheless respect the more general provisions of the *CAB Code of Ethics* related to full, fair and proper presentation of opinion and comment (Clause 6), and balanced presentation of public issues (Clause 7). Those two clauses were applied in a decision relating to a sports-information television program.

That decision was *Global re an episode of Going Fishing* (CBSC Decision 07/08-0338, August 7, 2008). *Going Fishing* is a weekly half-hour fishing series that follows host Darryl Cronzy as he fishes in locations across Canada and discusses a wide variety of issues related to angling. The leader of the Ontario Conservative Party, John Tory, appeared as a guest on an episode that aired during the Ontario election campaign of 2008. Cronzy and Tory did some fishing and Cronzy asked Tory about his party's policies on fishing, hunting and wildlife management. Towards the end of the episode, Cronzy said "Listen, I'm not telling you who to vote for" and then contradicted his verbal statement by pointing at Tory in an obvious and exaggerated supportive manner. A viewer complained that the episode had effectively been a partisan pitch for the Conservative Party. The National Conventional Television Panel noted that, based on CRTC election broadcasting rules, the requirements for fairness and balance are more rigorous during election campaigns. Although the time allotted to political parties need not be precisely equal, coverage must be equitable, fair and just. The Panel found violations of Clauses 6 and 7 for that reason. It stated that, even in non-political programs like *Going Fishing*, "care should be taken not to advantage one political party or candidate over other equivalent contenders. [...] The policy exposure opportunities afforded to the leader of the Ontario Progressive Conservative Party and the overtly partisan perspective of the program host combined to provide an inequitable advantage to that party."

### **Violence**

The *CAB Violence Code* was applied in four television decisions in 2008/2009. Article 3.0 of that Code is where the general rules about scheduling of violent material can be found and Article 10.0, relating to violence in sports programming, prohibits the promotion or exploitation of violent action outside the sanctioned limits of the sport. That Code also requires that scenes of violence intended exclusively for adult audiences only be broadcast between 9:00 pm and 6:00 am, a time frame known as the "Watershed period".

Mild scenes involving violence, such as images or discussions about the results of

violence, rather than the actual violent acts themselves, can be broadcast outside of the Watershed period as long as broadcasters respect Article 5.0, relating to the provision of viewer advisories, and Article 4.0, relating to the rating classification levels of programs. Articles 3.2 and 3.3 apply to advertisements and promotional spots. Article 2.0, which deals with children's programming, requires that such broadcasts not invite imitation, promote violence as the only solution to conflict, or contain violent material that may threaten children's sense of security. That article applies to promos for children's programs as well.

*Sportsnet Ontario re comments made on an episode of Prime Time Sports* (CBSC Decision 07/08-1500, October 22, 2008) dealt with comments made in the context of a sports talk show. The three hosts were discussing whether a hit by one NHL player on another should have been considered a legal hit. When asked what he thought, one commentator facetiously suggested that he had "loved it", was "waitin' for his head to roll all the way down the ice" and "I thought maybe the two goalies [...] could get the head, one could get the helmet and they could curl." He went on to say that such head blows would continue to be deemed legal hits by the NHL until such time as an injured player sued the NHL and won. A viewer complained that the commentator had advocated, or at least glorified, violence. The National Specialty Services Panel examined the complaint under both Article 10.0 of the *CAB Violence Code* and Clause 6 of the *CAB Code of Ethics*, which requires proper presentation of opinion and comment. The Panel found no breach of either Code provision because "the mitigation was clearly present, within seconds of the original challenged words. The commentator [...] was expressing his frustration with the sport [and] anyone who listened to the [...] entire comment would not likely have believed [he] loved the hit [...]. [H]e might have chosen less graphic language to make his point, but there is no breach resulting from that editorial choice. In the end, the Panel believes that this was a strong anti-violence statement."

The violent theme of two crime drama programs was at issue in *CJMT-TV (OMNI.2) re episodes of Law & Order: Criminal Intent ("Want") and Law & Order: Special Victims Unit ("Pure")* (CBSC Decision 07/08-1441, January 7, 2009). Both episodes included scenes of dead bodies and others with injured victims, as well as discussions about the disturbing assaults. For example, the *Criminal Intent* episode centred on a cannibal who performed homemade lobotomies on women and ate their calf muscles, while the *Special Victims Unit* episode dealt with a man who preyed on female virgins. No actual violence was committed on screen, but a viewer complained that the back-to-back broadcasts of the two episodes from 6:00 to 8:00 pm was too early. The Ontario Regional Panel acknowledged that "the episodes contained disturbing themes, [but] it does not consider that there are sufficient on-screen violent acts or visual consequences of off-screen violent acts that would drive the programs into the adulthood camp." OMNI was, therefore, not in breach of Article 3.0 for the scheduling of the programs and had respected Articles 4.0 and 5.0 by rating the programs 14+ and providing viewer advisories alerting viewers to the mature subject matter.

A promotional spot for a different crime drama was the subject of *CTV re a promotional spot for Flashpoint* (CBSC Decision 08/09-0668, June 25, 2009). The promo contained scenes from an episode that showed: two women in distress as one threatened the other with a knife; police officers carrying large guns bursting into a home; and a concluding series of quick clips of the action in order to create tension and suspense, followed by glass exploding around the title logo. The promo aired in the afternoon and early evening during NFL football games. A viewer complained that the promo had frightened his young children. The National Conventional Television Panel concluded that the promo did not violate the scheduling provision of the *CAB Violence Code* because, "although the challenged promo was suspenseful and scary, there was no actual element of violence included. [...] It finds the promo free of the adult violence that would force it into a post-Watershed

broadcast period.”

Another decision that dealt with alleged violence in a promo was *YTV re a promo for the Naked Brothers Band* (CBSC Decision 07/08-1173, October 22, 2008). The *Naked Brothers Band* is a program geared toward older children and pre-teens. It follows the lives of two brothers in that same age group who are the lead members of a pop-rock band. The promo contained a scene in which the younger brother was trying to annoy his older brother while they were filming a music video by dancing in front of him wearing a large chicken costume. The younger brother fell down out of the frame in front of the older brother and the older brother kicked him once. A viewer complained that this violence was inappropriate. The National Specialty Services Panel examined the complaint under Article 2.0 of the *CAB Violence Code*, which relates to children’s programming. The Panel found that the promo did not violate the Article because the violence was not sufficiently intense. The Panel “d[id] not view the off-screen kicking of one brother dressed in a chicken suit by the other brother as sufficiently violent to constitute a breach of any prohibition included in Article 2. [...] Not one of the words or phrases [in Article 2] could be said to apply: not threatening, dangerous, frightening or excessive [...]. Nor does it consider that there was any intention to cause bodily injury.”

### Coarse Language

Clause 10(a) of the *CAB Code of Ethics* states that broadcasters must not air coarse language that is intended for adult audiences outside of the Watershed period, which runs from 9:00 pm to 6:00 am. While the CBSC has rendered numerous previous decisions that deal with the f-word in spoken form, a complaint this year was made about that word in written form.

That circumstance arose in *CTV re an interview on Question Period (Bill C-10)* (CBSC Decision 07/08-1703, October 22, 2008). *Question Period* was a public affairs program on which the host and guests discussed current events. The program aired Sundays at

noon. On the episode in question, the host interviewed a Canadian filmmaker about a bill that Parliament was considering which would have denied tax credits to films deemed to be contrary to the public interest. The filmmaker had recently released a feature film entitled *Young People Fucking*. A written caption at the bottom of the screen included that title and identified the filmmaker as that film’s director. In the verbal discussion between the host and guest, however, they avoided saying the title of the film, referring to it instead as “Young People Making Love” and “Young People F”. Although numerous previous CBSC decisions have determined that the f-word and variations thereof should not be broadcast outside of the Watershed period, in this specific instance, the National Conventional Television Panel considered that the context and usage did not violate Clause 10(a). The word had only appeared in written form periodically, it was the title of a film germane to the discussion, and it was not uttered orally by either of the discussants. The Panel also concluded that viewer advisories were not necessary in this case.

### Unfair Contests

Clause 12 of the *CAB Code of Ethics* requires that contests and promotions shall be conceived and conducted fairly and legitimately and particular care shall be taken to ensure that they are not misleading. The Quebec Regional Panel applied that Code provision in dealing with a phone-in contest program that generated many complaints.

