

Canadian Broadcast Standards Council

# Annual Report 2010/2011



For the fiscal year running from September 1, 2010 to August 31, 2011

**"Private Broadcasting, Public Trust"**

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# 1. MESSAGE FROM THE NATIONAL CHAIR

This is my 19<sup>th</sup> opportunity to provide a message in the CBSC's Annual Report. As I will be retiring from my position as National Chair at the end of calendar 2011, it is a good time to look back at where we have come in my nearly two decades as leader of the Council.

As a part of that review, I had a look at my first Message as National Chair in August 1993. At that time I noted that the "CBSC was the child of the private broadcast industry." In those early days, the CBSC was responsible for the administration of *three* Codes. In the intervening period, two of those Codes have been rewritten and the third entirely replaced by a thoroughly modern and original set of standards known as the *Equitable Portrayal Code*. In addition, the CBSC has taken on the administrative responsibility for the Radio–Television News Directors Association of Canada (now the RTDNA) *Code of (Journalistic) Ethics* and the two pay television codes. The CBSC has also, at the behest of the CRTC, created the *Journalistic Independence Code*.

In that first Annual Report Message, I spoke of our intention "to make our decisions more accessible to the public by publicizing them more broadly." I anticipated the need to modify the presentation of the decisions to make them "a more useful tool for those who wish to understand more explicitly the meaning attached to the various [standards]." I think it is fair to say that we have achieved that result in spades. There are, as of the end of the current fiscal year,

some 500 decisions on the CBSC website. The decisions themselves have grown individually from scanty conclusions about respect for the standards into far more detailed expositions of the applicable principles.

In the result, the CBSC has built a substantial jurisprudential base, which provides broadcasters and the public alike with a clear understanding of the rules applicable to broadcast content of all kinds. The Council deals with dramatic programming, comedy, radio talk shows, news and public affairs, reality shows, religious programming, editorial and opinion pieces, children's programs, adult content and so on. The Council's jurisdiction extends to all private broadcasters, whether on conventional radio, satellite radio, conventional television, specialty services or pay television. The Council also responds to complaints from the public about content in English, French or indeed any other language.

Membership has also reflected the widening responsibility of the CBSC. When I became National Chair in mid-1993, there were about 375 private broadcaster members. At the end of the current fiscal year, that number is closer to 760. I believe it is fair to observe that there is extremely broad buy-in to the self-regulatory process by Canada's private broadcasters.

I think it is equally correct to conclude that the CRTC considers the CBSC to be a fair,

objective, thoughtful and expert arbiter of public complaints about all kinds of broadcast content. On the one hand, the Commission has clearly stated that publicly on numerous occasions. On another hand, on the rare occasions when the Commission has been called upon to deal with content complaints about a non-CBSC broadcaster, whether public or private, it has not hesitated to refer to an earlier CBSC decision relevant to the matter it was then treating. On yet another hand, to casually rely on Tevye's obtuse sentence structure, the CRTC has occasionally relied on the CBSC's expertise in dealing with a matter that might otherwise have fallen squarely in the government regulator's lap.

### **The Past Year: Decisions**

Notwithstanding the CBSC's past experience, as it grew from infancy to its present status, it would be no exaggeration to observe that 2010-2011 has been an extraordinary year. Not only was the CBSC busy but it also encountered unusual circumstances. On the decision front, the Council delivered 92 decisions, 29 of which were of the formal, Panel-rendered variety; 63 were the Summary Decisions issued by the Secretariat, of which much has been written in our Annual Reports since 1997-1998, the year in which that procedure was introduced.

The total of 29 Panel decisions was higher than for any year since 2004-2005. But, among other things, it represented the achievement of a different major goal. As I noted in last year's Message, the CAB had agreed to raise our budget to accommodate the translation of *all* of our decisions into

both official languages for the first time since the *Mighty Morphin Power Rangers* decision in October 1994. Budgetary constraints had imposed the limitation of decision translation to adjudications related to broadcasts emanating from Quebec (although press releases associated with all decisions and all other CBSC documentation was published in both English and French). Since, however, all decisions from every region of the country apply to every other region, Francophone broadcasters and members of the public were not benefiting fully from the CBSC jurisprudence. That situation was rectified by the CAB's budgetary increase and, since September 1, 2010, every decision is published in both official languages. While that increased the CBSC workload this past year, it has been worth every cent.

There then remained the question of the existing unilingual decision base. Of the 479 decisions posted on our website at the end of the 2009-2010 fiscal year, only 122 had been translated into French. Thanks to the generosity of Cogeco in allocating a part of the significant benefits associated with its acquisition of Corus's Quebec radio stations, the CBSC is now engaged in the retrospective translation of the radio decisions portion of the Council's jurisprudence. As of the end of the current fiscal year, past radio decisions are becoming a part of the bilingual jurisprudence. More to come, of course. And, although I will not be in the chair when it occurs, I look forward to the day when funding for the unilingual television decisions is in place.

As to the substance of the Panel decisions, see the summary of the “Decisions released in 2010–2011” at p. 7. I could not, however, fail to take note in this Message of the kerfuffle associated with the decision of the CBSC’s Atlantic Regional Panel on the broadcast of the original version of Dire Straits’ song “Money for Nothing”. That decision, prompted by a complainant’s concern about the use of the word “faggot” three times in one stanza of the song, concluded that the song was inappropriate for broadcast. Needless to say, the conclusion was limited in its effect to the *broadcast*; it had no effect on the streaming of the song on the internet, much less its play on any other platforms. In any event, a flood of complaints about the decision ensued, exacerbated by the rapidity and expandable reach of social media.

The CRTC itself received more than 250 complaints about the decision. Noting that the issue had now become a national matter, the Commission requested that the CBSC convene a special national panel to review the matter, with specific direction to consider the context of the song (and certain other issues it outlined). The CBSC responded to the CRTC’s request and an *ad hoc* National Panel, reflecting every region of the country, was assembled to review the broadcast and original decision. For the first time, though, the CBSC issued a call for comments on its website in order to elicit information and reaction from persons across the country on issues such as context. That call elicited considerable useful information that permitted the *ad hoc* National Panel to come to its conclusions, which supported the Atlantic Panel’s assessment of the inappropriateness

of the “other f-word” but, on the basis of the information subsequently received, concluded that there had been contextual justification for the usage on *this* occasion. There was virtually no negative reaction to the decision by the *ad hoc* National Panel.

The CBSC learned much from the “Money for Nothing” saga. First, it was a recognition that the Council’s decisions have an impact on the public, whether positive (customarily) or adverse (fortunately rarely). Second, it was a reaffirmation of the faith of the CRTC in the self-regulatory process. Rather than taking the “corrective action” requested by some members of the public, the CRTC requested that the CBSC deal with the review on the basis of its “considerable experience”. The CBSC delivered. Third, there is perhaps some suggestion in the devolution of the decision and review that thought be given to the need for the CBSC to modify certain rules and processes to respond to new conditions.

### **The Past Year: Complaints**

If this year was busy in terms of decisions, our complaints went through the roof. Having gone from the early days of 215–275 complaints per annum to the roughly 2,000 complaints over the past few years, we hit 8,870 complaints this fiscal year (see the “Summary of Complaints” section at p. 28). The figure was admittedly inflated by the 6,636 individual complaints received about a *single* broadcast but there are intriguing aspects of the complaints numbers. First, almost 95% were sent directly to the CBSC. Generally, about half of the complaints come directly to us, with

about half being forwarded by the CRTC. This suggests a growing familiarity with the Council, which suggests that our efforts to become better-known, and hence more useful, are succeeding.

Second, the role of the social media has rendered one of our complaint-related rules more difficult to follow strictly. The CBSC has always required that a complainant see the television content (or hear the radio content) about which he/she is complaining. It has not always been possible to be absolutely certain that a complainant has been a first-hand observer but we have done our best to ensure that “qualification” before opening the process. We tried on an ongoing basis to avoid having to deal with complaints generated by newspaper or other media coverage of presumed broadcast excesses. Indeed, whenever content was edited for broadcast in one part of Canada, it was not at all certain that reported content actually ran on the version of the program in another part of Canada. Now, though, with podcasts and online storage of program episodes, and access amplified by Facebook, Twitter and other electronic finger-pointing, it has become nearly impossible to enforce that requirement. That may be another rule reflection to be faced in future.

### **Outreach Activities**

I have for many years visited individual broadcasters across the country in order to discuss matters of concern to them. Occasionally meetings are called by our members to review standards with their staff when, for example, on-air hosts are uncertain of their limits. That continued in

this past fiscal year. I also continued to report to the annual meetings of the British Columbia Association of Broadcasters and the Western Association of Broadcasters. I also continued to attend the RTNDA Board meetings as well as the Annual Meeting held in Halifax this year, and to give my annual lecture at BCIT in Burnaby, which has for more than a decade done its utmost to assure that its graduates are familiar with the broadcast codes and the self-regulatory process.

### **The 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 42 languages (in addition to Canada’s two official 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 83 gigabytes of total

data transferred by viewers during the course of the year (a 43% increase over last year). The average time spent on the site by users was just over 12½ minutes per session and there were visitors from more than 70 identifiable countries this year.

### **The CBSC's Adjudicators**

I have pointed out one way or another in every Annual Report Message that the CBSC decision-making process is entirely dependent on the thoughtfulness of the Adjudicators who listen to or watch the challenged broadcasts, review the complaints, and weigh these against the CBSC codes and jurisprudence. I have underscored that their CBSC work is entirely voluntary but that that paltry pay scale has never dampened their enthusiasm for the role. Representing in essentially equal numbers both the public and the industry, they bring their wide-ranging personal experience, their good judgment and their commitment to the important issue of appropriate broadcast content. They discuss and debate every broadcast brought before them with diligence, objectivity and consciousness of the consequences of their determinations.

It has been my privilege to participate in the appointment of, and to work with, more than 175 Adjudicators over the past 19 years. I have listened to, and watched, them discuss, present their perspectives, react and mould policies. I have respected their contributions and learned a great deal from them. The self-regulatory process works *because of them*. I owe them much. The CBSC owes them much. And, given the increasingly influential role of the CBSC in

content-determination across the Canadian broadcasting system, Canada owes them much. And so, for my last time in a CBSC Annual Report, on behalf of all Canadians, I express to the Adjudicators our considerable appreciation for their contribution to the evolution of the codified broadcast standards that define our news and programming.

