
APPENDIX

CBSC Decision 10/11-1344 CFNY-FM re the *Dean Blundell Show* (Culling Cats)

The Complaint

The CBSC received the following complaint via its webform on March 27, 2011:

station: Radio

program: *The Dean Blundell Show*, 102.1

date: March 25th 2011

time: app. 7 am (but the topic was also discussed the day before I believe. I wasn't listening though)

concern: I was driving to work on the morning of March 25th and was listening to the *Dean Blundell Show*. Dean was telling a story about living in Saskatchewan and having to do "population control" on his Uncle's [*sic*] farm because his Uncle had too many cats.

Dean continued to say (with no remorse, in fact he seemed very proud) that he took a shovel and beat several (100's) of cats over the head. He said that he didn't see what the big deal was...

After I heard this I was so disturbed I went on the Dean Blundell Facebook page because I was very concerned about what his listeners had to say about this issue that he was glorifying. I quote from the Facebook Page, "I don't take my pets to the vet. If they get sick I go get my 12 gauge and fucking shoot them. Then I go get a new pet."

This was one of many posts from listeners cheering Dean on for his Acts of Animal Cruelty.... I became quite concerned so I sent a letter to the Program Director as well. Although I have yet to hear a reply, I look forward to it (since I sent the letter, all posts on the Facebook page have now been deleted).

What Dean did and said live to air was not only terribly wrong but it was also criminal (it's a shame our country has a statute of limitations for animal cruelty). I feel that radio personalities are somewhat of a public figure [*sic*] and it was extremely irresponsible of him to go down this route. That's all we need, is more people beating stray cats to death. Because Mr. Blundell did it, it must not be immoral or illegal.

I would like to thank you for your time regarding this issue and I hope there will be consequences. I look forward to hearing from you.

Broadcaster's Response

The broadcaster responded on April 20 with the following letter:

The Canadian Broadcast Standards Council (the "CBSC") has asked us to respond to your email of March 25, 2011, in which you raised concerns regarding comments made during the Dean Blundell show that was aired on CFNY-FM that morning (the "Program"). Specifically, you were offended by the comments made by one of the Program's co-hosts while he discussed his experiences living in Saskatchewan and having to do "population control" at his uncle's [*sic*] farm because his uncle had too many cats. The co-host recounted how he took a shovel and beat several (hundreds, in fact) of cats over the head. You claim this co-host seemed proud of this fact and didn't know what the big deal was. You were also concerned that this Program could encourage acts of animal cruelty by members of the public who listen to the Program.

We have reviewed the tape of the Program and can confirm that the comments you referred to were in fact made; however, we note that the co-host had made it clear that his comments were merely his opinion on the subject. While we agree that the comments may have been in poor taste, and were perhaps unduly harsh, they did not constitute a call for violent action, and therefore, did not contravene the Canadian Association of Broadcasters' *Code of Ethics* (the "Code"), which is administered by the CBSC and to which we adhere.

As you may be aware, the Code requires radio broadcasters to ensure that their programming does not contain "gratuitous violence in any form, or otherwise sanction, promote or glamorize violence". In determining whether or not certain comments constitute a breach of this provision, the CBSC asks whether the statements could be considered a "genuine pre-meditated attempt to encourage the commission of a criminal offence". In the decision *CIQC-AM re Galganov in the Morning* (CBSC Decision 97/98-0473, August 14, 1998) the CBSC found that the statement "we have to ... beat the crap out of all these ... crapheads" made by a well-known Quebec separatist did not constitute a "call to violence". Rather, the CBSC found that although "one might reasonably conclude that such acts of violence were perhaps plausible in nature, the Panel did not conclude that the host, in making the statement, had seriously advocated violence against whoever he considered to be the 'crapheads' at the time.... the Council does not consider this isolated comment to be more than an unpleasant, tasteless, juvenile comment, but not a genuine pre-meditated attempt to encourage the commission of a criminal offence". In our view, the comments during the Program were of a similar vein; juvenile and tasteless, perhaps, but not statements that could be seriously taken to be encourage [*sic*] violence against a particular individual or group, in this case, animals.

In view of the foregoing, we do not believe that the program violated the Code. We do regret, however, that you were offended by some of our programming. We take our responsibilities as broadcasters very seriously, and work hard to make sure all of our programming complies with the *Broadcasting Act*, the *Radio Regulations* and the Code and standards required of us as a member of the CBSC.