The program, by the name of *Call TV*, was broadcast by TQS six nights a week during the summer months of June, July and August 2009. By the date of the release of the CBSC decision, *TQS re Call TV* (CBSC Decision 08/09-1834 & -1856, August 11, 2009), on August 19, the CBSC had received 185 written complaints. The program consisted of various questions or puzzles that were presented on-screen by a female host. Viewers were then encouraged to call a 1-900 number or send a text message to get the opportunity to provide their answer on-air and win cash prizes. Both the on-air hosts and words on the screen clearly indicated that each call or text would cost \$1. The

complaints received by the CBSC touched on a variety of issues: for example, the inexplicable absence of calls for relatively long periods, the inaccessibility of program personnel, charges to participants' telephone bills for calls which had resulted in a busy signal, and the unfairness of some of the contests. As is normal in such cases, where numerous complaints are registered about a single show, TQS sent the same response to all complainants, in which it stated that it could not be expected to verify the content of the program; it recommended that complainants contact the program's producer. TQS also broadcast a message prior to some episodes which similarly provided contact information for the production company. The CBSC was unable to deal with complaints about off-air issues, such as the amount of or possible errors in telephone bill charges. With respect to the on-air content which the CBSC was able to address, the Quebec Panel found problems. For example, some of the contests required viewers to add up numbers or quantities that appeared on screen. Callers offered a variety of answers, but none were deemed correct and the method for solving the puzzles was never revealed. Another contest sought male names for which the second letter was "A". The host assured viewers that the names were "common", yet when she revealed the missing names, they were, in the view of the Panel, "obscure, remote and extremely uncommon to the audience at which the French-Canadian incarnation of *Call TV* was aimed." In the end, the Panel found a violation of Clause 12 due to "the inherent absence of transparency for the audiences. [...] [T]he inherently dubious outcome is neither evident *nor explained*, [so] the Panel considers that the absence of transparency renders the conduct of the contest neither fair nor legitimate." The Panel also expressed concern about "TQS's attempt to avoid responsibility for any content issues associated with *Call TV*" and reminded TQS that it has responsibility for *everything* that it airs whether or not the content is paid programming, or is produced by an independent company.

## RADIO

Nine of the Panel Decisions released in 2008/2009 involved radio programming. The major issues treated in those decisions were: discriminatory comments, dangerous and unfair contests, proper presentation of news, coarse language, and promotion of violence. Some of those decisions also treated secondary issues like insults directed a group, balanced treatment of controversial issues, fairness towards open-line show callers, and sexual content.

### Discrimination

Clause 2 (Human Rights) of the *CAB Code of Ethics* prohibits the broadcast of abusive or unduly discriminatory comments based on matters of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status or physical or mental disability. That clause is now mirrored in the *CAB Equitable Portrayal Code*, but that new Code only applied to broadcasts which occurred after March 18, 2008, so it was only applicable in one of the radio decisions discussed below. In addition, Clause 6 of the *CAB Code of Ethics* is a broadly-worded provision that requires the full, fair and proper presentation of opinion, editorial and comment, so it is applied in situations where the comments might not necessarily be abusive or unduly discriminatory, but could be found to be unfair in other respects. Clause 7 of the *CAB Code of Ethics* requires a balanced presentation of controversial public issues, including those that relate to matters of race, ethnicity, sexual orientation and the other categories listed in Clause 2. One of the radio decisions that dealt with discrimination was about discrimination on the basis of religion; three others were about discrimination on the basis of sexual orientation.

The radio decision about religious discrimination was *CFRA-AM re an episode of the Lowell Green Show (Islam)* (CBSC Decision 07/08-0916, October 22, 2008). The question of the day on that open-line program was "Is there something inherent in the Muslim faith that promotes violence and oppression of women?" The majority of

callers answered “yes” to the question, but a few callers disagreed. The host, Lowell Green, adamantly expressed his own view that “almost every act of terrorism around the world today [...] is carried out in the name of Islam. [...] Don’t tell me this is the work of a few fanatics.” Despite the fact that Green acknowledged a few times that not all Muslims are “like that”, he reacted negatively to any caller who answered “no” to his question, including those who were Muslim and were attempting, in apparent good faith and on the basis of their religious background, to clarify some of his points. In one instance, Green responded to a Muslim caller by referring to his statement as “Baloney”. In another, he told a sympathetic non-Muslim caller that she had “abandoned common sense” and was being “silly”. The Ontario Regional Panel concluded that the broadcast violated both Clauses 2 and 6 of the *CAB Code of Ethics*. It considered that “the host has mounted a sweeping, abusive and unduly discriminatory criticism of Islam. [...] It conceded none of the diversity that exists in Islam [...]. [H]e consistently made it entirely clear that his issue [...] was [that there was a problem with the faith and that it] was *not* the work of a few fanatics, but rather a reflection of the religion, problems and attitudes that he attributed to the ‘great, overwhelming majority of Muslims in the world.’ [...] Green did not merely disagree with opposing points of view; he mocked, ridiculed and insulted their interlocutors.”

*CKRS-AM re comments made on Champagne pour tout le monde* (CBSC Decision 06/07-0904, August 20, 2008) treated comments made by a radio host regarding homosexual members of the Parti Québécois. During the morning talk show, the host, Louis Champagne, conducted an interview with a representative from that provincial political party. Champagne questioned whether a party with an openly gay leader and other homosexual candidates would fare well in an election in the region that his radio station served. Referring to the blue-collar workers in the region, Champagne asked, [translation] “Do you really think that when you present them with another homosexual, you won’t be asked the question: ‘Is the Parti Québécois a club for fags?’” The PQ representative

responded that the candidates’ private lives were not relevant to the campaign. The CBSC received complaints from a number of listeners who were concerned that Champagne’s remarks were discriminatory. Following a public outcry, CKRS’s parent company, Corus Entertainment, gave Champagne a one-week suspension and required him to read an apology on air. The Quebec Regional Panel concluded that Champagne was fully entitled to question the PQ candidate about the receptivity of local voters to homosexual candidates, but that he crossed the line when he used the derisory term “club de tapettes” [“club for fags”]. The Panel found a violation of Clause 2 and considered that “Louis Champagne’s tone was ‘sneering, derisive and nasty’.” The Panel did, however, commend CKRS for its actions in resolving the matter and did not require it to make a decision announcement since Champagne had already read an apology on air.

Sexual orientation also arose during an episode of a Punjabi open-line program examined in *CKYE-FM re an episode of the Harjinder Thind Show* (CBSC Decision 07/08-1229, October 23, 2008). The topic of the day on the station commonly known as Red FM was proposed changes to the British Columbia school curriculum to ensure a proper presentation of homosexuality. Most callers to the program spoke in Punjabi, which the host then translated into English for the benefit of his guest and English-speaking listeners. One caller said, in Punjabi, that young people who feel an attraction to members of the same sex are “sick” and that homosexuals are “a little sick group”. Another caller alleged that homosexuality “is a sickness” that also contributes to the spread of AIDS. The British Columbia Regional Panel concluded that these comments violated Clause 2. Callers were entitled to express their objections to homosexuality and its inclusion in the curriculum, but “comments describing gays and lesbians as sick, assimilating homosexuality to a sickness, and attributing the causing of AIDS to homosexuals do exceed the tolerable threshold.” The Panel did find, however, that the broadcast was balanced under Clause 7 because the

“representation of homosexuality in the BC school curriculum was a fair subject to discuss” and a couple of callers expressed viewpoints favourable to a more inclusive curriculum.

The subject of same-sex marriage served as the basis for a short discussion during the broadcast examined in *CHOI-FM re comments made during a segment of Le Retour de Radio X* (CBSC Decision 08/09-0492, March 17, 2009). The hosts of the morning show mentioned that the California Supreme Court had declared that disallowing gay marriage was unconstitutional. One host commented that there was a lot of [translation] “queerness” [“fifure” in the original French] in San Francisco. He went on to say that he did not like to see two men kissing in public, but that they could [translation] “do it up the ass all [they] want” behind closed doors. He also stated that he did not approve of gay couples adopting children because it involved someone else in their “queerness”. A listener complained that the comments were both hateful towards homosexuals and too sexually explicit for an afternoon time slot. The Quebec Regional Panel affirmed the host’s right to express his views on political matters such as gay marriage and adoption and found no violation of Clause 2 with respect to the use of the word “queerness”. The Panel concluded that it was “discourteous, rude and on the edge of acceptability, but did not rise to the ‘sneering, derisive and nasty’ level [required to violate the Code].” The Panel also determined that the single reference to sexual activity was “tasteless”, but was not unduly sexually explicit under Clause 9(b) of the *CAB Code of Ethics*.