### **Acknowledgments**

Even the dedication of the Adjudicators and the support of the private broadcasters and the CRTC could not alone enable the CBSC to run. It is the dedication, individual skill sets, and teamwork of the CBSC staff that make that happen. It is a surprisingly small team, particularly when measured against the complaints and content they must process. But they have succeeded in doing it over and over again. Occasionally pressed unduly, as was the case this year with the huge number of complaints and reactions to our own decisions, they pushed on undaunted. In addition to the reception, assessment and processing of the thousands of complaints and related queries, the team generates information for the public and broadcasters alike, responds to students and researchers, and prepares files for adjudication. Our indispensable team, the well-oiled, synchronized machine consists of our Communications Co-ordinator Solange Courteau, our Director of Policy Teisha Gaylard, and our Executive Director John MacNab, and this past year Marcy Galipeau, fitting in so well and efficiently when Teisha was on temporary leave. To them go my thanks for the achievements of the past year and their ability to swim upstream against an

occasional forceful current. More than that, though, they have my abundant long-term appreciation. They have made my responsibilities so much easier to exercise and pleasant to fulfil. I will miss our interchange.

RONALD I. COHEN  
National Chair

## 2. DECISIONS RELEASED IN 2010/2011

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. 25.)

The CBSC released a total of 92 decisions (of both varieties) this year (compared to 101 in 2009/2010 and 75 in 2008/2009). Twenty-nine of these were Panel Decisions and 63 were Summary Decisions.

### **PANEL DECISIONS**

Panel Decisions are generally called for when: the issue(s) raised by the complaint has (have) not previously been addressed by the CBSC; the issue(s) has (have) 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. (If an uneven

number of Adjudicators sits, the number of public Adjudicators must be greater than the number of industry representatives.) 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 of the content issue(s) 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, 16 Panel Decisions dealt with television programming and 13 with radio programming. One of the radio decisions has been counted twice as it underwent a secondary review by a special national panel of the CBSC (a more detailed explanation of that situation can be found below under the heading "Radio"). Twenty decisions related to English-language broadcasts and 9 to French-language programming. 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**

As noted just above, 16 of this year's Panel Decisions involved television broadcasts.

Those 16 decisions touched on a number of different issues: discrimination, violence, sexual content, invasions of privacy related to news programming, improper language in a news report, sexualization of young people, and fairness of contests.

### **Discrimination**

Prohibitions against discriminatory content in programming are set out in Clause 2 of the Canadian Association of Broadcasters' (CAB) *Code of Ethics* and mirrored in Clause 2 of the *CAB Equitable Portrayal Code*. They provide that broadcasters are prohibited from airing programming that contains "abusive or unduly discriminatory material or comment which is based on matters of race, national or ethnic origin, colour, religion, age, sex, [gender], sexual orientation, marital status or physical or mental disability." When a complaint relates to discrimination within the context of a religious program, the CBSC also applies Clause 8 (Religious Programming) of the *Code of Ethics*, which states that religious programming shall not convey attacks on identifiable groups. Three decisions dealt with religious television programming this year. The *Equitable Portrayal Code* also contains provisions relating to Negative Portrayal (Clause 3) and Derision of Myths, Traditions and Practices (Clause 6) relating to those same identifiable groups. Since the CBSC has consistently affirmed broadcasters' right to air discussion and criticism of political and social issues that may involve matters of race, ethnicity, religion, sexual orientation, etc., the general provision regarding Full, Fair and Proper Presentation (Clause 6) of the *Code of Ethics* is also applied.

The CBSC's Ontario Regional Panel dealt with numerous episodes of a Christian religious program in two decisions, namely, *CITS-TV re Word.ca and Word TV* (CBSC Decision 08/09-2142 & 09/10-0865+, November 12, 2010) and *CITS-TV re Word TV* (CBSC Decision 10/11-0068, April 5, 2011). *Word TV* (the program changed its name from *Word.ca*, but its format remained the same) was a vehicle for Christian leader Charles McVety to discuss political issues and current events; he occasionally had a guest who discussed those issues with him.

The first decision dealt with 14 different episodes of the program, in which a variety of issues were discussed, including (but not limited to): a case before the Ontario Human Rights Tribunal involving a Catholic gay man's complaint against his local church; gay pride events; revisions to the Ontario school curriculum relating to tolerance of ethnic, religious and sexual diversity; Muslim involvement in the Holocaust; conflicts in Israel; trials for radical Muslim terrorists; euthanasia; and the depiction of Jews and Christians in entertainment programming. One complainant accused the program of being discriminatory against homosexuals, Muslims and persons with disabilities. The Panel concluded that the station was fully entitled to broadcast McVety's opinions on political issues such as revisions to the school curriculum and due process for terrorists, but that he had crossed the line when he repeatedly characterized gay pride parades as "sex parades" and claimed that homosexuals have a propensity towards sex with children. It found violations of

Clauses 2 of the *CAB Code of Ethics* and *Equitable Portrayal Code*, as well as Clause 8 of the *Code of Ethics* and Clauses 3 and 6 of the *Equitable Portrayal Code*. It also found problems with McVety's distorted and inaccurate presentations of certain facts, such as the "conviction" rate of the Human Rights Tribunals, changes to hate speech laws, and the proposed curriculum revisions, among other things. A breach of Clause 6 of the *Code of Ethics* resulted from those comments; however, the Panel found no discriminatory remarks about persons with disabilities in McVety's discussion of euthanasia, nor did it find any breaches of intellectual property rules with respect to McVety's presentation of video-clips from an American comedy program, which was a secondary issue raised by the complainant.

The second decision dealt with three other episodes of the program. The complainant's focus was again on the comments made about homosexuals and Muslims. In this case, the Ontario Panel found no Code violations in the broadcasts. In fact, there was very little in the broadcasts that even touched on homosexuality; those comments that were present focussed solely on policy-related issues and were certainly neither abusive nor unduly discriminatory. In his comments about Islam, McVety was careful not to direct his negative observations at *all* Muslims; he rather focussed on specific political instances to which he objected on the basis of their behaviour. The Panel expressed some concern about McVety's incorrect claim that public funding was going towards an Islamic centre, but did not

consider that that one isolated comment violated Clause 6 of the *CAB Code of Ethics*.

A different religious program was at issue in *CITS-TV re Sid Roth's It's Supernatural!* (CBSC Decision 10/11-0106, April 5, 2011). During the challenged episode, host Sid Roth had as a guest Joel Richardson who spoke about his interpretation of aspects of the *Book of Revelation*. He talked about Muslims as well as a treaty that the Prophet Mohammed had entered into and then allegedly broke. Roth and Richardson claimed that that event served as an example to present-day Muslims to "make a treaty when you're weak, but, when you're strong, break it!" Richardson also suggested that Islamic tradition dictates that Muslims must fight against the Jews until the Jewish people are completely destroyed. The Ontario Regional Panel concluded that the comments made about the treaty were simply the host's and guest's interpretation of an historical event: "As is not infrequently the case (in discussions involving the precepts of *any* religion), there were shadings of perspective by the host and his guest that may be criticized as more tenuous and sceptical. In the absence of materially misleading underlying content [...], the Panel considers that Messrs. Roth and Richardson were entitled to hold and to air their point(s) of view." There was thus no breach of Clause 6 of the *CAB Code of Ethics*. With respect to the program's contention that Muslims seek to kill all Jews, the Panel concluded that "it is a pointed, barbed accusation that *all* Muslims consider that it is a divine or sacred responsibility to kill *every* Jew, even when there are no more than a 'few Jews left hiding behind a tree or

a rock” and such a pointed, barbed, unfounded accusation about Muslims violated the Human Rights Clauses of the *CAB Code of Ethics* and *Equitable Portrayal Code*.

The fourth decision involving a discrimination complaint related to sports programming. During coverage of the 2010 Winter Olympics, two commentators talked about men’s figure skating and commented on one skater in particular who had worn a pink and black costume and lipstick and moved in an effeminate manner during his performance. The commentators complained that the skater perpetuated the stereotype of men’s figure skating as an effeminate sport and joked that perhaps he should undergo gender testing to confirm that he was male. They also, however, stated that he was fully entitled to dress as he pleased and that it did not diminish his talent in any way. This dialogue generated considerable public controversy, including 119 complaints to the CBSC which asserted that the comments had been offensive towards homosexuals. The commentators apologized on air a few days later. Two complainants nevertheless requested that the CBSC investigate the situation, which the Quebec Regional Panel did in *RDS & V re comments made on Le réveil olympique (figure skating)* (CBSC Decision 09/10-1058 & -1340, September 23, 2010). The Panel decided that there may have “been better, safer, more tasteful ways for the broadcasters to have had their discussion on that subject,” but “the Panel does not find the required level of negativity in any of the commentary, much less the totality of the back-and-forth”; consequently, the Panel could not find a breach of the Human

Rights Clauses. Moreover, the commentators noted that the skater had the right to dress and act as he wished. The Panel also commended the broadcasters for airing the apology.

### Violence

The *CAB Violence Code* contains provisions relating to different aspects of the presentation of violence. Article 3 sets out the principle that scenes of violence intended exclusively for adult audiences shall only be broadcast during the Watershed period of 9:00 pm to 6:00 am. Article 4 requires most programming to carry a classification icon indicating the suitability of the programming for the identified audience age group. Programs on English-language stations are classified using the Action Group on Violence on Television (AGVOT) system, while programs on French-language stations are classified using the system employed by the Québec Régie du cinéma. Article 5 requires the broadcast of viewer advisories at the beginning of a program and coming out of commercial breaks in programming that contains either violence intended exclusively for adults or violence unsuitable for children under 12. Article 6 contains the requirements for broadcasting violence in news and public affairs programming. Article 7 prohibits the promotion or glamorization of violence against women, while Article 8 establishes that same prohibition with respect to identifiable groups on the basis of race, national or ethnic origin, colour, religion, gender, sexual orientation, age, or mental or physical disability. A total of five Panel Decisions raised the issue of depictions of

violence, three in the context of fictional drama or comedy programming, one in the context of a promotional spot, and one in the context of news.

