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## APPENDIX

### CBSC Decision 08/09-1787 CJLS-FM re a PC Party advertisement about the NDP

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#### The Complaint

The CBSC received the following complaint via its webform on June 6, 2009:

station: CJLS

program: Advertising

date: June 6, 2009

time: 9:40 am

concern: The radio station is playing defamatory ads implying the NDP conducted illegal activity. I have personally heard the ad minutes ago. This is not compliant with the broadcast standards code, Clause 14 Advertising (Details). The station is aware of the libelous nature of the ads as excerpted in this newspaper interview:

Chris Perry, vice-president of Radio CJLS Ltd. in Yarmouth, said his station is running the ads, but didn't get a letter. He said operations and sales manager Dave Hall took a call from a New Democrat who just asked if the ad was running.

"They didn't ask us to pull it nor did they ask us to offer an apology, nor did they state it was defamatory," Mr. Perry said. "(Dave) said if there was a problem, contact the agency that booked the ads."

Mr. Perry said as far as he knows it's a legitimate ad and there's no plan to pull it." --- <http://thechronicleherald.ca/Front/1125844.html>

They are aware of the nature of the ads and continue to run them.

#### Broadcaster Response

The station responded to the complainant on June 11:

This letter is in response to your complaint to the CBSC of which CJLS Radio is a member.

As you are aware, CJLS Radio and numerous other radio broadcasters in Nova Scotia aired a "paid political announcement" on behalf of the PC Party of Nova Scotia.

I assure you, at no time during the specific ad campaign did anyone contact CJLS Radio and ask us to remove it from the air and broadcast an apology. Further, we did not receive any

letter or correspondence by other means to identify a problem with a particular ad and that it might be defamatory in nature.

Again, I want to be clear that we were not contacted by anyone at any time asking for the removal of the political ad in question. We were contacted by an individual stating he was with the NDP and asked if we were running the ad in question to which we replied, yes. That was the scope of the brief conversation. There was no request for removal of the ad from the air nor were we asked to run an apology.

I hope this letter explains our position.

### **Additional Correspondence**

The complainant wrote back to the station on June 11:

I attempted to phone Saturday morning but was unable to reach anyone. My understanding of Clause 14 is the broadcaster is responsible to review [*sic*] the suitability of all advertising. Clause 14 reads:

Clause 14 - Advertising (Details)

(a) Broadcasters recognize that they are responsible for the acceptability of advertising material they broadcast. All commercials must conform to applicable laws and regulations.

You were aware of the nature of the ad through extensive media accounts and would have had the ability to review the position of the injured party with regard to the ad and its acceptability within the narrow confines of Clause 14 (a). It would be inappropriate to hide under the "But no one contacted us directly" as the matter of the acceptability of the ads were part of your news broadcast and public record of this last election. Hiding one's head in the sand is not a suitable defence.

I do apologize for having to use your award-winning community-based organization in view to having the offending ad reviewed by the CBSC. This ad went over the line of what would be considered an acceptable attack ad, which I recognize as being an appropriate political tool. I'm sure you're aware of the loss of credibility that occurred by the actions of the *Live at 5* crew from the Stéphane Dion interview last federal election, the CBSC decision being released recently.

The complainant also filed his Ruling Request on June 19:

My understanding of Clause 14 is the broadcaster is responsible to review [*sic*] the suitability of all advertising. Clause 14 reads:

Clause 14 - Advertising (Details)

(a) Broadcasters recognize that they are responsible for the acceptability of advertising material they broadcast. All commercials must conform to applicable laws and regulations.

You were aware of the nature of the ad through extensive media accounts and would have had the ability to review the position of the injured party with regard to the ad and its acceptability within the narrow confines of Clause 14 (a). It would be inappropriate to hide under the "But no one contacted us directly" as the matter of the acceptability of the ads were part of your news broadcast and public record of this last election. Hiding one's head in the sand is not a suitable defence.