



Broadcasting Decision CRTC 2011-285

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Ottawa, 3 May 2011

Harvard Broadcasting Inc.
Regina, Saskatchewan

Complaint regarding the broadcast of *The Big Breakfast Show* on CFWF-FM Regina

The Commission finds that the broadcast of The Big Breakfast Show by CFWF-FM Regina on 14 January 2010 did not violate established industry standards for radio broadcasting.

Background

1. On 14 January 2010, the Commission received a complaint from a resident of Regina, Saskatchewan concerning the broadcast of *The Big Breakfast Show* by CFWF-FM Regina (The Wolf). Since the station's licensee, Harvard Broadcasting Inc. (Harvard), is a member of the Canadian Broadcast Standards Council (CBSC), the Commission, in accordance with its usual practice, forwarded the complainant's correspondence to the CBSC for resolution.
2. On 27 October 2010, the CBSC published Decision 09/10-0726, dated 1 October 2010 (the CBSC Decision), in which it set out its determination on the complainant's concerns, ultimately finding in favour of the licensee.
3. On 18 November 2010, the complainant requested that the Commission review the CBSC Decision.

The program

4. The program in question is a daily drive-time morning show on CFWF-FM. It is co-hosted by "Bill & Ballsy" and consists of rock music, traffic, weather and news reports, interspersed with casual and often irreverent banter among the hosts.
5. The segment in question was aired on 14 January 2010 at 7:25 a.m. It concerns the host's recounting of a news story from Germany about an alleged sexual assault and grievous bodily harm.

The complaint

6. In the complainant's view, the broadcast was sexually explicit, contained gratuitous violence, glamorized/trivialized violence, and contained coarse and offensive language.

7. In his request for a Commission review of the CBSC Decision, the complainant stated that the CBSC had “not fulfilled its duties or provided any appropriate remedy for the broadcaster’s wrongdoing” and that the Commission must “sanction or punish the broadcaster” for airing what he considered to be inappropriate content.

The licensee’s reply

8. The licensee replied to the complainant on 19 January 2010. In its reply, Harvard explained that it had reviewed the broadcast of *The Big Breakfast Show* and found that while it was “disturbing, it was a news story.” The licensee was of the view that “no profane language was used outside of everyday terms”; however, it agreed that the story was in bad taste and apologized for any offense to the complainant.
9. Consistent with the Commission’s usual practice, the licensee was given the opportunity to comment on the complainant’s request to the Commission to review this case. The licensee responded to this request on 30 December 2010, stating that it agreed with the CBSC Decision that no industry codes were violated but nevertheless the station’s manager took the opportunity to review the CBSC’s findings with on-air and programming staff “with an emphasis on taste, timing, and appropriate disclaimers” for future broadcasts.

The CBSC Decision

10. The CBSC examined the complaint under Clause 9 of the *CAB Code of Ethics*, which prohibits the broadcast on radio of gratuitous violence, unduly sexually explicit material, and unduly offensive language.
11. The CBSC found that while the material in question did contain sexual references and did describe a “gruesome” act in the context of a news story, it did not do so in a manner that could be considered “unduly” sexually explicit, nor did the broadcast contain language beyond clinical or colloquial terms to describe sexual organs. As a result, the CBSC found no breach of any codified standard. The full text of the CBSC Decision, which includes transcripts of the program, is available on the CBSC’s [website](#).

Commission’s analysis and determinations

12. The Commission has examined the case, taking into account the concerns raised by the complainant, the licensee’s replies and its own review of the logger tapes. Accordingly, the Commission has evaluated the broadcast in question in light of applicable broadcasting regulations, policies, and conditions of licence.
13. The Commission agrees with the CBSC that this broadcast did not violate any established industry standards for radio, as it contained no gratuitous violence, nor did it otherwise sanction, promote or glamorize violence; it contained no unduly sexually explicit content and it contained no unduly coarse or offensive language.

14. The Commission therefore considers that no regulatory action is warranted with respect to the broadcast in question. The Commission further agrees with the CBSC's findings that, in the matter at hand, there was no violation of established broadcast standards for radio.

Secretary General