*CITY-TV re Trauma ("Stuck")* (CBSC Decision 09/10-0389, June 22, 2010) was one such decision. *Trauma* was a dramatic program about a group of paramedics. The challenged episode, entitled "Stuck", included a number of scenes of accidents and injuries in which the paramedics attended to the injured individuals. For example, there were scenes of a construction worker getting his arm caught in a machine and a man impaling himself through the stomach with a metal rebar. The episode aired at 9:00 pm with a 14+ classification and no viewer advisories. The complainant expressed the view that advisories should have been present on the program in order to warn viewers of the scenes of amputation, mutilation and other types of grievous bodily harm. The Ontario Regional Panel concluded that the scenes did not fall into the category of programming "intended exclusively for adults" in large part because the scenes showed accidents rather than purposeful, graphic violence. The Panel also observed that viewer advisories would have been helpful to viewers given the nature of the program, but it was unable to find a breach of Article 5 because *Trauma* fell into a category of "programming that is neither suitable for children nor [...] 'forced' into the post-Watershed broadcast period" and therefore did not require a viewer advisory at all when broadcast after 9:00 pm.

Another dramatic program was the subject of *Séries+ re CSI: Miami* (CBSC Decision

09/10-1730, January 25, 2011). The program followed a team of forensic specialists as they investigated crimes. Episodes frequently contained scenes of violence, both as they occurred during the story or via flashbacks while the investigators pieced together the clues. *Séries+* aired the program at 5:00 pm with a rating of 13+. It also aired a viewer advisory at the beginning of the program which stated only that the program contained scenes that may not be suitable for some viewers. That advisory was not repeated coming out of commercial breaks. A viewer was concerned about the program's time slot, complaining that children should not have access to such violence and gore right after school. He identified four specific episodes which were examined by the Quebec Regional Panel. The Panel concluded that the violence in those specific episodes did not reach the level by which it would be considered "intended exclusively for adult audiences" and that it "was far less graphic, explicit, realistic, vivid and intense than that dealt with" in a previous CBSC decision about a different version of the program called *CSI: New York*. The broadcaster, therefore, was not found in violation of the *CAB Violence Code* for its scheduling of *CSI: Miami*. It was also found to have appropriately rated the episodes as 13+. The Panel did, however, conclude that it had breached the Code for its failure to specifically mention the violence in the advisories and for its failure to provide viewer advisories coming out of every commercial break.

In *The Comedy Network re a promotional spot for the Roast of Joan Rivers* (CBSC Decision 09/10-0259, October 5, 2010),

the complaint was about the depiction of violence against elderly women. The promotional spot advertised a televised roast for 76-year-old comedienne Joan Rivers and used the tag line “No one wants to see an old lady get taken down ... Until now.” The promo contained a series of scenes of elderly women being suddenly punched, kicked or tackled, in all cases by a young male. A viewer complained about the depiction of “elderly women being assaulted without provocation.” The National Specialty Services Panel examined the complaint under Articles 7 and 8 of the *CAB Violence Code* since the “joke” of the promo centred on the fact that the people being assaulted were both female and elderly. The Panel agreed that the spot was problematic because it “reflect[ed] an imbalance of power between young men and old ladies. It was not, as the broadcaster said in its letter, ‘older women brawling’, which implies a kind of balance or equality [...]. It sanctioned, promoted or glamorized violence against persons based on both their age and their gender. [...] [T]he promo’s creators may have viewed the actions as a satirical depiction of taking old ladies down, but, in the view of the Panel, they went too far.”

Two episodes of the adult animated comedy program *South Park* were examined by the National Specialty Services Panel in *The Comedy Network re South Park* (CBSC Decision 09/10-1432 & -1562, October 5, 2010). The program was known for its irreverent social commentary and its main characters were a group of elementary-school-aged boys. In one episode, although the words “fuck” and “shit” were muted, there were numerous other

instances of coarse language such as “suck my balls”, “asshole” and “dick”. It also included one scene in which it was implied that two men were engaged in sexual activity. The Comedy Network rated that episode 14+. In the other episode, there was a scene of a woman trying to kill herself by pulling the trigger of a rifle while it was in her mouth. The character survived, but was then depicted throughout the rest of the episode as having only the lower part of her face surrounded by jagged, bloody tissue. The station rated that episode 18+. Both episodes aired at 5:30 pm Eastern Time with an advisory alerting viewers to the coarse language and the “mature humour”. The Panel concluded that both episodes should only have aired after 9:00 pm due to the language (but not the sexual content) in the first one and the violence in the second. The Comedy Network was, therefore, found to have violated the Scheduling provisions of the *CAB Violence Code* and the *Code of Ethics*. The Panel also considered that the episodes were appropriately rated, but that the advisories should have specifically mentioned the violence and sexual content in accordance with Article 5 of the *CAB Violence Code* and Clause 11 of the *Code of Ethics*.

The one decision that involved violence in news programming was *CTV re coverage of the fatal luge accident at the 2010 Winter Olympics* (CBSC Decision 09/10-0895+, November 12, 2010). During a practice run just prior to the commencement of the Olympics, a luge athlete flew off his sled, struck a post and died from his injuries. A 40-second clip of his fatal run and accident was shown on CTV throughout the day,

both as news of the accident was breaking and once it had been confirmed that the athlete had died. Each time the clip was shown, the on-air personality warned viewers that the footage was disturbing. The CBSC received numerous complaints about the broadcast of the footage. Complainants stated that the footage should not have been shown because it was too gruesome for viewers to watch and because it was disrespectful to the deceased athlete and his family. The National Conventional Television Panel examined the complaints under Article 6 of the *CAB Violence Code* and Article 4 (Privacy) of the *RTNDA Code of (Journalistic) Ethics* and concluded that CTV did not violate those provisions because it was an important story to cover and “the shots were fair, sufficiently distant and not in any way an attempt to exaggerate the awful circumstances of the collision with the post.” Moreover, prior to each airing of the footage, CTV had warned viewers of the impending content, as required by the *Violence Code*.

### **Sexual Content and Coarse Language**

The rules relating to the broadcast of sexual content and coarse language are similar to those relating to violent content. Under Clause 10 (Television Broadcasting) of the *CAB Code of Ethics*, sexual scenes and coarse language intended exclusively for adult audiences shall not be broadcast outside of the Watershed period (which runs from 9:00 pm to 6:00 am). Clause 11 requires that such programming be accompanied by viewer advisories at the beginning of the show and coming out of each commercial break. The *Equitable*

*Portrayal Code* contains a provision relating to the exploitation of men, women and children (Clause 8(a)), but the CBSC has determined in the past that the depiction of consensual adult sexuality will not violate that Clause. Two decisions this year dealt with these issues.

One such decision was entitled *Canal D re an episode of Sexe Réalité* (CBSC Decision 09/10-1790, January 25, 2011). The challenged broadcast was an information program about different sex-related issues. The episode in question contained segments on anal sex, nude pin-up girls, male strippers and orgies. It was broadcast at midnight with an 18+ rating. An advisory at the beginning of the broadcast warned viewers about the sexual content, but that advisory was not repeated coming out of the commercial breaks. A viewer complained that the program contained sexually explicit details and images which were inappropriate for television, even at a late hour. The Quebec Regional Panel concluded that the program was not exploitative under Article 8(a) of the *CAB Equitable Portrayal Code* and that the broadcaster had clearly respected the scheduling requirements of Clause 10 of the *CAB Code of Ethics* by scheduling this adult program at midnight. The Panel did, however, find a violation of Clause 11 for Canal D’s failure to broadcast the viewer advisory coming out of each commercial break, but it acknowledged that Canal D had recognized its error and had made the necessary changes in subsequent episodes of the program.

The second decision was *CP24 re 30<sup>th</sup> Annual Pride Parade* (CBSC Decision 09/10-

1834, February 11, 2011). The 24-hour news specialty service broadcast the 30<sup>th</sup> Annual Gay Pride Parade from Toronto live at 2:00 pm and re-broadcast it at 8:00 pm. The live broadcast showed scenes from the parade, including shirtless men and people in colourful outfits. It also included interviews with spectators; in three separate instances, the interviewees uttered the f-word or variations thereof, such as one man enthusiastically saying, "This is fucking awesome!" In each case, the CP24 reporter pulled the microphone away and either apologized to the television audience or commented to the interviewee that the word was inappropriate. During the 8:00 pm re-broadcast of the event, the f-word was muted in two of the conversations, but not in the third. Both the 2:00 pm and 8:00 pm broadcasts included a viewer advisory warning audience members that the broadcast could contain nudity. A viewer complained that coverage of the Pride Parade was inappropriate for broadcast in the afternoon or early evening, even if accompanied by viewer advisories. She expressed concerns about both the visual component of the broadcast and the discussion of sex trade workers. The National Specialty Services Panel found no nudity in its examination of the broadcast and had no problem with the very brief discussion of an organization working to create a safe place for sex trade workers. The Panel had more to say about the presence of the f-word and viewer advisories in the broadcast. The CBSC has consistently found that the broadcast of the f-word before the Watershed period of 9:00 pm to 6:00 am violates Clause 10 of the *CAB Code of Ethics*. With respect to the 2:00 pm *live* coverage of the parade,

however, the Panel concluded "the response of the reporter *clearly* indicates the unacceptability of the language both in his/her words and by the removal of the microphone from the apparently innocent speaker, that will be an important additional mitigating factor" in its assessment. Since the CP24 reporters did this, the Panel found no breach of Clause 10 for the 2:00 pm broadcast. With respect to the 8:00 pm re-broadcast, however, although CP24 had had the benefit of sufficient time to edit out all instances of the f-word, it had failed to do so in one case, which constituted a breach of Clause 10. The Panel also found a violation of Clause 11 for failing to mention coarse language in the advisories for both the 2:00 pm and 8:00 pm broadcasts.

### **Exploitation of Children**

Another sex-related issue dealt with in one television decision this year was the exploitation or sexualization of children. Article 8(b) of the *CAB Equitable Portrayal Code* states that "Broadcasters shall refrain from the sexualization of children in programming."

The decision in question was *OUTtv re the film L.I.E.* (CBSC Decision 09/10-1703, January 7, 2011). The dramatic film told the story of a 15-year-old boy who developed a relationship with an older man. Although the man initially requested sexual favours from the boy, those favours were never rendered and the two developed more of a father-son relationship. A viewer complained that this film had the potential to teach sexual predators how to seduce young people. The National Specialty Services Panel found no breach of

Article 8(b) because “there is not a smidgeon of actual or even feigned sexual activity in the film” between the man and the adolescent boy and the film contained a “complex layering of plot lines and motivations” involving the boy’s relationship with his parents and friends and his navigation of his sexual identity. The film aired at 9:00 pm Eastern Time with a video-only advisory alerting viewers to the film’s broadly-cast “mature content”. An 18+ rating icon appeared at the beginning of the program, but was not repeated at the beginning of the second hour of the film. The Panel found a violation of Clause 11 of the *CAB Code of Ethics* for OUTtv’s failure to provide the advisory in both audio and video format and more details about the nature of the mature content, as well as of Article 4 of the *CAB Violence Code* for its failure to display the icon at the beginning of the second hour.