### **Unfair and Dangerous Contests**

Clause 12 of the *CAB Code of Ethics* applies to both radio and television contests. It requires that contests “be conceived and conducted fairly and legitimately and particular care shall be taken to ensure that they are not misleading, potentially dangerous or likely to give rise to a public inconvenience or disturbance.” The CBSC issued decisions about two separate radio contests this year, one relating to the fairness

of a contest and the other to a potentially dangerous contest.

The first was *CKIX-FM re the Missing 9 Contest* (CBSC Decision 08/09-0227 & -0229, January 12, 2009). The station, popularly known as 99.1 Hits FM, conducted a contest in which one of the 9s from their name was “abducted”. An actual physical 9 was hidden somewhere in the station’s listening area and clues were broadcast daily which would eventually lead a listener to the location of the 9. The station originally hid the 9 in a locker at a self-storage facility with the intention of revealing the locker’s access code via the clues. The owner of the storage facility had no knowledge of the 9 on his premises and, because members of the public were searching in his area, he put up a No Trespassing sign. The station then faced the challenge of changing the location of the 9 without invalidating the previously-broadcast clues. It chose to move the 9 onto a pick-up truck that was then parked just outside the storage facility. Listeners complained that the contest had been unfair because some of the clues were vague or misleading and because the 9 did not arrive at its final hiding spot until the day it was found. The Atlantic Regional Panel noted that there was no problem with conducting this type of treasure hunt and that it was reasonable to expect that clues would be vague and open to more than one interpretation. The Panel did have problems, however, with the execution of the contest and found a breach of Clause 12: “The station was [...] forced to hastily alter its plans, moving the 9 from the locker *within* the facility to a location *outside* its locked gate. That was, of course, unfair to those who had already laboured over the clues. [...] [T]he 9 had not been generally accessible to the public *until* the truck arrived at the spot, meaning that, even if listeners had been attentive to the clues, they did not have the opportunity to win the month-long contest before that moment.”

The second decision was *CJMF-FM re a promotion (Win a Hands-Free Cellphone)* (CBSC Decision 08/09-0211, June 17, 2009). The station offered listeners the opportunity to win a rebate on a Bluetooth hands-free cellphone device if station representatives

spotted them driving while talking on a cellphone. A listener complained that the station was encouraging a dangerous act that had just become illegal in the province of Quebec. The broadcaster argued that it was in fact encouraging drivers to use a hands-free device, but acknowledged that the contest may have caused some confusion. The Quebec Regional Panel found no breach of Clause 12 because it “doubts very much that people would begin driving while *holding* their cell phones *in order to* win a prize of inconsiderable value. [...] The Panel does believe that the broadcaster *ought* to have chosen another way to move listeners into the recently legalized ambit of the *Highway Safety Code*. That it did not do so does not [...] move it into the area of a Code breach.”

### Coarse Language

Coarse language on radio is covered under Clause 9(c) of the *CAB Code of Ethics*, which prohibits the broadcast of unduly coarse or offensive language. The CBSC has interpreted “unduly” to relate to the time of day at which the content is aired; extremely coarse language should not be broadcast when children could reasonably be expected to be listening to the radio. The CBSC dealt with coarse language in only one radio decision this year. That decision also raised issues relating to insults directed at individuals or groups, which the CBSC examined under Clause 6 of the *CAB Code of Ethics*.

The decision was *CHMP-FM re a segment on Le journal du midi* (CBSC Decision 07/08-0553, April 7, 2008). During an interview segment on the afternoon news program, host Gilles Proulx spoke with a representative from the Montreal Fire Safety Department about a labour dispute between the firefighters and the City. As an act of protest, the firefighters had allegedly sabotaged some fire stations so that their superiors would be prevented from entering the buildings. Proulx stated that he did not support the firefighters’ actions and repeatedly targeted the English phrase “Fuck you” at the firefighters. The Quebec Regional Panel supported the host’s “right to express those views [in opposition of the firefighters’ position in the labour dispute], but they do

not consider it a right *without limitation*.” In that respect, the Panel concluded that the station violated Clause 9(c) and Clause 6 for broadcasting Proulx’s coarse language insults at the firefighters on a personal level.

### Violence

Clause 9(a) of the *CAB Code of Ethics* deals with violence on radio. It requires broadcasters to ensure that programming does not contain gratuitous violence in any form, or otherwise sanction, promote or glamorize violence. One radio decision released in 2008/2009 applied that Code provision.

That case was *CHNI-FM re an episode of Maritime Morning* (CBSC Decision 07/08-1611, January 12, 2009) and it dealt with an open-line program. The guest on the day’s episode was Paul Watson, who was the head of a marine conservation organization called the Sea Shepherd Conservation Society. The Society is known for its anti-seal-hunt views and militant conservation tactics. According to reports, Watson had said that the slaughter of thousands of seal pups each year was a greater tragedy than the deaths of four seal hunters who had drowned in the Cabot Strait. The host of *Maritime Morning*, Andrew Krystal, challenged Watson on some of his views, suggesting that Watson had gone too far with his recent comments. The majority of the callers to the program expressed their support for Watson’s conservation work, but one caller stated, “I think you should be put on the ice floe with the seals [...] and hopefully someone will come along with a haka-pik and put it in your skull.” A listener complained that the comment was a direct threat on Watson’s life and should not have been broadcast. The station responded that the remark was just an example of the heated debates that sometimes occur in talk radio and that it did not believe that the caller had truly intended to promote violence. The Atlantic Regional Panel agreed with the broadcaster, noting that “caller Joe was merely advocating that Paul Watson be accorded the life of the seals he valued so much, as in, if you like the seals to that extent, go live with them and suffer their fate, including the worst that may befall them. [...]

The Panel does not, however, conclude that the broadcast in any way *advocated* or *sought* such an eventuality. The Panel does not consider that the comment was inciting, sanctioning or glamorizing violence” and therefore found no violation of Clause 9(a).

### Accurate and Proper Presentation of News

As mentioned above in the Television Decisions section, Clause 5 of the *CAB Code of Ethics* and Article 1 of the *RTNDA Code of (Journalistic) Ethics* both require that news be presented accurately and fairly. There are a number of other provisions relating to news that the CBSC applies depending on the specific issues raised by the complainant. For example, the CBSC applies Clause 6 of the *CAB Code of Ethics*, which deals in part with the “proper” presentation of news, when a complainant alleges that a news report has sensationalized a story. Article 3 of the *RTNDA Code of (Journalistic) Ethics* states that interviews should not be edited so as to change or misrepresent the meaning of the speaker’s words. Article 11 of that Code requires broadcasters to honour the intellectual property of others. Clause 12 of the *CAB Code of Ethics* requires that promotions not be misleading; that provision applies to promos for news programming just as well as to all other types of promos. All of these Code provisions were applied in a single radio decision this year.

