



## Broadcasting Information Bulletin CRTC 2011-728

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Ottawa, 24 November 2011

### Requirements for the broadcast of radio montages

*This information bulletin reiterates the Commission's objectives and expectations regarding the broadcast of montages by radio licensees, refers to the relevant sections of the regulatory framework and confirms the interpretation that should be given to certain terms.*

*Further, the Commission sets out measures that could be taken if a licensee makes inappropriate use of montages.*

#### Introduction

1. On 17 May 2011, the Commission held a public hearing in the National Capital Region, which addressed, among other things, the montages broadcast by three French-language commercial radio stations. During the hearing, the licensees submitted that the Commission's definitions and expectations regarding montages left room for interpretation and consequently should be clarified.
2. This information bulletin reiterates the Commission's objectives and expectations regarding montages, refers to the relevant sections of the regulatory framework and confirms the interpretation that should be given to certain terms relating to montages. By broadcasting montages that are in compliance with the *Radio Regulations, 1986* (the Regulations) and the Commission's policies on montages, broadcasters will be able to contribute more effectively to the achievement of the objectives of the *Broadcasting Act* (the Act), as well as respect the regulatory requirements concerning the broadcast of French-language vocal music (FVM) and Canadian content.

#### Objectives of the Act relating to FVM

3. The Act sets out the objectives for the Canadian broadcasting system. It states that each element of the system must contribute in an appropriate manner to the creation and presentation of Canadian programming.<sup>1</sup> It also states that the Canadian broadcasting system must reflect Canada's linguistic duality through its programming.<sup>2</sup>

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<sup>1</sup> *Broadcasting Act*, section 3(1)(e)

<sup>2</sup> *Broadcasting Act*, section 3(1)(d)(iii)

4. To implement the objectives of the Act, the Regulations set out the levels of FVM and Canadian content that must be broadcast by certain broadcasters in each broadcast week.

### **Commission's approach to the broadcast of montages**

5. The Commission reiterates its position that it considers it the responsibility of French-language broadcasters to continue their efforts to contribute to the development of French-language expression.<sup>3</sup>
6. The Commission has examined the issue of montages in the past and clarified its position. In Broadcasting Public Notice 2006-158 (the 2006 Commercial Radio Policy), the Commission indicated that montages should not be used to circumvent the regulatory requirements for FVM and that it would closely monitor the use of montages and deal with any problems on a case-by-case basis, imposing necessary measures when appropriate.
7. In Public Notice 1998-132, the Commission recognized that there can be positive aspects to the broadcast of montages. Further, in the 2006 Commercial Radio Policy, the Commission added that when they are properly used, montages allow audiences to discover new Canadian artists or selections that otherwise would not be broadcast.

### **Definition of a montage**

8. The Regulations define a montage as a “compilation of one minute or more in duration containing excerpts from several musical selections but does not include a medley.” Further, a montage consists of compilations of excerpts from various musical selections that are edited and assembled by persons other than the artists or musicians in a performance.
9. The Regulations also define a montage as a musical selection, which is defined as “any live or recorded music of one minute or more in duration that is broadcast uninterrupted.”
10. In Public Notice 1998-132, which accompanied the Regulations, the Commission clarified that to be classified as a montage the programming should consist of excerpts that are tightly woven and tied together by unifying elements such as a common rhythm or theme. Several unrelated musical excerpts played back to back will therefore not be considered a montage. In cases where it is not clear if the programming is a montage or a series of shortened selections, the Commission will consider the programming to be a series of shortened selections.
11. A montage will be considered either a single Canadian or French-language musical selection, or both, if more than 50% of the total duration of the montage is comprised

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<sup>3</sup> See Public Notice 1998-41, paragraph 151.

of excerpts from Canadian or French-language musical selections and has a duration of at least four minutes.

### **Clarifications on the components of a montage**

#### Montages as musical selections

12. The Commission reiterates that it considers a montage to be a single musical selection. However, when a montage does not qualify as such under the Commission's definitions, the Commission will instead count each excerpt individually as a musical selection, which generally has an impact on the evaluation of a number of elements of the musical programming, such as FVM and Canadian content levels.

#### Interruptions

13. A montage is a musical selection within the meaning of the Regulations. In accordance with the definition of a musical selection, a montage must be broadcast without interruption, regardless of the length of the interruption. Moreover, the Commission clarifies that short spoken word content broadcast simultaneously with a montage (such as to introduce the montage or the call sign of the station) is not considered an interruption, provided that the montage remains clearly audible. However, the Commission will consider that there has been an interruption if the spoken word content broadcast is sufficiently long to interfere with listening to the montage or to break the link between the musical excerpts in the montage.