### News

The Radio-Television News Directors Association of Canada (RTNDA - The Association of Electronic Journalists)’s *Code of (Journalistic) Ethics* contains provisions relating to different aspects of news presentation. Article 1 of the Code requires that news be presented in “an accurate, comprehensive and fair manner”. A similar provision regarding accuracy and lack of bias is present in the *CAB Code of Ethics* in Clause 5. The RTNDA Code’s Article 4 also states that journalists will respect “the dignity, privacy and well-being of everyone with whom they deal, and will make every effort to ensure that newsgathering and reporting does not unreasonably infringe privacy except when necessary in the public

interest.” A related provision, Article 8, requires journalists to “treat people who are subjects and sources with decency.” Occasionally, Clause 6 of the *CAB Code of Ethics*, which requires the full, fair and proper presentation of news, is also applicable to such a complaint. All of these Code provisions were applied in decisions relating to television news this year. The CBSC also had its first opportunity to apply Article 13 (Sources) of the RTNDA Code, which requires journalists to attribute news on the record.

Privacy was the only issue in *CHCH-TV re a report on CHCH News (vehicle accident)* (CBSC Decision 09/10-1457, November 12, 2010). The report contained an interview with the wife of a man who had been charged with careless driving after he hit a motorcycle with his mini-van. The complaint came from the woman, who explained that the reporter and cameraman had shown up at her house unannounced and had pressed her for comment even though she had asked them to leave her property. Prior to the broadcast, she had also asked both the reporter and the station’s news director that she not appear on camera, but the clip of her comments was included in the broadcast report. The Ontario Regional Panel concluded that the station had breached Article 4 because “the wife was neither the subject of, nor involved in any way in, the automobile-motorcycle collision that was at the root of the story” and the interview had been obtained and broadcast despite the fact that the woman had asked the news crew to leave her property and not to use the footage.

Privacy was also the primary issue in *CHEK-TV re a report on CHEK News at Five ("Animal Cruelty")* (CBCSC Decision 09/10-1915 & -1929, November 19, 2010), although bias and fairness were also relevant. In that case, a report explained that the SPCA was investigating a case of animal cruelty in which a mother and baby raccoon had been beaten to death with a hockey stick. The news report provided the name and address of the man suspected of committing the act, along with the name of his wife and an exterior view of his home. In addition, the reporter said, "Neighbours say they've heard arguments at the home in the past" and one neighbour was interviewed saying she had heard violence in the home and "He's a violent man. He's not well." The station stated that it would refrain from airing the names and identifying information in subsequent reports about the incident. The British Columbia Regional Panel nevertheless considered the divulgence of the names and address to be a serious breach of the Privacy article because no charges had been laid, the wife was not involved in the incident, and the man's side of the story was not presented. The Panel also considered that the inclusion of the remarks about the man's propensity towards domestic violence tended "to establish the *likelihood* that the target of [the] report was inclined to such [violent] actions" and, consequently, rendered the report biased and unfair, contrary to Article 1 of the *RTNDA Code of (Journalistic) Ethics* and Clause 5 of the *CAB Code of Ethics*.

In *CIVT-TV (CTV British Columbia) re a report on CTV News ("Fatal Highway Crash")* (CBCSC Decision 09/10-1300, November 19,

2010), the report was about a vehicle collision that had left three people dead and a fourth seriously injured. A reporter was on the scene as emergency personnel dealt with the situation. She reported that the fourth person was being airlifted to hospital, but that he would "likely die". A viewer objected to the use of that phrase. He argued that the reporter was speculating on the outcome of the man's injuries without any medical expertise. The complainant also thought that the comment was inconsiderate towards the man's loved ones who may have been watching the newscast. That said, the victim was not identified by name. The broadcaster's letter explained that the reporter had obtained her information from RCMP officers on the scene; the complainant then argued that the reporter should have identified her sources of information. The Panel agreed that "slightly different words *could* profitably have been used", but it did not consider that "her words were indelicate or insensitive, much less inconsiderate or discourteous." The reporter did not mislead her audience in any way and was entitled to provide her description of the situation based on the information obtained from authorities and her own observations at the site of the crash. It found no violation of Clause 6 of the *CAB Code of Ethics* on that account. The Panel also decided that there was no obligation for the reporter to name the source of every piece of information she provided, which included the speed and distance the vehicle had traveled. The Panel observed that "practically speaking, it ought to have been evident to any viewer of that news story that the RCMP investigators were the source. [...] Because none of the speculation or opinion regarding any of the

three issues was wild or farfetched, the fact that the reporter repeated what she had been told without identifying the source was not remotely a problem in this instance.”

### **Contests**

Clause 12 of the *CAB Code of Ethics* requires contests to be conducted fairly and legitimately. One contest program which the CBSC had previously been called upon to assess was *Call TV*, with which it dealt again this year. Two previous decisions regarding V’s broadcast of that program had been released in each of the two previous fiscal years (at that time, the station V had been known as TQS). *Call TV* was a program on which a host presented different puzzles, problems and contests; viewers were invited to telephone or text message in order to win cash prizes. There was a cost for each telephone call or text message, regardless of whether or not the viewer was chosen by the automated system to speak to the host and participate in the contest on air. The Quebec Regional Panel had found problems with the fairness of the contests in those two previous decisions. For example, in some cases the hosts would make misleading statements about the type of answer(s) they were seeking or the answers to certain numerical problems seemed inexplicable and the methodology for arriving at the solution was never revealed.

In this year’s *Call TV* decision, namely, *V re Call TV (version 2)* (CBSC Decision 09/10–1563 & –1735, January 25, 2011), the Panel found that the program had been significantly altered to address the

problems found in the previous decisions. “There was nothing obscure, tricky, misleading or requiring further explanation in order to achieve the required level of transparency that would satisfy Clause 12 of the *CAB Code of Ethics*.” The Panel acknowledged the complainants’ doubt as to the true randomness and transparency of the participant selection process, but it explained that those were “off-screen process issues, and such matters do not fall within the Panel’s jurisdiction.”

### **RADIO**

In 2010/2011, the CBSC released 13 Panel Decisions that dealt with radio programming. As mentioned above, one of those decisions was the subject of a review by a special *ad hoc* National Panel; it was the first time that any such internal review of a CBSC decision had ever occurred. The decision at issue is described below under the heading “‘Money for Nothing’ Decision”, which dealt with discrimination on the basis of sexual orientation. Some of the other radio decisions also dealt with other complaints about discriminatory comment, as well as improper comments, exploitation of children, invasion of privacy, and sexual comments; one case involved the accuracy of a political advertisement run during a provincial election campaign.

#### **“Money for Nothing” Decision**

“Money for Nothing” is a song released in 1985 by the British rock band Dire Straits, which is still played on classic rock radio stations. One version of the song contains the word “faggot” in the lines “The little faggot with the earring and make-up / [...]”

/ That little faggot's got his own jet airplane  
/ That little faggot, he's a millionaire". That version was played on a station in Newfoundland and Labrador and a listener complained that that word was discriminatory towards gays. The station argued that the song had been played on radio for over 25 years and was an historically successful song. It stated that it is station policy to air classic rock songs unedited.

In *CHOZ-FM re the song "Money for Nothing" by Dire Straits* (CBSC Decision 09/10-0818, October 14, 2010), the CBSC's Atlantic Regional Panel examined the complaint under the Human Rights Clauses (Clause 2) of both the *CAB Code of Ethics* and *Equitable Portrayal Code*, which prohibit abusive or unduly discriminatory comments about identifiable groups, as well as the provisions regarding Degrading Material (Clause 7) and Language and Terminology (Clause 9) of the *Equitable Portrayal Code*, which prohibit the broadcast of, respectively, degrading material against identifiable groups and derogatory or inappropriate terminology referring to identifiable groups. The Panel concluded that the word "faggot" "has fallen into the category of unacceptable designations on the basis of [...] sexual orientation" with the consequence that the broadcast of the unedited version of the song violated the aforementioned Code provisions. The Panel also considered whether Clause 10 (Contextual Considerations) of the *Equitable Portrayal Code*, which allows for the contextual defence of "legitimate artistic usage" in the case of language that would otherwise violate the Code, was applicable in this

case. It concluded that that Clause would not "generally be of application in the case of a song, in which the exposition of a context is less likely to be present."

That decision garnered considerable publicity, with many people objecting to the CBSC's conclusion. The CBSC received numerous telephone calls and more than three thousand pieces of written correspondence. Some people also contacted the Canadian Radio-television and Telecommunications Commission (CRTC) requesting that the Commission overturn the CBSC's decision. Instead, the CRTC asked the CBSC to convene a special national panel to review the matter, with specific direction to consider the context of the song (and certain other issues it outlined). The CBSC did so and issued *Review of the Atlantic Regional Panel Decision in CHOZ-FM re the song "Money for Nothing" by Dire Straits* (CBSC Review of Decision 09/10-0818, May 17, 2011). In that review, the *ad hoc* National Panel acknowledged that songwriter Mark Knopfler wrote the song "from the point of view of a blue-collar worker watching music videos on a television screen in the midst of his own labours. Bored with his own work and touched with envy at the riches inuring to the benefit of a singer whose workaday talents led to greater rewards with far less bodily sweat, Knopfler's character expressed his thoughts in the language the songwriter captured nearly verbatim in the shop in which Knopfler heard them" (a real experience that inspired Knopfler to write the song). The *ad hoc* National Panel agreed with the Atlantic Panel that the word "faggot" was offensive and unacceptable, but the majority of the National Panel

disagreed about the applicability of the Contextual Considerations (Clause 10), finding that it was in fact applicable in this case. The Panel observed that the language in the song “appears not to have had one iota of malevolent or insulting intention” and that “Mark Knopfler has satirized the jealous attitude of the [man] who was his inspiration.” It concluded that the contextual considerations justified the usage of the otherwise unacceptable word on this occasion. One Panel Adjudicator, however, dissented from the majority’s view, instead supporting the original decision of the Atlantic Panel because, in her opinion, the context of the song was not evident from the broadcast itself, but rather required background research, which had not been provided to the public on this occasion and might not be in cases of the broadcast of the unedited version of the song.