The British Columbia Regional Panel found a number of problems with the broadcast it considered in *CKWX-AM re news reports about SkyTrain* (CBSC Decision 06/07-1127, August 19, 2008). CKWX-AM (News 1130) had provided coverage of the safety of Vancouver’s rapid transit system, SkyTrain. SkyTrain’s CEO had issued a public statement about the safety of the system. Teasers and promos for the story were aired throughout the afternoon of May 1, 2007 and the story itself was broadcast during each top-of-hour and half-hour newscast. The teasers and promos used language such as “Even the boss of SkyTrain says he wouldn’t let his kids travel alone late at night on the system.” The story itself included an audio clip of the SkyTrain CEO, as well as an interview with a SkyTrain user. The CBSC received a complaint from the

company TransLink, which is the company that owns SkyTrain. It complained that the coverage had left the impression that SkyTrain’s CEO believed the system was unsafe, when in fact his full commentary stated that he would not allow his children to go *anywhere* alone at night because travelling in groups and in well-lit areas was simply the prudent thing to do. TransLink also complained that SkyTrain’s CEO was misidentified in some of the promos as TransLink’s CEO, that the station had not identified the source of the interview clip as SkyTrain’s own website, and that the teasers and reports had been exaggerated to generate audience interest. The Panel agreed with the complainant company on all counts. It found a violation of Clause 5 of the *CAB Code of Ethics* and Article 1 of the *RTNDA Code of (Journalistic) Ethics* for inaccurately calling the CEO of SkyTrain the CEO of TransLink. It found that CKWX “decontextualized [the interview with the SkyTrain CEO], and recast it in ways that had little or nothing to do with the original material,” contrary to Article 3 of the RTNDA Code. The Panel also found the broadcaster in violation of Clause 6 of the *CAB Code of Ethics* because the reports referred to “recent violence” on the SkyTrain system and claimed that people were extremely concerned about their safety, but provided no information to back up these claims. In addition, the Panel found that the promos and teasers were misleading, contrary to Clause 12 of the CAB Code because “there was no *shocking* admission, nor any *surprising* news [as the teasers advertised] [...] in the CEO’s stating that he would not permit his child to travel ‘alone at night.’” CKWX also gave the impression that the CEO’s comments had been provided in an interview with a station reporter when in fact they had come from a clip posted on SkyTrain’s website. Failure to identify the source of the clip violated Article 11 of the RTNDA Code.

## SUMMARY DECISIONS

Summary Decisions are issued to the complainant only when the matter raised in the complaint is one that has been addressed by the CBSC in previous decisions and an Adjudicating Panel has determined that the point at issue will *not* amount to a Code violation. Since Summary Decisions do not involve a formal Panel adjudication or discussion of any new point of CBSC principles, they are dealt with as a matter of private correspondence between the Secretariat and the complainant, and they are not posted on the CBSC's website, unlike Panel Decisions. (For a definition and explanation of what constitutes a Panel Decision, see the heading "Panel Decisions" at p. 5). Procedurally, in the case of a Summary Decision, the CBSC Secretariat reviews all correspondence relating to the complaint

from both the complainant and the broadcaster and watches or listens to the challenged broadcast. A Summary Decision explains why the matter did not require a Panel adjudication. It is a reasoned explanation, which cites previous CBSC Panel Decisions as authority for its determination. As just noted, Summary Decisions are not made public; a letter is sent to the complainant with a copy to the broadcaster in question. The CBSC issued a total of 52 Summary Decisions in 2008/2009, compared to the 60 Summary Decisions it released the previous year.

As in previous years, the greatest number of those Summary Decisions involved English-language television broadcasts. A breakdown of the language of the broadcasts that resulted in Summary Decisions follows.

### Language and Medium of Broadcasts that Resulted in Summary Decisions

Language		English	French	Other	Total
Medium	Radio	14	5	0	19
	Television	29	4	0	33
	<b>Total</b>	43	9	0	52

### Hot Topics in Summary Decisions

Twelve Summary Decisions this year dealt with the broadcast of sexual content on either television or radio. The CBSC has established in numerous previous Panel Decisions that vague references to sexuality and instances of sexual innuendo can be broadcast at any time of day and will not be in violation of the Code provisions relating to the scheduling of sexual content. With respect to explicit or detailed depictions or descriptions of sexual activity, as long as they are broadcast between 9:00 pm and 6:00 am with appropriate viewer advisories on television, they will not constitute a Code violation. The CBSC's assessment of the explicitness of the sexual content is the same regardless of the gender of the participants; that is to say depictions or mentions of intimate activity between same-sex couples will not be deemed any more explicit on that account than activity between heterosexual couples.

Another 12 Summary Decisions fell into the broad category of improper comments/content. Those complaints generally expressed concerns about one of two things: inappropriate comments about a controversial public issue; or insults directed at a specific individual or group. The CBSC has determined in previous Panel Decisions that broadcasters are fully entitled to broadcast a variety of opinions on political and social topics even if those opinions are controversial, provocative or unpopular. They are also allowed to broadcast criticisms of public figures (such as celebrities and politicians) or groups (such as political parties or social groups), as long as those criticisms are based on the views or actions of the people/groups and do not constitute nasty, baseless personal attacks.

Ten Summary Decisions this year raised issues relating to biased or unfair news or information. In general, broadcasters need not cover every fact and facet of a situation within a single report or program. Similarly, they need not seek out comments from all sides, especially in the context of a brief factual account of events. When reports do contain comments from opposing sides of an issue, precisely equal time need not be given

to both parties. Some news programs have an editorial segment or conduct interviews with experts, while some public affairs programs contain a significant amount of opinion-based comment. This type of content is by its very nature biased because it presents someone's point of view; this is entirely acceptable under the Codes.

A total of eight Summary Decisions dealt with complaints about discrimination based on religion, race or ethnicity. In order to be considered problematic, a broadcast must actually mention a specific religion, race or ethnicity. In addition, numerous previous CBSC decisions have established that it is not the mere mention of an identifiable group that will violate a Code; rather, the comments or depictions must make extremely negative or insulting generalizations about the entire group to be found in breach. Discussing political or historical matters that may involve an identifiable group will not necessarily be problematic even if the group is criticised for some of its policies. In addition, certain characters in a dramatic program who happen to be members of a particular identifiable group may be portrayed as villains, but such depictions do not on that account amount to abusive or stereotypical representations of the entire group. The use of religious words as swear words does not constitute an attack on that religion.

All three Summary Decisions that dealt with gender discrimination addressed complaints about the use of the word "guys" to refer to mixed-gender groups, which the complainants felt was insulting towards females. The CBSC noted that the word "guys" has colloquially come to be used for mixed-gender groups and that this usage is recognized by dictionaries. Moreover, this usage is not degrading or abusive towards females.

A smaller number of Summary Decisions dealt with other various topics. The table below provides statistics on the number of Summary Decisions that treated the various possible categories of issues raised by the complaints.

### Issues Raised in Complaints that Resulted in Summary Decisions

Issue Raised in Complaints	Number of Complaints *
Viewer Advisories	1
Bad Taste	1
Biased/Unfair/Imbalanced Information	10
Classification/Rating	1
Coarse Language	6
Conflict of Interest	1
Unfair Contest	0
Discrimination Based on Age	1
Discrimination Based on Disability	1
Discrimination Based on Ethnicity	2
Discrimination Based on Gender	3
Discrimination Based on Nationality	0
Discrimination Based on Race	2
Discrimination Based on Religion	4
Discrimination Based on Sexual Orientation	0
Exploitation of Children	1
General Improper Comments/Content	12
Inaccurate News or Information	4
Journalistic Conduct	0
Invasion of Privacy	0
Degrading Representation of Women	2
Scheduling	10
Sexual Content	12
Subliminal Advertising	0
Treatment of Callers to Open-Line Programs	2
Violence	4
Other	1

\*Some complaints raised more than one issue, so the total exceeds 52.

### 3. SUMMARY OF COMPLAINTS

#### Overview of correspondence Received

Canadian Association of Broadcasters (CAB); and the remaining two by ASC.

#### Complaints

In the 2008/2009 fiscal year, the CBSC opened a total of 2,140 complaint files, representing the largest number of complaints ever received by the Council in a single year. Not all of those complaints, however, raised issues that came within the purview of the Codes administered by the CBSC. Some of them, therefore, were forwarded on to other organizations better suited to deal with them. As is its practice, the CBSC nonetheless responded to all the complaints, including those sent elsewhere for resolution. This extends the public's awareness of, and familiarity with, the CBSC.

In most cases, a complaint is from one person and relates to a single broadcast. Sometimes, however, a particular broadcast or program will generate numerous complaints from different people. The CBSC experienced a few such cases this year.

