

Ofcom broadcast bulletin

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OFFICE OF COMMUNICATIONS

Contents

Introduction	2
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Standards cases

Resolved	3
Not in Breach	6

Fairness and Privacy cases

Resolved	10
Not Upheld	10
Other programmes not in breach/outside remit	11

Introduction

The Communications Act allows for the Codes of the legacy regulators to remain in force until such time as Ofcom developed its own Codes. Ofcom consulted in 2004 on its new Code, which will be published later this month and will take effect from late July (detail to be advised) - with the exception of Rule 10.17 which comes into effect on 1 July 2005.

The Codes and rules currently in force for broadcast content are:

- Advertising and Sponsorship Code (Radio Authority)
- News & Current Affairs Code and Programme Code (Radio Authority)
- Code on Standards (Broadcasting Standards Commission)
- Code on Fairness and Privacy (Broadcasting Standards Commission)
- Programme Code (Independent Television Commission)
- Programme Sponsorship Code (Independent Television Commission)
- Rules on the Amount and Scheduling of Advertising

From time to time adjudications relating to advertising content may appear in the bulletin in relation to the application of formal sanctions by Ofcom.

Copies of the full adjudications for Upheld and Not Upheld Fairness and Privacy cases can be found on the Ofcom website: www.ofcom.org.uk

Standards cases

Resolved

Liverpool v Chelsea

Sky Sports 1, 1 January 2005, 12:00

Introduction

A viewer complained that, during the half time interval of this match, a recording of an exchange between a player and the referee contained the words “fucking hell”, which he found offensive.

Response

Sky said that at the end of the first half, during a short advertising break, a player was recorded arguing with the referee about his refusal to award a penalty shortly before the break. This was considered of interest to viewers and the producer prepared the recording for broadcast when the programme resumed. The broadcaster said that although the environment in which such material was selected can be noisy and is always pressurised, it apologised for the failure in its review process. It accepted that the producer should have noticed the offensive language and withheld the piece from broadcast. The production staff had been reminded of the importance of carefully reviewing recorded material in its entirety, no matter what the time pressure.

Decision

The language occurred at 13:30 and was inappropriate for that time of day. However, given the circumstances, Sky’s acknowledgement of the error and its subsequent action, we consider the matter resolved.

Complaint resolved

Hostage trailer

TVBS - The Chinese Channel, 25 March 2005, 20:08

Introduction

A viewer complained about swearing in a trailer for the action/adventure film *Hostage* starring Bruce Willis. They did not expect to hear this kind of language, including various derivatives of the word “fuck”, shortly after 20:00.

Response

The Chinese Channel explained that this had been an oversight and apologised for the mistake. The channel normally shows Chinese-language content, but does occasionally include short clips of major films that may interest its audience.

The broadcaster assured us that it would be more vigilant in future.

Decision

We welcome the broadcaster’s acknowledgement of the error and its assurances about future compliance. In view of this, we consider the matter resolved.

Complaint Resolved

Planet Rock

23 April 2005, 17:30

Introduction

A listener complained that he heard a track that contained repeated use of the word “fuck” when he was listening with his young daughter.

Response

GWR said that the track *You're Crazy* by Guns 'N' Roses was played as part of a 'Classic Album' feature. As a specialist rock station, Planet Rock does play material that reflects that culture, of which such language is a part. Audiences for such specialist shows tend to be more relaxed about strong language and the child audience at that time is very small. Nevertheless, it was not intended to play an unedited version at that time. The track had subsequently been properly edited for broadcast. Planet Rock's production team had also been reminded of the importance of carefully reviewing any classic album material before it was broadcast. The station wished to apologise to the complainant for any offence caused.

Decision

There is no absolute ban on swearing in radio programming, neither is there a watershed. However our Programme Code makes it clear that during peak listening times, such as breakfast and drivetime, when a significant number of younger listeners are likely to be in the audience, tracks that contain offensive language should not be aired, or should be edited to exclude, or mask such lyrics. In view of the broadcaster's response and subsequent action, we considered that the matter is resolved.

Complaint Resolved

Not in Breach

Jamie's School Dinners

Channel 4, 23 February – 16 March 2005, 21:00

Introduction

This series documented Jamie Oliver's desire to improve the nutritional quality of school dinners in various schools across one London borough and the difficulties and challenges he encountered.

36 viewers complained about swearing and offensive language in the series. Some regarded the language as simply gratuitous and unnecessary. Others made the point that such content prevented parents from watching with their children, who would be particularly attracted to the series – especially as some of them were pupils at the schools featured.