### **Discrimination**

The Human Rights Clauses (Clause 2) of the *CAB Code of Ethics* and *Equitable Portrayal Code* apply to both television and radio programming, as do all of the provisions in the *Equitable Portrayal Code*. As noted in the Television section above, the Human Rights Clauses prohibit the broadcast of abusive or unduly discriminatory comment on the basis of race, national or ethnic origin, colour, religion, age, sex, [gender], sexual orientation, marital status or physical or mental disability. The Negative Portrayal Clause (Clause 3) of the *Equitable Portrayal Code* prohibits the negative portrayal in general of that same list of categories, while the Stereotyping (Clause 4) and Degrading Material (Clause 7) Clauses

prohibit those specific types of unduly negative portrayal. The Language and Terminology Clause (Clause 9) of that Code requires broadcasters to avoid the use of derogatory or inappropriate language or terminology in reference to identifiable groups, but it recognizes that language evolves over time. In addition to the above-mentioned “Money for Nothing” decision, four other Panel Decisions dealing with radio broadcasts addressed issues of discrimination this year.

The first of those was *CILQ-FM re a “Last Word” segment on Derringer in the Morning* (CBSC Decision 09/10-0188, June 22, 2010). The “Last Word” was an entertainment news segment on a Toronto morning show. In the challenged segment, the hosts talked about comments that pop singer Madonna had made in support of Roma Gypsies. The hosts joked that Madonna “didn’t say anything about the tramps and thieves” and that Gypsies “do a lot of illegal activity”. A listener complained that this broadcast discriminated against Gypsies. The Ontario Regional Panel concluded that the comments were not abusive or unduly discriminatory under the Human Rights Clauses, but that they did negatively portray and unduly negatively stereotyped a group on the basis of ethnicity and “[t]he danger with such comments is that, particularly with any degree of snickering in the background, they risk desensitizing the public with regard to the verbal victims.”

The Quebec Regional Panel issued a series of decisions involving the talk show *DuPont le midi* broadcast on CHOI-FM. In *CHOI-FM re DuPont le midi (Haiti)* (CBSC Decision

09/10-0854, September 23, 2010), the challenged discussion was about donating money to earthquake victims in Haiti. Host Dupont stated that he would not be donating any money because it would go to administrators and government officials rather than the needy citizens. He complained that he had seen footage of strong, healthy Haitians waiting around for government hand-outs rather than helping with the clean-up and characterized the country as a [translation] “shithole” and the city of Port-au-Prince as [translation] “one of the most criminalized cities in the world”. A listener complained that the host had made racist comments about Haitians. The Panel did not find that anything abusive or unduly discriminatory had been uttered about Haitians under the Human Rights Clauses, but that that national group had been generally portrayed negatively contrary to Clause 3 of the *Equitable Portrayal Code*.

In *CHOI-FM re Dupont le midi (figure skating)* (CBSC Decision 09/10-1257, September 23, 2010), the target of Dupont’s comments was homosexuals. Dupont discussed the controversy that had occurred during the 2010 Winter Olympics when two sports commentators had suggested that a male figure skater was perpetuating the stereotype of figure skating as an effeminate sport [see *RDS & V re comments made on Le réveil olympique (figure skating)* (CBSC Decision 09/10-1058 & -1340, September 23, 2010) in the Television section above]. The commentators had subsequently apologized on air for those comments. Dupont stated his view that it was ridiculous that the commentators had been forced to apologize

for simply commenting that there was [translation] “a queer in a sport for queers”. Dupont used the words “fif” and “tapette” [approximate translations: “queer” and “fag”] in a derogatory tone throughout his discussion. The Panel found a breach of the Human Rights Clauses because “the words and phrases and the tone of the host in enunciating them were scornful, derisive and denigrating.”

In *CIDC-FM re a parody of the carol “Twelve Days of Christmas”* (CBSC Decision 10/11-0665, July 12, 2011), a parody song called “12 Days of a Guido Christmas” was broadcast on the station. The song provided a list of gifts that would likely be given to an Italian, such as pinky rings, Frank Sinatra CDs, and tight-fitting t-shirts. Although the song had the word “guido” in the title, the word used in the actual song was “guinea”. The Ontario Regional Panel concluded that the use of the word “guinea” violated the Human Rights Clauses of the *CAB Code of Ethics and Equitable Portrayal Code* and Clause 9 of the *Equitable Portrayal Code* because “the word is derogatory, inappropriate, abusive and unacceptable.” In addition, the majority of the Panel did not find that the parody song contained unduly negative stereotyping, degradation or any other form of negative portrayal; rather it considered the song “gently mocking” of Italian habits and practices. One Panel Adjudicator, however, disagreed and would have found violations of Clauses 4 and 7 of the *Equitable Portrayal Code*.

## Improper Comments and Invasions of Privacy

Clause 6 of the *CAB Code of Ethics* requires the full, fair and proper presentation of opinion, comment and editorial. The CBSC applies this clause when a complaint alleges that an individual or organization was inappropriately insulted, when incorrect or distorted information was broadcast in a non-news program, and in other cases where no other Code provision is directly applicable. Article 4 of the *RTNDA Code of (Journalistic) Ethics* states that broadcast journalists shall not infringe privacy except when it is in the public interest. Despite its presence in a news-specific Code, the CBSC does apply the principle stated in that article to other types of talk and information programming, not just to news reports. Such issues arose in three radio decisions this year.

In *CHOI-FM re Dupont le midi (community organizations)* (CBSC Decision 08/09-1506, September 23, 2010), the complaint came from an organization that represented people who receive social assistance. The organization alleged that Dupont had made inaccurate and inappropriate statements about social assistance and its recipients. Among other things, the host had provided dollar amounts that social assistance recipients receive and expressed the view that a single mother is better off collecting welfare than working at a paying job. The Panel concluded that, while the hosts "are entitled to hold and broadcast their own derogatory and disparaging opinions regarding social welfare and aid recipients, they owe it to their audience that the *basis* for their argument be based on sound,

rather than misleading, information." The Quebec Panel agreed with the complainant organization that the program had repeatedly distorted the numbers and had inappropriately presented them with the factual authority that flows from hosting a radio show, thus violating Clause 6 of the *CAB Code of Ethics*.

A different program on the same station was at issue in *CHOI-FM re Maurais Live (government agency training)* (CBSC Decision 09/10-1564, January 25, 2011). In that case, the host of a talk show criticized the government for wasting money on frivolous training seminars for its employees. As an example, he mentioned that a particular health agency in Quebec City had sent its employees on a "silence retreat" and he proceeded to list by name all of the employees that he assumed had attended the event. The general manager of the agency complained that Maurais had targeted the incorrect health agency, had thus been disrespectful towards his agency and its employees, and had violated their privacy by giving their names on air. The Panel found that the station breached Clause 6 of the *CAB Code of Ethics* for unfairly naming and criticizing the *wrong* agency and its employees. The Panel also concluded that the broadcast violated the Privacy provision of the *RTNDA Code of (Journalistic) Ethics* because "there was not the slightest justification or public interest in the revelation of the names of employees of an agency that was itself erroneously targeted in the first place. The painstaking focus on the names and functions of the agency staff without the *slightest* justification was careless and invasive."

Both Clause 6 of the *CAB Code of Ethics* and Article 4 of the *RTNDA Code of Ethics* were also applied in *CHOI-FM re Dupont le midi (suicide)* (CBSC Decision 08/09-2041 & 09/10-1462, September 23, 2010). Multiple broadcasts of the radio talk show were at issue in that case. The hosts discussed the issue of suicide and Dupont stated his view that suicide is a cowardly act, that no problems in life are bad enough to justify suicide, that suicide should not be glorified, and that suicidal people need [translations] “a kick in the butt” rather than “a helping hand”. In one broadcast, the hosts provided the name and place of employment of a local man who had committed suicide, information which the hosts had obtained from the website of the school where he worked. In another broadcast, the hosts again discussed suicide in light of the death of an 18-year-old man. They again named the man and read messages that had been posted on his Facebook page. The complaints came from the deceased men’s loved ones who felt that the program had disparaged the men and should not have broadcast their names. The majority of the Quebec Regional Panel concluded that the program’s overall message was that suicide should not be glorified and that it had not disparaged the two suicide victims because “[t]he host and his colleagues were careful to draw the distinction between the individuals and their decision to commit suicide.” The majority of the Panel also had no problem with the revelation of the men’s names on air because that information had been publicly available from internet sources. There were thus no breaches of Clause 6 of the *CAB Code of Ethics* or Article 4 of the *RTNDA Code of (Journalistic) Ethics*. Two

Adjudicators, however, dissented, finding that Dupont’s harsh treatment of suicidal people was “potentially dangerous” and his dismissive attitude towards the problems of “two *specific and named* individuals” was insensitive.

### **Sexualization of Children**

As noted above in the Television section, Article 8 of the *CAB Equitable Portrayal Code* prohibits the exploitation and sexualization of children. That Article applies equally to radio broadcasts and two cases this year involved such circumstances.

*CFNY-FM re comments made on the Dean Blundell Show (Justin Bieber fans)* (CBSC Decision 09/10-0333, June 22, 2010) dealt with comments made about fans of then-16-year-old pop singer Justin Bieber. The host of the morning show, Dean Blundell, had posted comments on his Twitter page expressing his dislike of Bieber and implying, in vulgar terms, that Bieber was likely gay. Those posts elicited reactions from fans of the singer who defended Bieber and insulted Blundell. Blundell then posted additional comments, some of which referred to incest. The hosts of the morning show talked about these Twitter exchanges on air. They noted that the majority of the fans with whom Blundell had communicated were likely about 12 years old and repeated some of the tweets Blundell had posted, such as “Save your energy for puberty or to fend off your dad tonight while you’re sleepin’” and, regarding one male fan who had contacted him, “He’ll be chuggin’ before he’s 18 [...] if he likes that music.” A listener complained that the comments about incestuous rape

and male prostitution were inappropriate because they were directed at minors. The Ontario Regional Panel agreed, finding “no justification for allegedly humorous references to children in sexual contexts” and thus a breach of Article 8.