We trust that this letter has addressed your concerns. We recognize the importance of listener feedback and appreciate all comments.

Additional Correspondence

The complainant responded to the broadcaster on April 20 with the following email:

Thank you for taking the time to respond to my concerns.

Let me first make it clear that I do take much pride in the fact that we have the opportunity to live in a Democratic society where freedom of speech is practised. However, I feel strongly that the CBSC *Code of Ethics* was violated. I am specifically referring to the "Violence Against Animals Code."

9.1 - "Broadcasters shall not telecast programming which sanctions, promotes or glamorizes violence against animals."

Mr. Blundell did in fact glamorize these horrible events. The question I have is WHY? Why was this a topic of discussion? It was obviously not brought up to detour [*sic*] others from doing the same or rather to admit his mistakes and possibly have a discussion on the rapid growth of unwanted pets in this country. Which leads me to no other alternative: that he was proud of what he did and obviously found it quite humorous to be brought up in a discussion on his morning show.

In regards to the "case law" you presented (*Galganov in the Morning*), I found it quite irrelevant to the issue at hand. It was a statement implying an act that was never actually put in motion. Mr. Blundell, on the other hand, clearly admitted bludgeoning 100's of cats over their heads with a shovel! Instead of leaving it in the past HE made the decision to bring it up. WHY?? I thought *The Dean Blundell Show* was based upon humor?

Again, I am very concerned about the public's perception of this. I would like to direct you to a very recent article from City TV.

<http://www.citytv.com/toronto/citynews/news/local/article/124162--mutilated-kittens-found-in-downtown-dumpster-recovering-well>

I am certainly not implying that Mr. Blundell had anything directly to do with this, but, as you can see, animal cruelty is most certainly a problem in our city. Glorifying it (as I feel was done) is absolutely not needed. It is intolerable!

I am sure you are familiar with the *Criminal Code of Canada*.

"Cruelty to Animals" - Causing Unnecessary Harm

Sec: 445.1 (1) - "Everyone commits an offense who: a) willfully causes or, being the owner, willfully permits to be cause unnecessary pain, suffering or injury to an animal or bird."

I understand that this incident occurred in a different province and I also understand that there is a statute of limitations. I just want make it clear that this issue was and is not only immoral and irresponsible but illegal.

I would like to quote the *OSPCA Act* (Ontario Society for the Prevention of Cruelty to Animals) (2008):

Def~ Distress - "Means the state of being in need of proper care, water, food or shelter or being injured, sick or in pain or suffering or being abused or subject to undue or unnecessary hardship, privation or neglect." I would also direct you to the "Standards of Care for Animals." *OSPCA Act* (2008) Causing Distress 11.2 (1) - "No person shall cause an animal to be in distress."

In closing I would say that I appreciate your response but as I stated earlier I feel strongly that the CBSC *Code of Ethics* was violated. Animal cruelty is not something to take lightly. I hope I have made that clear in my response to you.

I look forward to resolving this issue.

That same day, the complainant submitted an additional email:

The City TV link I posted in my response does not seem to work properly. I am sending it via: copy & paste.

Mutilated kittens found in downtown dumpster recovering well
2011/04/11 | Shawne McKeown, CityNews.ca
See Related Video

Two kittens missing right eye were found in a downtown dumpster, April 9, 2011. CITYNEWS. It will be at least another week before two mutilated kittens found inside a downtown dumpster will be well enough to move to a permanent home.

The two tiny animals -- a female and male -- are currently in the care of the staff at an animal hospital after they were found in the Yonge and Bloor area last Monday. Both kittens were missing their right eyes, but are recovering well.

"We're not sure how the eye was exactly poked out. It had looked as though they might have been kicked because all the teeth had been loose and were falling out on the one side," Andrea Marci of the Bay Cat and Dog Hospital on King Street West said.

"It was a pretty gruesome surgery that [the veterinarian] had to do."

The Ontario Society for the Prevention of Cruelty to Animals (OSPCA) says it considers this case suspicious and is asking anyone with information to step forward.

An adult cat was found in the Danforth and Woodbine area with the same injury.

"There was concern because of the similarities in their injuries," Alison Cross of the OSPCA said. "We can't confirm at this time whether it's an act of animal cruelty."

Many people have come forward to adopt the kittens.

Anyone with information on these cases is being asked to call the OSPCA at 1-888-668-7722.

The complainant submitted her Ruling Request on April 21.