- Of the 2,140 complaint files opened in fiscal 2008/2009, the CBSC actually handled 1,781 (or 83.2% of all complaints).
  - This year, 119 (5.6%) complaints were about broadcasters which are not CBSC members, so those letters were sent to the CRTC for resolution.
  - An additional 147 (6.9%) complaints raised issues about aspects of the broadcasting system which are regulated by the CRTC rather than the CBSC, so those too were forwarded to the CRTC.
  - Ninety-three (4.3%) complaints raised issues related to advertising and so were sent to Advertising Standards Canada (ASC), the self-regulatory agency responsible for dealing with complaints about advertising in any medium.
  - Of the 2,140 complaints received this year, 1,089 (or 50.9%) were sent directly to the CBSC; 1,045 (48.8%) were forwarded to the CBSC by the CRTC; four were forwarded by the
- During the summer of 2009, TQS broadcast a contest program entitled *Call-TV*. Viewers were encouraged to phone or text message the program to answer questions or solve puzzles, and win cash prizes. Between June 2 and August 31, 2009, the CBSC received a total of 256 written complaints about the program; complaints continued to arrive as the 2009/2010 fiscal year began. The CBSC also received numerous telephone inquiries about the program. Viewers complained about various aspects of the show, including the fairness, transparency and misleading nature of some of the contests, as well as off-air situations, such as the billing of calls despite a busy signal. The CBSC was only able to deal with the on-air aspects; it released a Quebec Regional Panel decision in August.
  - The CBSC received numerous complaints about controversial comments made by Québec filmmaker and political activist Pierre Falardeau regarding the decision to hold a re-enactment of the Battle of the Plains of Abraham to commemorate the 250<sup>th</sup> anniversary of France's defeat by the British in North America. Complainants were concerned that Falardeau had made comments that could incite violence against participants of the re-enactment. A total of 184 complainants referred to the comments Falardeau made on the LCN public affairs program

*Franchement Martineau* on February 3, 2009, while another seven referred to Falardeau's interview on radio station CJMF-FM the same day. Only one individual requested that the CBSC rule on the broadcast, so the CBSC will be issuing a decision in the upcoming fiscal year.

- Another case of controversial political speech generated 180 complaints. CJMF-FM radio host Sylvain Bouchard expressed his view that feminist activist and leader of the political party Québec Solidaire, Françoise David, should not be held up as a heroine in a high school workbook for a course on culture and ethics, especially if no other politicians were mentioned. He encouraged students to tear out the page in an act of defiance against the school system for what he viewed as "brainwashing" by "leftists". Listeners were concerned that Bouchard had insulted David, her supporters, feminists, and high school teachers, and had inappropriately encouraged young people to commit vandalism. Six complainants filed Ruling Requests and the CBSC will issue a decision in the 2009/2010 fiscal year.
- Another case that generated considerable public controversy involved an interview conducted by CTV Atlantic journalist Steve Murphy with federal Liberal leader Stéphane Dion on October 9, 2008, just prior to the general election. Murphy posed a question to Dion which was confusing and not easily understood. Dion asked to re-start the interview a number of times before answering the question at length. The re-starts and the complete interview were broadcast during CTV Atlantic's 6:00 pm newscast that day and again during CTV Newsnet's public affairs program *Mike Duffy Live Prime Time*. A total of 46 viewers complained that the broadcasts had been unfair to Dion. The CBSC agreed and issued two decisions (one for each broadcast) in May 2009.

### A Special Request from the CRTC

Public broadcasters, such as the CBC/SRC, TVOntario, TFO, Télé-Québec, SCN, CKUA and Knowledge, and most community stations, are not currently CBSC members. Any complaints about broadcasts on those stations are thus dealt with by the CRTC.

This year, the CRTC received 210 complaints about SRC's New Year's Eve variety program *Bye Bye 2008*. The program contained numerous comedic sketches. Viewers were concerned about different aspects of the sketches, including negative comments about Blacks and other groups, mocking of celebrities and politicians, trivialization of violence against women, and inappropriate sexual content during a family program.

In light of the CBSC's expertise in the area of content regulation, the CRTC asked the CBSC to review the complaints and provide its expert opinion. The CBSC did so by way of its customary decision process. The Quebec Regional Panel found some of the content problematic under the Codes and other portions acceptable.

The CRTC's *Bye Bye 2008* complaints are not included in the CBSC's 2,140 total complaints received, except for two which came directly to the CBSC in the first place. Those two are included in the 1,781 complaints handled.

### General Correspondence

Correspondence which the CBSC classifies as "General Correspondence" differs from, and is not included in, the category of "Complaints". General Correspondence consists of letters from people wishing to obtain information or make a comment, rather than file an actual complaint. The CBSC received 142 such letters in 2008/2009. Those 142 are in addition to the 2,140 pieces of correspondence that are considered "complaints"; when added in, these bring the total number of files opened this year to 2,282. The General Correspondence letters included requests for information about the CBSC and the Codes it administers, as well as questions about specific broadcasters' contact information or program schedules.

The CBSC also includes letters from individuals (other than the original complainant) that express dissatisfaction with a CBSC decision in this category. This year, the CBSC also received correspondence from individuals expressing their views on issues currently being debated within the Canadian broadcasting industry, but in which the CBSC has no involvement; for example, people expressing their support for local television.

## Radio and Television Complaints

(67.5%);

As mentioned above, the CBSC opened 2,140 complaints, but 359 of those were referred to other organizations better suited to deal with them. The CBSC, therefore, actually handled 1,781 complaints. Of those 1,781 complaint files handled by the CBSC,

- 524 dealt with conventional radio programming (29.4%);
- 4 dealt with satellite radio programming (0.2%);
- 1,203 dealt with conventional or specialty television programming

- 6 dealt with pay, pay-per-view or video-on-demand television programming (0.3%);
- 6 dealt with general concerns about broadcasting (0.3%); and 38 were not about broadcasting content (2.1%).

## Adjudicating Panels

Complaints are classified by adjudicating panels according to the location of the broadcaster that is the subject of the complaint.

<b>Region of Complaint (Adjudicating Panels)</b>							
<b>Adjudicating Panel</b>	<b>Conventional Radio</b>	<b>Satellite Radio</b>	<b>Television (Conventional &amp; Specialty)</b>	<b>Pay, Pay-Per-View &amp; Video-on-Demand Television</b>	<b>N/D</b>	<b>N/A</b>	<b>Total</b>
Atlantic	18	0	48	0	1	1	68
Quebec	255	1	607	2	0	7	872
Ontario	165	3	116	0	2	13	299
Prairie	46	0	36	0	1	4	87
B.C.	40	0	59	0	1	6	106
National Conventional Television	0	0	77	0	0	1	78
National Specialty Services	0	0	239	4	0	3	246
Non-determined	0	0	21	0	1	3	25
<b>TOTAL</b>	524	4	1,203	6	6	38	1,781

### Notes:

- 1) The vertical "Non-determined" (N/D) axis includes complaints that described a content issue, but did not identify whether it was television or radio programming. The vertical "Not Applicable" (N/A) axis includes complaints concerning matters other than radio or television programming, such as internet content, print media, or bills from telecommunications companies.
- 2) The region of complaint origin is determined by the location of the broadcaster, unless the concern relates to matters which must be dealt with by one of the National Panels (principally resulting from the national nature of the broadcaster identified in the complaint). When complaints received by e-mail provide only the complainant's e-mail address, and where no other clues as to the appropriate region are provided in the complaint, it is categorized as non-determined.

## Language of Program

Of the 1,781 complaint files handled by the CBSC,

- 845 complaints dealt with English-language programming (47.4%);
- 853 dealt with French-language programming (47.9%);
- 30 dealt with third-language programming (1.7%);
- 17 complaints did not provide enough information to identify the language of the programming (1.0%);
- 36 were about off-air issues or non-broadcasting matters, so language was irrelevant (2.0%).

## Source of Program

Of the 1,781 complaint files handled by the CBSC,

- 1,287 complaints dealt with Canadian programming (72.3%);
- 390 dealt with foreign programming (21.9%);
- 83 did not provide enough information to determine the national origin of the programming (4.7%);
- 21 were about off-air issues or non-broadcasting matters, so source was irrelevant (1.2%).