The other radio decision involving exploitation or sexualization of children was *CKIS-FM re comments made on the Roz and Mocha Show* (CBSC Decision 09/10-1980, November 12, 2010). In that case, a boy who identified himself as being 10 years old telephoned the program to request a song. The boy’s name was Noah, so the hosts joked with him about the Biblical origins of his name and asked whether he was building an ark. Those jokes then elicited an anecdote from Roz. He stated that when he and his friends were young, they referred to an erection as an “arc”, so every time he hears that word, he giggles. Mocha and Roz then had a brief discussion about the shape of an erect penis and Roz commented that Noah’s “wiener hooks too”. They also told Noah not to tell his parents that they had had this discussion. A listener complained that the hosts had made fun of the religious connotation of the boy’s name and had an inappropriate conversation about erections with him. The Ontario Regional Panel found that no abusive or unduly discriminatory comments had been made about the boy’s religion and that the hosts had not made fun of the boy, but they concluded that involving a ten-year-old boy in a conversation about arousal violated Article 8 of the *Equitable Portrayal Code*.

## **Sexual Content**

Sexual content that involves or refers to adults is a different matter from that involving children. Clause 9(b) of the *CAB Code of Ethics* states that radio broadcasters shall not air unduly sexually explicit material; the CBSC has interpreted “unduly” to relate to the time of day at which the content is aired. That is to say, sexually explicit material cannot be broadcast during daytime or early evening hours, while mild, undetailed references to sexuality are acceptable at any time. One radio decision which was released in 2010/2011 touched on that issue.

That decision was *CFWF-FM re comments made on the Big Breakfast Show* (CBSC Decision 09/10-0726, October 1, 2010) and the segment in question was a description of a sexual assault case that had occurred in Germany, which was broadcast at 7:25 am. The commentator stated that the incident had involved one man playing with his male friend’s “junk” while intoxicated. Quoting court documents, the host read that the man “twisted [the other]’s scrotum until it broke. Then he took the testicles and hurled them from the window.” The host added that “the cops found his nuts lying in a snowbank” and then laughed and said “that’s hilarious”. A listener argued that the description was too sexually explicit. The station acknowledged that the story was “disturbing”, but noted that it was a real news story and that the announcer had just used “everyday terms” to tell it. The Prairie Regional Panel found no Code breach, pointing out that it was a description of an assault and not an explicit description of a sexual act. The Panel

agreed that it was in poor taste to broadcast the comments at a time when families are getting ready for their day, but did not consider that “the use of either the colloquial or the anatomical terms is either obscene or profane. If anything, the Panel believes that there was an attempt by the broadcaster to avoid being crude with his choice of words.”

### **Accuracy in Political Advertising**

Although the majority of complaints about advertisements received by the CBSC are forwarded on to Advertising Standards Canada (ASC), ASC does not usually deal with advertisements created and paid for by political parties and broadcast during election campaigns. There are two provisions in the *CAB Code of Ethics* that deal with advertising, namely, Clause 13 – Advertising (General Principles), which requires ads to be “simple, truthful and believable” and “not offend prevailing community standards of tolerability” and Clause 14 – Advertising (Details), which notes that broadcasters are “responsible for the acceptability of advertising material they broadcast.” Those principles were applied in one radio decision this year.

In *CJLS-FM re a PC Party advertisement about the NDP* (CBSC Decision 08/09-1787, January 12, 2010), the Atlantic Regional Panel examined a complaint about a radio

advertisement created and paid for by the Progressive Conservative Party of Nova Scotia during the 2009 provincial election. The ad accused the New Democratic Party in that province of accepting “illegal” campaign contributions from unions. A listener complained that characterizing the NDP’s activities as “illegal” was inappropriate. A Nova Scotia law prohibits a political party from accepting more than \$5,000 from a single organization in one year. The NDP had apparently accepted \$45,000 in donations from separate unions, but those unions were all members of an umbrella organization, so the donations had been called into question by the PC Party. The Panel concluded that the use of the word “illegal” in the ad was inaccurate in this instance. The Panel stated that it “considers that the assertion of the advertiser was that the NDP had violated a provincial statute and that that violation was serious. The implication of the paid political announcement criminalized (in provincial terms) the actions of the NDP. [...] At that time [of the broadcast on] June 6, 2009, there had been no finding of any authority that the NDP had acted illegally in any way. [...] In the circumstances, the Panel considers that it was not truthful to use the word ‘illegal’ in the paid political announcement, based on the information available at the time of the broadcast.” The Panel, therefore, found a breach of Clause 13.

## 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 principle, they are dealt with as a matter of private correspondence between the Secretariat and the complainant, and, unlike Panel Decisions, they are not posted on the CBSC’s website. (For a definition and explanation of what constitutes a Panel Decision, see the heading “Panel Decisions” at p. 7.)

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 63 Summary Decisions this year. As in previous years, the greatest proportion of the Summary Decisions involved English-language television broadcasts; however, a significant number were based on English-language radio broadcasts this year. A break-down 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	21	2	0	23
	Television	31	8	1	40
	Total	52	10	1	63

### Topics in Summary Decisions

The category of complaint that generated the largest number of Summary Decisions in 2010/2011 was inaccurate or biased information. A total of 16 Summary Decisions addressed concerns of that nature. The type of programming included

radio talk shows, local and national news programming as well as other types of information programming. The CBSC has long held that program participants are fully entitled to express their opinions on political and social issues, people and organizations, even when those opinions are harsh, controversial or provocative.

Clause 5 of the *CAB Code of Ethics* and Article 1 of the *RTNDA Code of (Journalistic) Ethics* both require accuracy in news reports, while Clause 6 of the *CAB Code of Ethics* requires the full, fair and proper presentation of opinion and comment in talk and other information-based programming. The CBSC has explained that simplifying information or not covering every facet of a particular situation does not, on that account alone, constitute a breach of those Code provisions. A news report or talk show is allowed to include a comment from someone offering his or her opinion on a particular topic; even if others would disagree with that opinion, it does not render the broadcast inaccurate. It was primarily these principles that were explained to the complainants who received Summary Decisions for their complaints about inaccurate and biased content.

In addition, the CBSC dealt with a significant number (13) of complaints under the Human Rights Clauses. The dominant themes of those complaints included discrimination based on race, religion, sexual orientation and disability. These complaints were examined under the Human Rights Clauses of the *CAB Code of Ethics* and the *CAB Equitable Portrayal Code*. These Clauses state that broadcasters shall ensure that their programming contains no abusive or unduly discriminatory material or comment which is based on matters of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status or physical or mental disability. Comments would be deemed in breach of these Clauses if they were considered to be *abusive* and *unduly discriminatory*. As the

comments dealt with in the above-mentioned complaints did not attain the level of abusive or unduly discriminatory, the complaints were dealt with summarily.

A total of 14 Summary Decisions dealt with complaints about scheduling of broadcast content on television and radio. In fact, 12 of those 14 Summary Decisions dealt with the scheduling of sexual content. Under Clause 10 (Television Broadcasting) of the *CAB Code of Ethics*, sexually explicit material is not problematic when broadcast during the Watershed period of 9:00 pm to 6:00 am, while mild, sexually suggestive material is acceptable at any time of day. A similar approach is taken with respect to the scheduling of coarse language.

The CBSC dealt with an increasing number of complaints concerning advertisements broadcast during programs intended for a younger audience. In fact, a total of six Summary Decisions relating to this concern were issued. In addition to the increasing number of advertising concerns, the CBSC dealt with a considerable number of songs in Summary Decisions compared to previous years; six were dealt with via a Summary Decision this year. The majority of those songs dealt with sexual content that was judged not to be “explicit” and language that was not considered to be “unduly coarse”. Clause 9 (Radio Broadcasting) requires broadcasters to refrain from airing unduly sexually explicit content and unduly coarse language; the CBSC has interpreted “unduly” to relate to the time of day at which the content is aired. As in the case of television, mild sexual references and mild coarse language are acceptable at any time of day on radio.

A smaller number of Summary Decisions dealt with various other 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

Issues Raised in Complaints	Number of Complaints
Viewer Advisories	0
Bad Taste	2
Biased/Unfair/Imbalanced Information	7
Classification/Rating	1
Coarse Language	7
Conflict of Interest	1
Unfair Contest	5
Discrimination Based on Age	0
Discrimination Based on Disability	3
Discrimination Based on Ethnicity	0
Discrimination Based on Gender	1
Discrimination Based on Nationality	0
Discrimination Based on Race	2
Discrimination Based on Religion	4
Discrimination Based on Sexual Orientation	3
Exploitation of Children	0
General Improper Comments/Content	5
Inaccurate News or Information	9
Journalistic Conduct	0
Invasion of Privacy	9
Degrading Representation of Women	3
Scheduling	14
Sexual Content	12
Subliminal Advertising	0
Treatment of Callers to Open-Line Programs	0
Violence	5
Other	1

\*Since some complaints raised more than one issue, the total exceeds 63.

### 3. SUMMARY OF COMPLAINTS

#### OVERVIEW OF CORRESPONDENCE RECEIVED

##### Complaints

In the 2010/2011 fiscal year, the CBSC opened a record total of 8,870 complaint files, *far* exceeding the total of any previous fiscal year. That large number was primarily due to a public outcry about one particular broadcast interview (more on that below). Some of the other complaints, however, raised issues that did not come within the purview of the Codes administered by the CBSC; those were, therefore, forwarded on to other organizations better suited to deal with them. The following is a breakdown of the number of complaints that were handled by the CBSC and those that were forwarded on to other organizations.

- Of the 8,870 complaint files opened in fiscal 2010/2011, the CBSC handled 8,034 (or 90.6% of all complaints).
- This year, 179 complaints (2.2%) were about broadcasters that are not CBSC members, so those letters were sent to the CRTC for resolution.
- An additional 543 complaints (6.7%) raised issues about aspects of the broadcasting system that are regulated by the CRTC rather than the CBSC, so those too were forwarded to the CRTC.

- The 114 complaints (1.4%) relating to advertising content were sent to Advertising Standards Canada (ASC), the self-regulatory agency responsible for dealing with complaints about advertising in any medium.
- Of the 8,870 complaints received this year, 8,373 (94.4%) were sent directly to the CBSC; 496 (5.6%) were forwarded to the CBSC by the CRTC; and one by the Canadian Association of Broadcasters.

