
APPENDIX B

CBSC Decision 04/05-1171 CFRB-AM re an episode of the *Health Show*

The Complaint

The following complaint was sent to the CRTC on March 9, 2005 and forwarded to the CBSC in due course:

CFRB, 2 St. Clair Avenue West, Second Floor, Toronto, Ontario, M4V 1L6, Tel. 416-924-5711.

Sunday, March 6, 2005 *The Health Show*, 2:00PM - 3:00pm, Host Christina Cherneskey.

It is a bit of a challenge to express the issue given the "sleight of hand" that CFRB uses in presenting this show. Please bear with me on the explanation as I think this is a very serious matter.

CFRB presents a program called *The Health Show* on a weekly basis. It is incorporated into a string of themed weekend presentations by a popular and personable DJ (Christina Cherneskey). As stated on their website, "You can hear Christina every weekend from 11-3 on NewsTalk 1010 CFRB."

The sleight of hand is this:

On some weeks the *Health Show* (which runs in the 2PM-3PM slot of her show) is presented in talk-show format often featuring independent guests; for example on January 30 a physician from Mount Sinai Hospital in Toronto was discussing pain management.

On other weeks, however, that same show is presented in an identical talk-show format but instead of featuring independent guests, the show features guests from organizations that have paid to be interviewed and promote their products. Effectively on those weeks the one hour *Health Show* is a one hour infomercial.

One such case was Sunday, March 6 where two representatives from a retirement home chain were ostensibly being interviewed as experts on options for elder-care. In fact they were paid guests promoting their privately held retirement-home company. There were three vague and non-descript disclaimers during the show that appear to have been designed in such a manner that they could just as easily have been interpreted as a type of introduction to or acknowledgement of the guests; particularly in the context of the show frequently featuring independent non-paid guests. Just listening to the callers, it was quite clear to me that they had no idea that the show was an infomercial; in fact I did not even realize it until almost the end of the show.

My complaint is that CFRB, by design, has intended to mislead and deceive their listeners in an unethical and potentially dangerous way by presenting what is ostensibly a one hour infomercial as an independent and informative talk show discussing the health and wellness industries.

On July 11, the complainant filed his Ruling Request indicating that he had not received a response from the broadcaster:

In response to CBSC correspondence dated June 17, 2005 it was indicated that CFRB would respond within 21 days to the complaint in question. As at July 11, 2005 no response has been provided. I therefore am requesting that my complaint be adjudicated by the appropriate CBSC Panel.

On July 12, the CBSC sent a reminder to CFRB to respond to the complainant. The complainant wrote again on August 8 with the following:

Hello, as yet I have had absolutely no response from CFRB in relation to this complaint. I followed up using this form on July 5 and have not received any feedback.

I just want to be sure that the issue I identified is addressed.

Thanks,
via e-mail
William Burke

On August 11, the CBSC sent another reminder to the station to respond.

Broadcaster's Response

CFRB responded to the complainant on August 12 with the following:

Thank you for your letter of 3/9/2005 that you sent to the CBSC about our health show.

The *Health Show* is a talk-show formatted live program as you describe. This is most definitely different than a paid infomercial which are [*sic*] recorded and most importantly the people on those infomercials get to craft those recorded shows any way they deem fit to sell their product. In other words, they can really stretch the truth or make health statements that simply aren't true. Plus infomercials have no other commercials in them. They only sell their product. This show has lots of other commercials just like any other hour on the station.

Our health show with Christina there is purposefully set up for Christina to be the unbiased host. The person to step out and ask questions that a listener might ask and to most definitely challenge, ... both before the show in prep ... and also on the air as it's happening, any comments by guests that are simply wrong.

Do some clients pay to be on the show? Absolutely. Do we hide this fact? No, we run the disclaimers. Do we allow the clients to blatantly hawk their product? No. The purpose and intent of why we let clients buy access to this show is:

- a) to talk about their industry and either sink or swim on whether they are good and are experts at what they're talking about. (You'd be amazed at how quickly an audience can tell if someone is knowledgeable on their questions or not.)
- b) to be able to tell listeners about their product.

We don't allow them to hard sell constantly the whole hour. They definitely have to know their industry and be able to answer any question posed to them by our callers. Their answers have to be real and not 'embellished'. Hence, Christina there to challenge on them.

All of this is no different than any number of talk shows everywhere that have someone on who is an expert at some company in some field and we call on them to give information and answers to our listeners.

For instance, having a jeweler on air to explain diamonds just before Valentine's Day. It would virtually be impossible to find a diamond expert anywhere that didn't work for someone.

So the only difference here is that we charge experts for the right to come on our air and show that they ARE an expert or very much know their stuff. It's identical to every car show on air anywhere. It's always done by a car mechanic at some shop in town.

The major difference is ... we make sure that their answers are correctly given and not unreasonably biased towards pitching their business. To put it another way, we go out of our way to make sure the outcome of the show is the same whether it uses no experts from a business or an expert from a business like elder-care.

I hope this clears things up.

Additional Correspondence

The complainant submitted another Ruling Request and attached correspondence he had also sent directly to the broadcaster on August 15:

The following response to CFRB who finally responded to my initial complaint last Friday. I am not at all satisfied and believe that this is a disturbing and potentially harmful new trend.

Thank-you for your response below in relation to Complaint (CBSC File C04/05-1171). In reviewing it, I have many questions and comments, but for now and in the interest of brevity, the following:

Why would an expert guest pay to be a guest?

Why would the disclaimers not clearly state that fact?

I have serious concerns that the practice of charging "expert" guests for their appearances, without full and clear disclosure to the listening public, is not only misleading but potentially harmful. This is particularly true in the context of a program called the *Health Show*, that among other things deals with serious subject matters such as elder-care, cancer and childhood diseases.

Given the importance of this issue and the unsatisfactory response provided, the request for a ruling which I had submitted prior to receiving that response remains.