
CANADIAN BROADCAST STANDARDS COUNCIL

NATIONAL SPECIALTY SERVICES PANEL

Sun News Network re *The Source* (Chiquita Banana)

(CBSC Decision 11/12-0847+)

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THE FACTS

The Source is a political discussion program hosted by Ezra Levant and broadcast on the specialty service Sun News Network. Levant provides his opinions on various news stories, political events and current affairs; he also frequently has guests on to discuss the issues with him. The program airs weekdays from 5:00 to 6:00 pm Eastern.

On December 15, 2011, food company Chiquita Brands International announced that it would avoid using fuel from Alberta's oil sands in an effort to reduce its carbon footprint. In response to that decision, and in support of Canadian oil companies, some people encouraged Canadians to boycott Chiquita products. Levant talked about this issue on his show of December 22, 2011.

Levant accused the Chiquita company of being "anti-Canadian bigots" because it was only refusing to use oil from the Canadian oil sands, but was still willing to use oil from other countries with more questionable environmental and humanitarian records. The vast majority of Levant's criticisms focused on the Chiquita company, citing previous incidents of ethical misconduct. He did, however, name the signator of a letter that Chiquita had sent to a representative of Alberta oil companies. That Chiquita executive had a Spanish name. The Chiquita letter apparently attempted to clarify the company's position on the situation, but Levant insisted that the letter merely obfuscated the facts of the situation. Levant specifically referred to the letter writer as a "liar" and concluded

his editorial with “Hey you. Yeah you, [name of Chiquita executive]. *Chinga tu madre.*” (A transcript of the complete editorial can be found in Appendix A.)

The CBSC received 22 complaints about the broadcast and, of those, six complainants requested that the CBSC investigate the matter. All of the complainants explained that “chinga tu madre” is a Spanish phrase whose English translation is “fuck your mother”. The complainants noted that the phrase is one of the harshest insults in the Spanish language and that it was utterly inappropriate for Levant to directly insult an identified individual in this manner.

Sun News Network responded to all complainants. The station argued that the word “chingar” has a variety of meanings depending on its use and context, and that the specific phrase in question “has many possible meanings”, including “get lost” and “stop bothering me”. The station’s letter cited an exposition on the word “chingar” provided by a native Spanish speaker who subsequently appeared on *The Source* to discuss the word with Levant (a transcript of that segment is also available in Appendix A). Sun News acknowledged that Levant had “intended to be both profane and offensive [... by] ‘calling out’ the person he was attacking by name”, but that broadcasting rules allow for the expression of “strong opinions on any topic.”

As mentioned above, six complainants were dissatisfied with Sun News Network’s letter and filed their Ruling Requests. All of them pointed out that, while “chingar” can be used in different ways, it is always a coarse word. They emphasized that the phrase “chinga tu madre” can only be translated to “fuck your mother” and all Spanish speakers consider it a very nasty insult. (The full text of all correspondence relating to those 6 files can be found in Appendix B.)

THE DECISION

The CBSC National Specialty Services Panel examined the complaints under Clause 6 of the Canadian Association of Broadcasters’ (CAB) *Code of Ethics* which reads as follows:

Clause 6 – Full, Fair and Proper Presentation

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of each broadcaster. This principle shall apply to all radio and television programming, whether it relates to news, public affairs, magazine, talk, call-in, interview or other broadcasting formats in which news, opinion, comment or editorial may be expressed by broadcaster employees, their invited guests or callers.

The Panel Adjudicators read all of the correspondence and viewed the challenged broadcast, as well as the segment in which Levant discussed the Spanish language with a Spanish speaker. The Panel concludes that Sun News Network violated Clause 6 of the *CAB Code of Ethics*.

As a reminder, the Panel Adjudicators wish to point out that defending one's opinions with vigour and even some aggression¹ is not to be confused with personal insults and coarseness. Ezra Levant was completely entitled to cast doubt on the sincerity of the Chiquita company and to call for a boycott of its products because the latter does not share his views on the relatively "green" nature of the Alberta oil sands. However, Levant did not stop there. He began by accusing the Chiquita company of being anti-Canadian bigots, which is, all in all, acceptable in treating a controversial issue.