Usually, each complaint is filed by an individual person about a single broadcast. In some previous years, certain broadcasts have generated multiple complaints. This year, however, the CBSC experienced a unique situation: the Council received 6,636 complaints about one broadcast, which is roughly three times the number of complaints that the CBSC usually receives in a single fiscal year. The broadcast in question was an interview with a Canadian interpretive dancer on the news and information station Sun News Network. The host of the program challenged the dancer on the fact that she had received taxpayer-funded arts grants throughout her career. A campaign was launched via internet social media, encouraging people to file complaints with the CBSC about the treatment of the dancer on the program. Due to the overwhelming number of complaints received, the CBSC posted a message on its website requesting that

people cease filing complaints about the issue because: 1) the CBSC did not have the resources to respond on an individual basis to each complaint, which the Council does as a matter of practice; and 2) the CBSC would, on the basis of the complaints already received, have sufficient information to adjudicate the matter and issue a Panel Decision, which the Council committed to do. The CBSC nevertheless received some requests for rulings on the matter and these will be dealt with via the CBSC's normal complaints-resolution process during fiscal year 2011/2012.

### **General Correspondence**

The CBSC also receives pieces of correspondence which it does not classify as "Complaints"; rather, it categorizes them as "General Correspondence". People write to the CBSC to obtain information about the Council and the Codes it administers, or other information about the Canadian broadcasting industry. Correspondence in this category also includes both positive and negative reactions to CBSC Panel Decisions (from people other than the original complainant) as well as expressions of satisfaction or support for certain stations or programs. The CBSC usually receives less than 100 pieces of General Correspondence a year, but, again, the CBSC experienced an unusual situation in this regard this year.

Following its January 12, 2011 release of a decision regarding the airplay of the song "Money for Nothing" by Dire Straits on a Newfoundland radio station, the Council received 3,804 letters objecting to its finding. The CBSC's Atlantic Regional Panel concluded that the use of the word "faggot" in the song violated the *CAB Code of Ethics* and *Equitable Portrayal Code*. Some people also contacted the CRTC, which then asked the CBSC to review its initial decision. A special *ad hoc* National Panel re-considered the matter in light of additional contextual information about the song and came to a different conclusion.

As noted above, the CBSC received an extremely large number of complaints about Sun News Network's broadcast of an interview with an interpretive dancer. This was an unusually high number of complaints generated by a single broadcast, a fact which then received considerable publicity from both Sun News Network itself and other media outlets. As a result of that publicity, the CBSC then received 291 letters expressing support for Sun News Network.

In total, the CBSC received 4,163 letters that it classified as General Correspondence, which, if added to the number of Complaints, results in a total number of 13,033 files being opened by the CBSC this year.

## RADIO AND TELEVISION COMPLAINTS

As mentioned above, the CBSC opened 8,870 complaint files, but 836 of those were referred to other organizations better suited to deal with them. The CBSC, therefore, actually handled 8,034 complaints. Of the 8,034 complaint files handled by the CBSC,

- 419 dealt with conventional radio programming (5.21%);
- 6 dealt with satellite radio programming (0.07%);
- 7,539 dealt with conventional or specialty services television programming (93.84%);

- 6 dealt with pay, pay-per-view or video-on-demand television programming (0.07%);
- 31 dealt with general concerns about broadcasting (0.39%); and 33 were not about broadcasting content (0.41%).

## ADJUDICATING PANELS

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

Adjudicating Panel	<u>Region of Complaint (Adjudicating Panels)</u>							Total
	Conventional Radio	Satellite Radio	Television (Conventional & Specialty)	Pay, Pay-Per-View & Video-on-Demand Television	N/D	N/A		
Atlantic	32	0	8	0	1	2	43	
Quebec	70	1	196	2	4	0	273	
Ontario	173	5	100	0	17	11	306	
Prairie	87	0	47	0	0	2	136	
British Columbia	50	0	73	0	1	4	128	
National Conventional Television	0	0	60	0	0	1	61	
National Specialty Services	0	0	7,010	4	2	2	7,018	
Non-determined	7	0	45	0	6	11	69	
<b>TOTAL</b>	419	6	7,539	6	31	33	8,034	

Notes:

1. The vertical "Non-determined" (N/D) column includes complaints that described a content issue, but did not identify whether it was television or radio programming. The vertical "Not Applicable" (N/A) column 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, as noted above, is determined by the location of the broadcaster, unless, however, the complaint relates to matters which must be dealt with by one of the National Panels (because of 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 no other clues as to the originating region are provided in the complaint, it is categorized as non-determined.

## LANGUAGE OF PROGRAM

Of the 8,034 complaint files handled by the CBSC,

- 7,750 complaints dealt with English-language programming (96.46%);
- 248 dealt with French-language programming (3.09%);
- 15 dealt with third-language programming (0.19%);
- 14 complaints did not provide enough information to identify the language of the programming (0.17%);
- 7 were about off-air issues or non-broadcasting matters, so language was irrelevant (0.09%).

## SOURCE OF PROGRAM

Of the 8,034 complaint files handled by the CBSC,

- 7,735 complaints dealt with Canadian programming (96.28%);
- 223 dealt with foreign programming (2.78%);
- 64 did not provide enough information to determine the national origin of the programming (0.79%);
- 12 were about off-air issues or non-broadcasting matters, so source was irrelevant (0.15%).

### Language of Program

<b>Language</b>	<b>Conventional Radio</b>	<b>Satellite Radio</b>	<b>Conventional &amp; Specialty TV</b>	<b>Pay, Pay-per- view &amp; Video- on-demand TV</b>	<b>N/D</b>	<b>N/A</b>	<b>Total</b>
English	347	5	7,345	4	26	23	7,750
French	60	1	183	2	2	0	248
Third Language	9	0	5	0	0	1	15
Non-determined	3	0	6	0	3	2	14
Not applicable	0	0	0	0	0	7	7
<b>TOTAL</b>	419	6	7,539	6	31	33	8,034

### Source of Program

<b>Source</b>	<b>Conventional Radio</b>	<b>Satellite Radio</b>	<b>Conventional &amp; Specialty TV</b>	<b>Pay, Pay-per- view &amp; Video- on-demand TV</b>	<b>N/D</b>	<b>N/A</b>	<b>Total</b>
Canadian	371	0	7,314	2	26	22	7,735
Foreign	39	0	178	2	0	4	223
Non-determined	9	0	47	2	5	1	64
Not applicable	0	6	0	0	0	6	12
<b>TOTAL</b>	419	6	7,539	6	31	33	8,034

**Notes:**

- 1) As in the "Region of Complaint" table, the vertical "Non-determined" (N/D) columns 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) columns include complaints concerning matters other than radio or television programming, such as internet content, print media, or bills from telecommunications companies. As some of those complaints were about non-broadcast, print format media content such as website content or newspaper articles, the language and national origin were identifiable for those complaints.
- 2) The horizontal "Non-determined" rows refer to complaints for which there was not enough information for the CBCS 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" rows 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 did identify 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 2010/2011. This table only provides a breakdown of the 425 radio complaints actually handled by the CBSC (not any that were referred elsewhere).

<u>Type of Program</u>	<b># of Conventional Radio Complaints</b>	<b># of Satellite Radio Complaints</b>
Advertising	8	0
Comedy	10	0
Contests	39	0
Drama	0	0
Fantasy	0	0
Information	6	0
Infomercial	0	0
Informal Discourse	136	0
News and Public Affairs	40	0
Open Line/Talk Show	97	0
Promos	10	0
Public Service Announcement	3	0
Religious Program	5	0
Songs	63	0
Sports	16	0
Undetermined	4	1
Non-applicable	0	5

## 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 only provides a breakdown of the 7,545 television complaints actually handled by the CBSC (not any that were referred elsewhere).

<u>Type of Program</u>	<b># of Conventional &amp; Specialty Television Complaints</b>	<b># of Pay, Pay- Per-View &amp; Video-on- Demand Television Complaints</b>
Advertising	75	2
Animation	25	0
Children's Programming	31	0
Comedy	63	0
Contests	55	0
Drama	33	0
Documentaries	24	2
Fantasy / Science Fiction	4	0
Game Show	3	0
Infomercial	5	0
Informal Discourse	17	0
Information	28	0
Movie	28	2
Music Video / Song	30	0
News and Public Affairs	6,923	0
Open-Line/Talk Show	32	0
Promos	21	1
Public Service Announcement	14	0
Reality Programming	58	0
Religious	41	0
Sports	62	0
Station ID Logo	3	0
Variety	13	0
Undetermined	54	0
Non-applicable	1	0

## KEYWORDS

The CBSC classifies complaints using a set of non-exclusive keywords. As 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 2010/2011. This table only provides a breakdown of the 8,034 complaints actually handled by the

CBSC (note that, prior to the 2006/2007 Annual Report, the Keywords table provided a breakdown of all files opened by the CBSC, including those classified as General Correspondence; hence any direct Keywords comparisons to earlier Annual Reports must be made with care). Unlike the above tables, both conventional and satellite radio complaints are combined under the heading "Radio", while conventional, specialty service, pay, pay-per-view and video-on-demand television complaints are all combined under the heading "Television".

## Keywords

	Radio #	Television #	Non- Determined or Not applicable #	Total #
Advisories	2	22	0	24
Age Discrimination	0	2	0	2
Bad Taste	10	6	0	16
Bias/Unfair/Imbalanced Information	17	6,734	3	6,754
Classification/Rating	0	17	0	17
Coarse Language	51	60	2	113
Conflict of Interest	2	20	1	23
Contests -- Dangerous	5	0	0	5
Contests -- Unfair	10	49	0	59
Disability Discrimination	16	6	0	22
Ethnic Discrimination	11	5	0	16
Exploitation of Children	3	10	0	13
Gender Discrimination	5	21	0	26
Improper Comments	91	6,693	3	6,784
Inaccurate News/Info	27	159	6	192
Journalistic Conduct	1	3	0	4
National Discrimination	20	27	2	49
Other	7	14	20	41
Privacy	25	32	20	77
Program Selection/Quality	11	120	7	138
Racial Discrimination	13	22	1	36
Religious Discrimination	20	26	1	47
Representation of Men	2	3	0	5
Representation of Women	46	33	0	79
Scheduling	42	172	0	214
Sexual Content	55	98	0	153
Sexual Orientation - Discrimination	31	22	0	53
Subliminal Content	0	1	0	1
Treatment of Callers	5	0	1	6
Violence	47	114	1	162

## STATUS OF COMPLAINTS AT YEAR END

Of the 8,034 files handled by the CBSC, 7,307 (90.95%) 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 727 (9.05%) complaints were considered “general”, meaning that they may not have provided sufficient detail to enable follow-up, may not have raised an issue under the Codes administered by the CBSC, or were made too late; consequently, these files were closed by the CBSC immediately following its response to the complainant.