**Language of Program**

	Conventional Radio	Satellite Radio	Conventional & Specialty TV	Pay, Pay-per-view & Video-on-demand TV	N/D	N/A	Total
<b>Language</b>							
English	244	2	574	4	6	15	845
French	244	0	601	2	0	6	853
Third Language	28	0	2	0	0	0	30
Non-determined	6	0	10	0	0	1	17
Not applicable	2	2	16	0	0	16	36
<b>TOTAL</b>	524	4	1,203	6	6	38	1,781

**Source of Program**

	Conventional Radio	Satellite Radio	Conventional & Specialty TV	Pay, Pay-per-view & Video-on-demand TV	N/D	N/A	Total
<b>Source</b>							
Canadian	507	0	753	0	5	22	1,287
Foreign	14	0	372	4	0	0	390
Non-determined	2	2	74	2	1	2	83
Not applicable	1	2	4	0	0	14	21
<b>TOTAL</b>	524	4	1,203	6	6	38	1,781

## Notes:

- 1) As in the "Region of Complaint" table, the vertical "Non-determined" (N/D) axes of the two tables above include complaints that described a broadcast content issue, but did not identify whether it was television or radio programming. The vertical "Not Applicable" (N/A) axes include complaints concerning matters other than radio or television programming, such as internet content, print media, or bills from telecommunications companies. Since some of those complaints were about media content such as website content or newspaper articles (just not content broadcast on television or radio), the language and national origin could be identified for that content.
- 2) The horizontal "Non-determined" axes refer to complaints for which there was not enough information for the CBSC to determine the language of the broadcast (in the "Language of Program" table) or the national origin of the programming (in the "Source of Program" table). The horizontal "Not Applicable" axes refer to complaints that raised issues relating to off-air matters or non-broadcast content, so language and source of programming were not relevant, but some of those complaints nevertheless identified a particular station or broadcast medium.

## Type of Program – Radio

The CBSC classifies the type of programming of its complaints in a non-exclusive manner, i.e. allowing for a program to be classified under more than one category. While this provides more useful information to readers, the sum of the radio complaints in the table

below, if totalled, would naturally exceed the actual number of radio complaints received in 2008/2009. This table provides a breakdown only of the 528 radio complaints actually handled by the CBSC (not any that were referred elsewhere).

Type of Program	# of Conventional Radio Complaints	# of Satellite Radio Complaints
Advertising	13	0
Comedy	19	0
Contests	10	0
Fantasy	1	0
Information	10	0
Infomercial	0	0
Informal Discourse	89	1
News and Public Affairs	45	0
Open Line/Talk Show	296	0
Promos	6	0
Public Service Announcement	0	0
Religious Program	10	0
Songs	41	1
Sports	14	0
Undetermined	8	0
Non-applicable	5	2

## Type of Program – Television

As explained in the immediately preceding section, the CBSC classifies the type of programming of its complaints in a non-exclusive manner. The reader should refer to that explanation to understand the numbers provided in the table below. This table

provides a breakdown only of the 1,209 television complaints actually handled by the CBSC (not any that were referred elsewhere).

Type of Program	# of Conventional & Specialty Television Complaints	# of Pay, Pay-Per-View & Video-on-Demand Television Complaints
Advertising	89	0
Animation	35	0
Children's Programming	2	0
Comedy	70	0
Contests	254	0
Drama	23	0
Documentaries	35	0
Fantasy / Science Fiction	1	0
Game Show	1	0
Infomercial	2	0
Informal Discourse	0	0
Information	39	1
Movie	23	5
Music Video / Song	5	0
News and Public Affairs	464	0
Open-Line/Talk Show	9	0
Promos	54	0
Public Service Announcement	19	0
Reality Programming	57	0
Religious	20	0
Sports	57	0
Station ID Logo	1	0
Variety	6	0
Undetermined	19	0
Non-applicable	5	0

## Keywords

The CBSC classifies complaints using a set of non-exclusive keywords. Similar to the program type classification system described above, keyword classification is non-exclusive, *i.e.* allowing for a complaint to be classified under more than one category. As a result, the sum of the entries in the table below, if totalled, would naturally exceed the actual number of complaints received in 2008/2009. This table provides a breakdown

only of the 1,781 complaints actually handled by the CBSC (prior to the 2006/2007 Annual Report, the Keyword table provided a breakdown of all files opened by the CBSC, including General Correspondence). Unlike in the above tables, both conventional radio and satellite radio complaints are combined under the heading "Radio", while conventional, specialty, pay, pay-per-view and video-on-demand television complaints are all combined under the heading "Television".

Keywords

	Radio #	Television #	Total #
Advisories	2	24	26
Age Discrimination	2	1	3
Bad Taste	4	1	5
Bias/Unfair/Imbalanced Information	27	139	166
Classification/Rating	1	28	29
Coarse Language	44	81	125
Conflict of Interest	4	25	29
Contests -- Dangerous	1	1	2
Contests -- Unfair	7	250	257
Disability Discrimination	12	19	31
CRTC Matter	3	20	23
Ethnic Discrimination	8	4	12
Exploitation of Children	2	10	12
Gender Discrimination	12	6	18
Improper Comments	274	252	526
Inaccurate News/Info	29	39	68
Journalistic Conduct	1	49	50
National Discrimination	21	29	50
Other	8	39	47
Privacy	17	12	29
Program Selection/Quality	10	47	57
Racial Discrimination	30	19	49
Religious Discrimination	19	17	36
Representation of Men	1	4	5
Representation of Women	21	19	40
Scheduling	51	202	253
Sexual Content	37	122	159
Sexual Orientation -- Discrimination	24	16	40
Subliminal Content	0	2	2
Treatment of Callers	8	0	8
Violence	25	230	255

## Status of Complaints at Year End

Of the 1,781 files handled by the CBSC, 998 (56.0%) were “code relevant and specific complaints”, meaning that they (a) provided sufficient information concerning the broadcast in question to enable follow-up by the CBSC and (b) related to a code provision administered by the CBSC. The remaining 783 (44.0%) complaints were considered “general”, meaning, for example, that they may not have provided sufficient detail to enable follow-up, may not have raised an issue under the Codes administered by the Council or were made too late; consequently, these files were closed by the CBSC immediately following its response to the

complainant.

Of the 998 “code relevant and specific” complaints, 702 (70.3% of code relevant and specific complaints) will not require follow-up by the CBSC as they were resolved at the level of broadcaster and complainant communication. Forty-two complaints (4.2%) were resolved through the release of decisions of the various Panels and the CBSC Secretariat. 182 complaints (18.2%) have yet to complete the dialogue process with the broadcaster and 72 (7.2%) complaints are at various stages in the complaints review process, i.e. the complainant has requested a ruling by the CBSC.

## 4. ADJUDICATORS

Below is a list of CBSC Adjudicators who have served for some or all of fiscal 2008/2009. A short biography remains on the CBSC's website at [www.cbsc.ca](http://www.cbsc.ca) during their term.

Since Adjudicators come and go during the year, it may appear that there is more than one Chair or Vice-Chair, but the positions are held successively, not on an overlapping basis. There may be up to six public Adjudicators and six industry Adjudicators on each Regional Panel. The two National Panels, which share the twelve Public Adjudicators, plus six Industry Adjudicators on each, are chaired by the National Chair. Overall, there

remained twenty-six vacancies to fill as of the end of the fiscal year.

There is also a category of At Large Adjudicators, to which individuals may be appointed when they are ineligible to sit on any of the Panels on a permanent basis. These Adjudicators may sit on any of the Panels on an *ad hoc* basis, representing either the public or industry, depending on their most recent affiliation. There are up to sixteen positions that may be held by At Large Adjudicators. There remained six vacancies to fill at the end of the fiscal year.