However, while it became apparent when viewing the segment in question that Levant was reading from a prepared text, he indulged in language excesses that widely overstep the limits of what is acceptable in dealing with a controversial issue, even from a biased point of view. He named the Chiquita executive who is a man with a Spanish name and said in a distinctly aggressive tone, several times, that the latter was a liar. He then concluded his tirade by hurling the following offensive insult, particularly to Hispanics, at the Chiquita representative: "Hey you. Yeah you, [name of Chiquita executive]. *Chinga tu madre.*"

On January 17, 2012, nearly a month after the broadcast at issue, Ezra Levant attempted to exculpate himself by inviting Mario Canseco, a man of Mexican origin whose mother tongue is Spanish, to his program to give his opinion on the meaning of the phrase « *Chinga tu madre* ». Before introducing his guest, Levant decided, for good measure, to replay the last part of the December 22 segment that gave rise to the complaints. He mentioned that he liked this phrase and that he was intent on repeating it as he had done at least two thousand times since December 22.

Following Canseco's explanations on the meaning of several words having the same origin as "chingar", Levant unrepentantly concluded, "Wow, so maybe it's not the bad word I was ho-, I hoped it would be."

The Panel Adjudicators concluded that host Ezra Levant used personal and particularly coarse insults with respect to a Chiquita executive that he named several times on the air, thereby violating the provisions of Clause 6 of the *CAB Code of Ethics* regarding full, fair and proper presentation.² They also found the host's attempt to explain himself on January 17, 2012 only served to exacerbate the insult, particularly in light of the admission that he had used the term in a blatant attempt to attack the Chiquita executive.

Broadcaster Responsiveness

In all CBSC decisions, the Panels assess the broadcaster's response to the complainants. The broadcaster need not agree with the complainants' position, but it must respond in a courteous, thoughtful and thorough manner. In this case, Sun News Network responded to all complainants. However, in his reply to the complainants, the Sun News Network legal counsel attempted to justify the host's comments by pointing out other variations of the word used by Ezra Levant. He suggested several, including the word "chingar" on its own, the expression "en chingar" and the word "chingadera". He provided a scholarly etymological discussion on the origins of the word "chingar", but avoided using it with the words "tu madre". The Panel considers that this was seemingly an attempt to obfuscate the facts and avoid addressing the complainants' concerns about the use of the specific phrase in the precise context of the December 22 broadcast. That reply, along with the attempt to minimize the incident on January 17, did not contribute to a productive dialogue between the broadcaster and complainants that the CBSC usually sees and expects of its members.

ANNOUNCEMENT OF THE DECISION

Sun News Network is required to: 1) announce the decision, in the following terms, once during prime time within three days following the release of this decision and once more within seven days following the release of this decision during the time period in which this episode of *The Source* was broadcast; 2) within the fourteen days following the broadcasts of the announcements, to provide written confirmation of the airing of the statement to the complainants who filed the Ruling Requests; and 3) at that time, to provide the CBSC with a copy of that written confirmation and with air check copies of the broadcasts of the two announcements which must be made by Sun News Network.

The Canadian Broadcast Standards Council has found that Sun News Network breached the Canadian Association of Broadcasters' *Code of Ethics* in its broadcast of *The Source* on December 22, 2011. The program contained a coarse insult directed at a specific named person. This violated Clause 6 of the Code.

This decision is a public document upon its release by the Canadian Broadcast Standards Council.

¹ See, for example, Sun News Network re *Canada Live* (Margie Gillis interview) (CBSC Decision 10/11-1803+, December 15, 2011).

² See the following previous CBSC decisions in which the Council found Code violations for the broadcast of coarse language used to insult individuals: CHOI-FM re *Le monde parallèle de Jeff Fillion* (CBSC Decision 02/03-0115, July 17, 2003); CJRC-AM re an interview by Daniel Séguin on *L'Outaouais ce matin* (CBSC Decisions 03/04-2082 & 04/05-0023, April 4, 2005); CJMF-FM re comments made on an episode of *Le trio de l'enfer* (CBSC Decision 04/05-0761, October 24, 2005); CJMF-FM re an interview on *Bouchard en parle* (CBSC Decision 04/05-1852, February 3, 2006); CKAC-AM re an episode of *Doc Mailloux* (Adolescent Sexuality) (CBSC Decision 05/06-1104, June 30, 2006); and CHRB-AM (AM 1140) re an episode of *Freedom Radio Network* (CBSC Decision 05/06-1959, January 9, 2007).