



Broadcasting Decision CRTC 2010-463

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Ottawa, 8 July 2010

Corus Radio Company

Brampton, Ontario

Complaint regarding the broadcast of *The Dean Blundell Show* on CFNY-FM Brampton

The Commission finds that CFNY-FM Brampton's broadcast of The Dean Blundell Show on 20 March 2009 did not fail to meet the objective of the Broadcasting Act that programming be of a high standard.

Background

1. On 23 March 2009, the Commission received a complaint from a resident of Burlington, Ontario concerning CFNY-FM Brampton's broadcast of *The Dean Blundell Show* on 20 March 2009. Since the station's licensee, Corus Radio Company, is a member of the Canadian Broadcast Standards Council (CBSC), the Commission, in accordance with its usual practice, referred the complaint to the CBSC for resolution.
2. On 27 January 2010, the CBSC published Decision 08/09-1238, dated 23 September 2009 (the CBSC Decision), in which it set out its determination on the complaint.
3. On 2 February 2010, the complainant requested that the Commission review the CBSC Decision.

The program

4. *The Dean Blundell Show* airs from 5:30 to 10 a.m. weekdays on CFNY-FM and is hosted by Dean Blundell, Todd Shapiro and Jason Barr. The show's format is fairly typical of that broadcast during the morning drive time on many commercial radio stations, with a mix of music, news and traffic reports, banter among the hosts, celebrity interviews and in-studio guests.
5. The complaint concerned an approximately 10-minute segment entitled "Wha' Happened?" which aired 20 March 2009 at 8 a.m. The segment is a recurring contest in which callers are asked to share bizarre stories about things that have happened to them for a prize, such as concert tickets. In this episode, three women chose to call the station to recount their stories: Ashley told of how she and her friends were arrested for vandalizing the car of a friend's cheating boyfriend, Brenda of her fiancé's accidentally cutting off her nipple with a weed-whacker while she sunbathed

naked and Hyper-Lee of how she temporarily “lost” a condom inside herself after having sex with a man while in Mexico.

The complaint

6. In his original complaint to the CBSC, the complainant alleged that inappropriate sexual material was regularly being aired during daytime hours. He characterized *The Dean Blundell Show* as

a thoroughly disgusting morning show where they degrade and insult pretty well everyone. Their content always seems to have a sexual content, with innuendo to the most disgusting and vile acts. This is an absolute disgrace and must cease immediately. The Canadian public airways are no place to be airing this teenage smut and disgusting concepts of how sexually perverse a person can be; it is an outrage.

7. He stated that the program “must be terminated with the greatest enforcement as soon as possible.” When asked to provide a specific time and date, he cited 20 March as “a fairly typical occurrence on the Dean Blundell morning show.” He added that if the CBSC did not agree with his assessment, then the program “at least should have a serious warning message to the listening audience as to the nature of the show’s content and how it can be offensive, rude, disgusting and shocking to some of the listening audience.”

The licensee’s reply

8. In his reply to the complainant of 13 April 2009, CFNY-FM’s program director agreed that some people might find the discussions offensive due to the sexual nature of some of the comments in question and offered his regrets that the complainant was offended by the program. The program director stated, however, that he did not “believe that the comments were of a sexually explicit nature,” adding that the “material was presented using euphemisms and innuendoes and it was delivered in a comedic manner.”
9. The program director further noted, based on precedents established in past rulings of the CBSC, that where programming is directed at an adult audience, “there is no overriding societal interest in curtailing the broadcaster’s right to freedom of expression” and that in those circumstances “crude and vulgar language should be regulated in the same way as other matters of bad taste, i.e. via the on/off or dial button.”

The CBSC Decision

10. The CBSC examined the complaint under four separate clauses of two industry codes: Clauses 4 (Stereotyping) and 7 (Degrading Material) of the Canadian Association of Broadcasters’ (CAB) *Equitable Portrayal Code* and Clauses 3 (Sex-Role Stereotyping) and 9 (Radio Broadcasting) of the *CAB Code of Ethics*. The CBSC found no violation of any of these codes on the basis that the content in question was

sexual innuendo only. The full text of the CBSC Decision, which includes transcripts of the program, is available on its [website](#).

Commission's analysis and determinations

11. Having examined the case in light of the concerns raised by the complainant, the licensee's reply and its own review of the logger tapes, the Commission finds that the primary issue to be determined is whether the broadcast in question was consistent with the Canadian broadcasting policy objective set out in section 3(1)(g) of the *Broadcasting Act* (the Act), which states that "programming originated by broadcasting undertakings should be of high standard."
12. In determining what constitutes programming of high standard within the meaning of the Act, the Commission has long established that it considers, among other things, the standards in effect in the broadcasting community. The Commission is of the view that industry codes, such as the *CAB Code of Ethics* (the Code), are generally effective benchmarks for determining current ethical standards used in broadcasting, including whether programming is of a high standard.
13. Clause 9(b) of the Code stipulates that radio broadcasters are to ensure that programming on their stations does not contain unduly sexually explicit material. In the Commission's view, and as the CBSC has also made clear in previous rulings, "unduly" means too explicit for daytime or early evening radio hours/times of the day, when children could reasonably be expected to be listening. Sexual innuendo, double entendres, mention of body parts and mild references to sexuality will not generally be understood to be unduly explicit, even at that time of day. Detailed descriptions of actual sexual activity or clearly understandable references to an actual sexual act will violate the Code if aired at a time when children could be listening.
14. In the present case, the Commission notes that while the segment in question contained references to sexuality in passing, used euphemisms and had suggestive undertones, there were no descriptions of sexual acts, explicit or otherwise. Only one reference to the act of sex was made and it was not descriptive in any way. Brief references to female body parts were also included, but they were not overtly sexual.
15. The Commission understands that the content of the program is likely to be offensive to some; indeed, it can best be characterized as juvenile. However, even if the program may be distasteful to some Canadians, it finds no evidence that the program crossed the line into the realm of unduly sexually explicit material that would warrant regulatory intervention.

Conclusion

16. The Commission agrees with the CBSC's findings that in the matter at hand there was no violation of established broadcast standards. Rather, response to this program is clearly a matter of taste, one best managed by audiences exercising choice.

17. Accordingly, the Commission finds that the broadcast did not fail to meet the objective of the Act that programming be of a high standard.

Secretary General