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### *ATLANTIC REGIONAL PANEL*

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Hilary Montbourquette, Chair, Industry Adjudicator  
Burnley A. (Rocky) Jones, Vice-Chair, Public Adjudicator  
Bob MacEachern, Industry Adjudicator  
Carol McDade, Industry Adjudicator  
Randy McKeen, Industry Adjudicator  
Roberta Morrison, Public Adjudicator  
Toni-Marie Wiseman, Industry Adjudicator

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### *BRITISH COLUMBIA REGIONAL PANEL*

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Sally Warren, Chair, Public Adjudicator  
Hudson Mack, Vice-Chair, Industry Adjudicator  
Hiroko Ainsworth, Public Adjudicator  
Jasmin Doobay, Industry Adjudicator  
Gordon Leighton, Industry Adjudicator  
Mason Loh, Public Adjudicator  
Olivia Mowatt, Public Adjudicator  
Tom Plasteras, Industry Adjudicator  
Joan Rysavy, Public Adjudicator  
Norman Spector, Public Adjudicator

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**ONTARIO REGIONAL PANEL**

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Madeline Ziniak, Chair, Industry Adjudicator  
Robert Stanbury, Chair, Public Adjudicator  
Hanny Hassan, Vice-Chair, Public Adjudicator  
Bill Bodnarchuk, Industry Adjudicator  
Jennifer David, Public Adjudicator  
Madelyn Hamilton, Industry Adjudicator  
Karen King, Industry Adjudicator  
Leesa Levinson, Public Adjudicator  
Mark Maheu, Industry Adjudicator  
Mark Oldfield, Industry Adjudicator  
John Pungente, Public Adjudicator  
Cynthia Reyes, Public Adjudicator

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**PRAIRIE REGIONAL PANEL**

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Daniel Ish, Chair, Public Adjudicator  
Vic Dubois, Vice-Chair, Industry Adjudicator  
Vince Cownden, Industry Adjudicator  
Dorothy Dobbie, Public Adjudicator  
Jennifer Fong, Public Adjudicator  
Kelly Johnston, Industry Adjudicator  
Kurt Leavins, Industry Adjudicator  
Rey Pagtakhan, Public Adjudicator  
Mike Shannon, Industry Adjudicator  
Eleanor Shia, Public Adjudicator  
Glenda Spenrath, Industry Adjudicator

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**QUEBEC REGIONAL PANEL**

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Dany Meloul, Chair, Industry Adjudicator  
Suzanne Couin, Chair, Industry Adjudicator  
Gilles Moisan, Vice-Chair, Public Adjudicator  
Bernard Guérin, Industry Adjudicator  
Yves Bombardier, Industry Adjudicator  
Monika Ille, Industry Adjudicator  
John Paul Murdoch, Public Adjudicator  
Robert Parent, Industry Adjudicator  
Marie-Anne Raulet, Public Adjudicator

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**NATIONAL Panels**

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**Public Adjudicators**

Ronald I. Cohen, Chair  
Howard Pawley, Vice-  
Chair  
Andrew Cardozo  
Sharon Fernandez  
Meg Hogarth  
Allan Mirabelli  
Fo Niemi  
Peter O'Neill

**Specialty Services  
Adjudicators**

Jon Medline, Vice-Chair  
Suzanne Gouin  
Lea Todd

**Conventional Television  
Adjudicators**

Jim Macdonald, Vice-Chair  
Bob Culbert  
Peggy Hebden  
Tina-Marie Tatto

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**AT LARGE ADJUDICATORS**

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Daryl Braun, Industry Adjudicator  
Sarah Crawford, Industry Adjudicator  
Rita Deverell, Industry Adjudicator  
Elizabeth Duffy-MacLean, Industry Adjudicator  
Prem Gill, Industry Adjudicator  
Michael Harris, Industry Adjudicator  
Mike Omelus, Industry Adjudicator  
Joan Pennefather, Public Adjudicator  
Gerry Phelan, Industry Adjudicator  
Pip Wedge, Industry Adjudicator

## LIST OF CBSC MEMBERS BY REGION

### Newfoundland

CFCB · CFCV-FM/RB\*\* · CFDL-FM/RB\*\* · CFGN/RB\*\* · CFLC-FM/RB\*\* · CFLN · CFLW/RB\*\* · CFNN-FM/RB\*\* · CFNW/RB\*\* · CFOZ-FM/RB\*\* · CFSX · CHCM · CHOS-FM/RB\*\* · CHOZ-FM · CHVO FM · CIOS-FM/RB\*\* · CIOZ-FM/RB\*\* · CJON-TV · CJOZ-FM/RB\*\* · CJYQ · CKCM · CKGA · CKIM/RB\*\* · CKIX-FM · CKOZ-M/RB\*\* · CKUO · CKVO · CKXB/RB\*\* · CKXD-FM · CKXG-FM · CKXX-FM · VOXM · VOXM-FM

### P.E.I.

CHTN

### Nova Scotia

ASN · CFDR · CFRQ-FM · CHRK-FM · CIGO-FM · CIHF-TV · CIJK-FM · CIOO-FM · CJCJ-TV · CJCH-FM · CJCH-TV · CJFX-FM · CJLS-FM · CJNI-FM · CKBW-FM · CKTO-FM · CKTY-FM · CKUL-FM

### New Brunswick

CFRK-FM · CFXY-FM · CHNI-FM · CHSJ-FM · CHTD-FM · CHWV-FM · CIBX-FM · CIKX-FM/RB · CJCJ-FM · CJMO-FM · CJXL-FM · CKBC-FM · CKCW-TV · CKHJ · CKLT-TV · CKNI-FM

### Quebec

CFAP-TV · CFCF-TV · CFCM-TV · CFDA-FM · CFEI-FM · CFEL-FM · CFEM-TV · CFER-TV · CFGL-FM · CFGS-TV · CFGT · CFIX-FM · CFJO-FM · CFJP-TV · CFKM-TV · CFKS-TV · CFLO-FM · CFLO-FM-1/RB\*\* · CFMB · CFOM-FM · CFQR-FM · CFRS-TV · CFTM-TV · CFTX-FM · CFVD-FM · CFVM-FM · CFVS-TV · CFZZ-FM · CHAU-TV · CHEM-TV · CHEY-FM · CHGO-FM · CHGO-FM-1/RB\*\* · CHIK-FM · CHJM-FM · CHLN-FM · CHLT-FM · CHLT-TV · CHLX-FM · CHMP-FM · CHOA-FM · CHOE-FM · CHOI-FM · CHOM-FM · CHOT-TV · CHRC · CHRD-FM · CHRL-FM · CHRM-FM · CHVD-FM · CHXX-FM · CIGB-FM · CIKI-FM · CIME-FM · CIMF-FM · CIMO-FM · CINF · CINW · CITE-FM · CITE-FM-1 · CITF-FM · CJAB-FM · CJAD · CJDM-FM · CJFM-FM · CJGO-FM · CJLA-FM · CJLP/RB\*\* · CJMF-FM · CJMM-FM · CJMQ-FM · CJMV-FM · CJNT-TV · CJOI-FM · CJPM-TV · CJRC · CKAC · CKDG-FM · CKGM · CKLD-FM · CKLX-FM · CKMF-FM · CKMI-TV · CKOI-FM · CKRB-FM · CKRN-TV · CKRS-FM · CKRT-TV · CKSH-TV · CKSM/RB\*\* · CKTF-FM · CKTM-TV · CKTV-TV · CKVM-FM · CKXO-FM · CKYK-FM

### Ontario

CFBG-FM · CFCA-FM · CFFX-FM · CFGO · CFGX-FM · CFHK-FM · CFJR-FM · CFLG-FM · CFLY-FM · CFLZ-FM · CFMJ · CFMK-FM · CFNY-FM · CFOB-FM · CFPL · CFPL-FM · CFPL-TV · CFRA · CFRB · CFTR · CFXJ-FM · CFZM-AM · CHAM · CHAS-FM · CHAY-FM · CHBX-TV · CHCD-FM · CHCH-TV · CHEX-TV · CHEZ-FM · CHFD-TV · CHFI-FM · CHKS-FM · CHKT · CHKT-DR-2 · CHML · CHMS-FM · CHMS-FM/RB\*\* · CHNO-FM · CHOK · CHOK-FM · CHPR-FM · CHRE-FM · CHRO-TV · CHST-FM · CHTZ-FM · CHUC · CHUM · CHUM-FM · CHUR-FM · CHVR-FM · CHWI-TV · CHYC-FM · CHYK/RB\*\* · CHYK-FM · CHYM-FM · CHYR-FM · CIBU-FM · CICI-TV · CICX-FM · CICZ-FM · CIDC-FM · CIDR-FM · CIGL-FM · CIGM-FM · CIHT-FM · CIII-TV · CILQ-FM · CILV-FM · CIMJ-FM · CIMX-FM · CING-FM · CIQB-FM · CIQM-FM · CIRS · CIRV-FM · CISS-FM · CITO-TV · CITS-TV · CITY-TV · CIWW · CJBK · CJBK-TV · CJBQ · CJBX-FM · CJCL · CJDV-FM · CJET-FM · CJEZ-FM · CJMJ-FM · CJMR · CJMX-FM · CJOY · CJPT-FM · CJQM-FM · CJQQ-FM · CJRL-FM · CJRQ-FM · CJSB-FM · CJSJ-FM · CJSD-FM · CJSP · CJSS-FM · CJTN-FM · CJUK-FM · CJXY-FM · CKAP-FM · CKAT · CKBT-FM · CKBY-FM · CKCB-FM · CKCO-TV · CKDK-FM · CKDR-FM · CKEY-FM · CKFM-FM · CKFX-FM · CKGB-FM · CKGL · CKIS-FM · CKKL-FM · CKKW · CKLC-FM · CKLH-FM · CKLW · CKLY-FM · CKNR-FM · CKNX · CKNX-FM · CKNX-TV · CKNY-TV · CKOC · CKPR · CKPR-TV · CKPT · CKQB-FM · CKQM-FM · CKRU · CKSL · CKTB · CKTG-FM · CKVR-TV · CKWF-FM · CKWS-TV · CKWW · CKXT-TV · CTV Ottawa · CTV Toronto · OMNI.1 · OMNI.2