#### Musical excerpts

14. By definition, a montage must consist of musical excerpts – that is, fragments, pieces of musical selections. In other words, the difference between a musical selection in its entirety and an excerpt taken from it should be easily identifiable by the listener. The Commission clarifies that a musical selection broadcast in nearly complete form is not considered an excerpt.

#### Common elements tying together excerpts

15. As specified in Public Notice 1998-132, the excerpts in a montage should be tied together by common elements. The unifying elements most often used by licensees to tightly weave and tie together the excerpts in a montage are common rhythm and theme. Rhythm is [translation] the repetition of strong and weak beats, the systematic arrangement of musical sounds in terms of intensity and duration that gives the selection its speed, its characteristic pace.<sup>4</sup> The speed with which a musical selection is performed, commonly called “tempo” or “beats per minute” (BPM), is therefore only one component of rhythm. Accordingly, two musical selections may have a common tempo but different rhythms, and vice versa.

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<sup>4</sup> Source: *Le Petit Robert – Dictionnaire de la langue française*, 2002.

16. Moreover, when the Commission examines the common theme tying together the excerpts in a montage, it generally considers the specific theme developed in the lyrics of a song. The concept of “common theme” may also refer to the musical theme – that is [translation], a melodic or rhythmic fragment that is the basis of a musical composition.<sup>5</sup> Thus the musical style (disco, dance, country, etc.), the year of composition and the degree of popularity are not considered a theme, since they are concepts that are too general. The link between the theme and the excerpts in a montage must be easily identifiable. In short, the theme must be easily identifiable by the listener.

### **Inappropriate use of montages**

17. When the Commission examines a station’s musical programming, it looks at all the components of this programming. The Commission’s analysis of montages must demonstrate that their use is appropriate and does not result in maintaining the regulatory levels for Canadian content and FVM while considerably reducing the broadcast of French-language or Canadian selections, given that each montage is considered a single musical selection for the purposes of calculating FVM and Canadian content.

18. In its analysis, the Commission will determine if one or more of the following practices have been adopted and if these practices constitute an inappropriate use of montages:

- The montages broadcast in a broadcast week contain few or no excerpts from Canadian selections.
- The montages broadcast in a broadcast week by stations that broadcast in the French language contain few or no FVM excerpts.
- The montages broadcast consist simply of a series of musical excerpts that are played one after another, but that are not related to one another.
- The excerpts in the montages broadcast are in reality musical selections that are broadcast in nearly complete form.

### **Conclusion**

19. The Commission considers it necessary to supervise the broadcast of montages to ensure that broadcasters respect the objectives of the regulatory framework regarding FVM and Canadian content. Consequently, the Commission is of the view that any broadcaster that would devote more than 10% of its programming over the broadcast week to montages would appear to have failed to meet the objectives of the regulatory framework and the intent of the policy on montages. Accordingly, if the Commission finds that a broadcaster is using montages improperly, it could decide to impose specific measures or any other measures deemed necessary.

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<sup>5</sup> Source: *Larousse*, 2011, definition 3.

20. In this respect, the Commission has decided to impose on CKOI-FM Montréal and CKTF-FM Gatineau a condition of licence limiting the use of montages to 10% of all programming broadcast over the broadcast week (see Broadcasting Decisions 2011-726 and 2011-725 issued today following the 17 May 2011 hearing).
21. The Commission will reconsider its regulatory requirements relating to FVM and montages when it undertakes a more comprehensive review of policies affecting the French-language commercial radio sector. This review should be initiated in 2012.

Secretary General

**Related documents**

- *Complaint regarding the broadcast of French-language vocal music by CKOI-FM Montréal*, Broadcasting Decision CRTC 2011-726, 24 November 2011
- *CFTX-FM Gatineau – Licence renewal*, Broadcasting Decision CRTC 2011-727, 24 November 2011
- *CKTF-FM Gatineau – Licence renewal*, Broadcasting Decision CRTC 2011-725, 24 November 2011
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Regulations Amending the Radio Regulations, 1986 – Commercial Radio Programming*, Public Notice CRTC 1998-132, 17 December 1998
- *Commercial Radio Policy 1998*, Public Notice CRTC 1998-41, 30 April 1998