Of the 7,307 “code relevant and specific” complaints, 442 (6.05% of the 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. 45 complaints (0.61%) were resolved through the release of decisions of the various Panels or the CBSC Secretariat. 266 complaints (3.64%) have yet to complete the dialogue process with the broadcaster and 6,554 (89.70%) complaints for which the complainant has requested a ruling by the CBSC are at various stages in the complaints review process. This 6,554 number also includes all of the complaints against Sun News Network’s interview with the dancer, which the CBSC agreed to adjudicate without necessarily receiving a Ruling Request from every single complainant.

## 4. ADJUDICATORS

Below is a list of CBSC Adjudicators who have served for some or all of fiscal 2010/2011. A short biography remains on the CBSC's website at [www.cbsc.ca](http://www.cbsc.ca) during their term.

There may be up to six public Adjudicators and six industry Adjudicators on each Regional Panel. The two National Panels share twelve Public Adjudicators and each has six Industry Adjudicators; they are chaired by the National Chair. Since Adjudicators come and go during the year, it may appear that Panels have more than the maximum number of Adjudicators or more than one Chair or Vice-Chair, but the positions are held successively, not on an

overlapping basis. Overall, there remained fifteen 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 two such vacancies to fill at the end of the fiscal year.

### *ATLANTIC REGIONAL PANEL*

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

***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  
Pippa Lawson, Public Adjudicator  
Gordon Leighton, Industry Adjudicator  
Mason Loh, Public Adjudicator  
Olivia Mowatt, Industry Adjudicator  
Tom Plasteras, Industry Adjudicator  
Joan Rysavy, Public Adjudicator  
Norman Spector, Public Adjudicator

***ONTARIO REGIONAL PANEL***

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Madeline Ziniak, Chair, Industry Adjudicator  
Hanny Hassan, Vice–Chair, Public Adjudicator  
Bill Bodnarchuk, Industry Adjudicator  
Jennifer David, Public Adjudicator  
Madelyn Hamilton, Industry Adjudicator  
Michael Harris, 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

***PRAIRIE REGIONAL PANEL***

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Daniel Ish, Chair, Public Adjudicator  
Hilary Montbourquette, Vice–Chair, Industry 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

***QUEBEC REGIONAL PANEL***

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Dany Meloul, Chair, Industry Adjudicator  
Gilles Moisan, Vice–Chair, Public Adjudicator  
Yves Bombardier, Industry Adjudicator  
André H. Caron, Public Adjudicator  
Sylvie Charbonneau, Public Adjudicator  
Véronique Dubois, Industry Adjudicator  
Monika Ille, Industry Adjudicator  
John Paul Murdoch, Public Adjudicator  
Tony Porello, 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, Vice-  
Chair  
Sharon Fernandez  
Alan Mirabelli  
Fo Niemi  
Peter O'Neill  
Jim Page  
Mark Tewksbury  
Doug Ward

***Specialty Services  
Adjudicators***

Jon Medline, Vice-Chair  
Du-Yi Leu  
Connie Sephton  
Lea Todd

***Conventional Television  
Adjudicators***

Jim Macdonald, Vice-Chair  
Peggy Hebden  
Troy Reeb  
Tina-Marie Tatto

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***AT LARGE ADJUDICATORS***

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Daryl Braun, Industry Adjudicator  
André Chevalier, Industry Adjudicator  
Cam Cowie, Industry Adjudicator  
Sarah Crawford, Industry Adjudicator  
Rita Deverell, Industry Adjudicator  
Elizabeth Duffy-MacLean, Industry Adjudicator  
Prem Gill, Industry Adjudicator  
Paul Gratton, Industry Adjudicator  
Michael Harris, Industry Adjudicator  
Jason Mann, Industry Adjudicator  
Mike Omelus, Industry Adjudicator  
Joan Pennefather, Public Adjudicator  
Gerry Phelan, Industry Adjudicator  
Pip Wedge, Industry Adjudicator

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*JOURNALISTIC INDEPENDENCE PANEL*

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Geneviève Bonin, Public Adjudicator

Mark Bulgutch, Industry Adjudicator

Stephen Callary, Public Adjudicator

Helen Del Val, Public Adjudicator

Suzanne Gouin, Industry Adjudicator

Bernard Guérin, Industry Adjudicator

Russell Mills, Public Adjudicator

Gerry Phelan, Industry Adjudicator



## Saskatchewan

CFGW-FM · 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 · CFRN · CFRN-TV · CFRV-FM · CFVR-FM · CFXE · CFXG · CFXH-FM · CFXL-FM · CFXO-FM · CFXP-FM · CFXW-FM · CHAT-FM · CHAT-TV · CHBN-FM · CHBW-FM · CHDI-FM · CHED · CHFM-FM · CHKF-FM · CHLB-FM · CHLW · CHMN-FM · CHQR · CHQT · CHR8 · CHRK-FM-3/RB\*\* · CHSL-FM · CHUB-FM · CIBK-FM · CIBQ · CIBW-FM · CICT-TV · CIGY-FM · CIKT-FM · CILB-FM · CIRK-FM · CISA-TV · CISN-FM · CITL-TV\*\*TS · CITV-TV · CIUP-FM · CIXF-FM · CIXM-FM · CIZZ-FM · CJAQ-FM · CJAY-FM · CJBZ-FM · CJCO-TV · CJEG-FM · CJEO-TV · CJMN-FM-1/RB\*\* · CJNW-FM · CJOC-FM · CJOK-FM · CJPR-FM · CJRX-FM · CJUV-FM · CJXK-FM · CJXX-FM · CKAL-TV · CKBA · CKCE-FM · CKCS-TV · CKDQ · CKEA-FM · CKEM-TV · CKER-FM · CKES-TV · CKGY-FM · CKHL/RB\*\* · CKJR · CKKX-FM · CKKY · CKLA-FM/RB\*\* · CKLJ-FM · CKMH-FM · CKMX · CKNG-FM · CKNO-FM · CKRA-FM · CKRI-FM · CKRY-FM · CKSA-FM · CKSA-TV · CKSQ · CKUV-FM · CKVH · CKVN-FM · CKWA · CKWY-FM · CKYL · CKYX-FM

## British Columbia

CFAX · CFBT-FM · CFBZ-FM · CFJC-TV · CFKC/RB\*\* · CFMI-FM · CFOX-FM · CFSR-FM · CFTK · CFTK-TV · CFUN · CFUN-FM · CHAN-TV · CHBC-TV · CHBE-FM · CHBZ-FM · CHDR-FM · CHEK-TV · CHHR-FM · CHKG-FM · CHMJ · CHNM-TV · CHNU-TV · CHOR · CHPQ-FM · CHQM-FM · CHRX-FM · CHSU-FM · CHTK · CHTT-FM · CHWF-FM · CIBH-FM · CICF-FM · CIEG-FM/RB\*\* · CIFM-FM · CIGV-FM · CILK-FM · CIOC-FM · CIOR · CIPN-FM/RB\*\* · CISC-FM/RB\*\* · CISE-FM · CISL · CISP-FM/RB\*\* · CISQ-FM · CISW-FM/RB\*\* · CIVI-TV · CIVT-TV · CJAT-FM · CJAV-FM · CJDC · CJDC-TV · CJDR-FM · CJEV/RB\*\* · CJFW-FM · CJJR-FM · CJMG-FM · CJOR · CJVB · CJZN-FM · CKBZ-FM · CKCR · CKDV-FM · CKFR · CKGO-FM · CKGR · CKIZ-FM · CKKC · CKKN-FM · CKKQ-FM · CKLG-FM · CKLR-FM · CKLZ-FM · CKMK/RB\*\* · CKNL-FM · CKNW · CKOR · CKPG-TV · CKPK-FM · CKQC-FM · CKQQ-FM · CKRX-FM · CKSR-FM · CKST · CKTK-FM · CKVU-TV · CKWV-FM · CKWX · CKXR · CKYE-FM · CKZZ-FM

## National Broadcasters

Animal Planet · ASN · APTN · AUX · BBC Canada · BBC Kids · BITE TV · BNN · Book Television · BPM TV · Bravo! · Canal D · Canal Évasion · Canal Vie · Cinépop · CMT · Comedy Gold · Cosmopolitan TV · CP24 · CPAC · CTV · CTV News Channel · DéjàView · Discovery Channel · Discovery Science · Discovery World HD · Disney Jr. · DIY · Dusk · E! Entertainment Television · Encore Avenue · ESPN Classic Canada · Fairchild Television · Family Channel · Fashion Television · Food Network Canada · Fox Sports World · G4techTV Canada · Game TV · Global · Global Reality Channel · Go! TV (Canada) · Grace TV · HARD ON Pridevision TV · Historia · History Television · Home & Garden Television Canada · I Channel · Independent Film Channel · Investigation Discovery · Juicebox TV · Les idées de ma maison · MenTV · Météomédia · Movie Central · Movieola · MoviePix · MovieTime · MTV Canada · MTV2 · MuchLoud · MuchMoreMusic · MuchMoreRetro · MuchMusic · MuchVibe · MusiMax · MusiquePlus · Mystery · National Geographic Channel · National Geographic HD · NHL Network · Nickelodeon Canada · NNTV · OLN · One: Body, Mind & Spirit · Out TV · OWN · Playhouse Disney · Réseau des sports · RIS · Rogers Sportsnet · Rogers Sportsnet One · SCN Television · Setanta Sports · Séries+ · Showcase Action · Showcase Diva · Showcase HD · Showcase Television · Silver Screen Classics · Sirius · Slice · Space · Sun News Network · Sundance Channel · Super Channel · Super Écran · Talentvision · Telelatino · Teletoon · Télétoon · Teletoon Retro · Télétoon Retro · The Accessible Channel · The Biography Channel · The Comedy Network · The Miracle Channel · The Movie Network · The Pet Network · The Score · The Weather Network · Travel + Escape · Treehouse · TSN · TV5 · TVA · TVtropolis · Twist TV · VisionTV · VRAK.TV · W Movies · W Network · World Fishing Network · XM · YTV · Z Télé