### Manitoba

CFAM · CFAR · CFEQ-FM · CFOX-FM · CFRW · CFRY · CFRY-FM · CFWM-FM · CHIQ-FM · CHMI-TV · CHNK-FM · CHSM · CHTM · CHVN-FM · CIIT-TV · CILT-FM · CITI-FM · CJAR · CJAW-FM · CJEL-FM · CJGV-FM · CJKR-FM · CJOB · CJPG-FM · CJRB · CJSB-FM · CKDM · CKFI-FM · CKJS · CKLF-FM · CKLQ · CKMM-FM · CKMW · CKND-TV · CKVX-FM · CKXA-FM · CKX-FM · CKY-FM · CKY-TV · NCI-FM

### Saskatchewan

CFMC-FM · CFMM-FM · CFQC-TV · CFRE-TV · CFSK-TV · CFSL · CFWD-FM · CFWF-FM · CFYM · CHAB · CHBD-FM · CHMX-FM · CHQX-FM · CHSN-FM · CICC-TV · CILG-FM · CIMG-FM · CIPA-TV · CIZL-FM · CJCQ-FM · CJDJ-FM · CJGX · CJHD-FM · CJME · CJMK-FM · CJNB · CJNS · CJSL · CJSN · CJVR-FM · CJWW · CJYM · CKBI · CKBL-FM · CKCK-FM · CKCK-TV · CKJH · CKOM · CKRM · CKSW

**Alberta**

CFAC · CFBR-FM · CFCN-TV · CFCW · CFDV-FM · CFEX-FM · CFFR · CFGP-FM · CFGQ-FM · CFIT-FM-1 · CFIT-FM · CFMG-FM · CFMY-FM · CFOK · CFRI-FM · CFRN · CFRN-TV · CFRV-FM · CFUL-FM · CFVR-FM · CFXE · CFXG · CFXH-FM · CFXL-FM · CFYO-FM · CFXP-FM · CFXW-FM · CHAT-FM · CHAT-TV · CHBN-FM · CHBW-FM · CHCA-TV · CHDI-FM · CHED · CHF-FM · CHF-FM-1/RB\*\* · CHKF-FM · CHLB-FM · CHLW · CHMC-FM · CHMN-FM · CHQR · CHQT · CHRFB · CHRK-FM-3/RB\*\* · CHSL-FM · CHUB-FM · CIBK-FM · CIBQ · CIBW-FM · CICT-TV · CIGY-FM · CILB-FM · CIRK-FM · CISA-TV · CISN-FM · CITL-TV\*\*TS · CIVT-TV · CIXF-FM · CIXM-FM · CIZZ-FM · CJAQ-FM · CJAY-FM · CJBZ-FM · CJCO-TV · CJEG-FM · CJMN-FM-1/RB\*\* · CJOK-FM · CJPR-FM · CJRX-FM · CJUV-FM · CJXK-FM · CJXX-FM · CKAL-TV · CKBA · CKCE-FM · CKCS-TV · CKDQ · CKEM-TV · CKER-FM · CKES-TV · CKGY-FM · CKHL/RB\*\* · CKIS-FM · CKJR · CKKX-FM · CKKY · CKLA-FM/RB\*\* · CKLJ-FM · CKMH-FM · CKMX · CKNG-FM · CKRA-FM · CKRY-FM · CKSA-FM · CKSA-TV · CKSQ · CKUV-FM · CKVH · CKVN-FM · CKWA · CKWY-FM · CKYL · CKYX-FM

**British Columbia**

CFAX · CFBT-FM · CFBV · CFCP-FM · CFEK/RB\*\* · CFFM-2-FM · CFFM-FM · CFJC-TV · CFKC/RB\*\* · CFLD · CFMI-FM · CFNI · CFOX-FM · CFPW-FM · CFSR-FM · CFTK · CFTK-TV · CFUN · CHAN-TV · CHBC-TV · CHBE-FM · CHBZ-FM · CHDR-FM · CHEK-TV · CHHR-FM · CHKG-FM · CHMJ · CHNM-TV · CHNU-TV · CHNV-FM · CHOR · CHPQ-FM · CHQM-FM · CHRX-FM · CHSU-FM · CHTK · CHTT-FM · CHWF-FM · CIBH-FM · CIGF-FM · CIEG-FM/RB\*\* · CIFM-FM · CIGV-FM · CIOC-FM · CIOR · CIPN-FM/RB\*\* · CIQC-FM · CIRX-FM · CISC-FM/RB\*\* · CISE-FM · CISL · CISP-FM/RB\*\* · CISQ-FM · CISW-FM/RB\*\* · CIVH · CIVI-TV · CIVT-TV · CJAT-FM · CJAV-FM · CJCD-FM · CJCI-FM · CJDC · CJDC-TV · CJEK/RB\*\* · CJEO-TV · CJEV/RB\*\* · CJFW-FM · CJJR-FM · CJMG-FM · CJOR · CJSU-FM · CJVB · CJZN-FM · CKBX · CKBZ-FM · CKCL-FM · CKCL-FM-1/RB\*\* · CKCL-FM-2/RB\*\* · CKCQ-FM · CKCR · CKDV-FM · CKFR · CKGF-FM · CKGO-FM · CKGO-FM/RB\*\* · CKGR · CKIZ-FM · CKKC · CKKN-FM · CKKQ-FM · CKLG-FM · CKLR-FM · CKLZ-FM · CKMK/RB\*\* · CKNL-FM · CKNW · CKOR · CKOV-FM · CKPG-TV · CKPK-FM · CKQC-FM · CKQR-FM · CKRX-FM · CKSR-FM · CKST · CKTK-FM · CKVU-TV · CKWL-FM · CKWV-FM · CKWX · CKXR · CKYE-FM · CKZZ-FM

**National Broadcasters**

Animal Planet · APTN · BBC Canada · BBC Kids · BNN · Book Television · BPM TV · Bravo! · Canal D · Canal Évasion · Canal Vie · Cinépop · CMT · Cosmopolitan TV · Court TV Canada · CP24 · CPAC · CTV · CTV News Channel · DéjàView · Discovery Channel · Discovery Civilization · Discovery HD · Discovery Health Channel · Discovery Kids · DIY · documentary · Drive-In Classics · Encore Avenue · ESPN Classic Canada · Fairchild Television · Family Channel · Fashion Television · Food Network Canada · Fox Sports World · G4techTV Canada · Game TV · Global · Gol TV (Canada) · HARD ON Pridevision TV · Historia · History Television · Home & Garden Television Canada · I Channel · Independent Film Channel · Le canal nouvelles · Les idées de ma maison · MenTV · Météomédia · Movie Central · Movieola · MoviePix · MovieTime · MTV Canada · MusiMax · MusiquePlus · Mystery · National Geographic Channel · National Geographic HD · NHL Network · OLN · Out TV · Réseau des sports · RIS · Rogers Sportsnet · Scream · Setanta Sports · Séries+ · SexTV · Showcase Action · Showcase Diva · Showcase HD · Showcase Television · Silver Screen Classics · Sirius · Slice · Space · Star! · Super Écran · Talentvision · Teletatino · Teletoon · Télétoon · Teletoon Retro · The Accessible Channel · The Biography Channel · The Christian Channel · The Comedy Network · The Movie Network · The Pet Network · The Score · The Weather Network · Travel + Escape · Treehouse · TSN · TV Land Canada · TV5 · TVA · TVtropolis · VisionTV · VIVA · VRAK.TV · W Network · World Fishing Network · Xtreme Sports · XM · YTV · Z Télé