Response

Channel 4 said that the series was specifically aimed at an adult audience. Its aim was to raise awareness amongst parents and those involved in the provision of school dinners and highlight the lack of nutrition in the meals children were being served. The view was taken from the outset that to censor the language used by Jamie when under pressure and frustrated would undermine the context and integrity of the programmes; it was not a scripted series and the intention was to portray an authentic account of the process. At no time did Jamie use strong language in the presence of children at any of the schools he worked with – it was solely in the kitchen or in meetings with other adults.

It was appreciated by the commissioning team that some viewers may find the use of strong language offensive, but in order to achieve the editorial aspirations for the series it was important to deal with that issue by scheduling appropriately and warning viewers about the content. The alternative of cutting scenes, or dipping or bleeping the language, would have risked diluting the documentary account of Jamie's strenuous efforts to effect change. The programmes were therefore scheduled appropriately, post-watershed and clear warnings were given to viewers alerting them to the strong language.

Decision

We appreciate that, irrespective of the scheduling or context, some viewers find the use of such strong language unacceptable. However, in accordance with the Code, the programmes were scheduled after the watershed and very clear warnings were given that there was strong language from the start and throughout.

It is possible, given the subject matter, that the programme would have attracted some child viewers and the broadcaster could have decided to edit accordingly. However, with such clear signposting, we believe that the majority of the audience would have expected the programme to contain strong language. While we have some reservations about the editorial justification for the use of some of the strongest language, we note that audience figures for the series indicate that the child audience was not significant and consider that, on balance, the programmes did not breach the Code.

The programmes were not in breach

The Idiots

Channel 4, 7 March 2005, 00:05

Introduction

Seven viewers complained about the graphic sexual content of this film – especially as it was shown on a terrestrial channel.

Response

Channel 4 explained that the film was shown as part of its “Banned” season exploring censorship and cinematic works. The channel recognised that the films in this season were of a controversial and difficult nature. It was decided to precede each film with a short contextualising introductory film warning potential viewers about the difficult or extreme material contained in the film and explaining its context and justification.

On this occasion, Tim Roth, the presenter of these introductory films, explained that the film was about a group of young Danish people who lived together and played out their lives as though they were mentally impaired. Tim Roth explains that the censors were troubled by a “gangbang with full front nudity and a brief shot of hardcore penetration”. He went on to say that “the BBFC [British Board of Film Classification] understood that the orgy scene was thematically important because it questions the characters’ intentions and heralds the break-up of the commune”. Tim Roth explains that the BBFC passed the film uncut for both cinema and home video release, but that “the offending organs were digitally obscured for its first television broadcast”.

Channel 4 took the view that this broadcast was transmitted in a different and very specific context - a debate about the censorship of film and television. However, the channel took the precaution of scheduling the film after midnight and gave clear and specific warnings about the content. In addition to the introductory film, there was a warning immediately before the broadcast and another returning from the advertisement break, prior to the scene in question (broadcast at approximately 01:30).

Given, a) its statutory remit to innovate and experiment and to appeal to the tastes and interests of a culturally diverse society and b) viewers’ expectations regarding this remit, Channel 4 believed it made adequate provisions to limit the degree of harm and offence likely to be caused.

Decision

We recognise that this is a challenging and controversial film, which some viewers may find difficult to view. Until now, films showing unedited graphic sexual content of this nature have been confined to specialist subscription film channels. *The Idiots* has been shown before on Channel 4, but with the scene of penetrative sex digitally obscured. When previously shown on FilmFour and in an edited version on Channel 4, the film attracted very little complaint and those received were not upheld by the legacy regulators.

We recognise that showing such sexual imagery on a terrestrial channel carries a greater potential for offence than when broadcast on a specialist subscription channel which is of limited availability. Ofcom has to balance the potential offence this film may cause viewers against Channel 4's remit to explore difficult themes - on this occasion the examination of censorship.

Under the circumstances: the serious contextualisation of the film within a season examining the censorship of film and television, its artistic purpose, the channel which transmitted it, the strong warnings before the film and prior to the scene in question and the scheduling after midnight, we consider this broadcast of the film on Channel 4 did not breach the Code. These circumstances all served to prepare potential viewers for the extreme content.

An important consideration was the artistic intention of the film in its style and narrative. The documentary approach, along with the brevity of the scene and its pivotal role in breaking up the group, further distanced the film from those of the 'adult market'.

While we do not consider the film was in breach of the Code on this occasion, we must consider carefully the acceptability of any similar content on an individual basis.

The film was not in breach

Fairness and Privacy Cases

Where a complaint is not upheld there is only a note of the outcome. For a copy of a full adjudication, whether the complaint is upheld or not, go to Ofcom's website at www.ofcom.org.uk/bulletins/ or send a stamped addressed envelope to: Ofcom, Riverside House, 2a Southwark Bridge Road, London SE1 9HA.

Resolved

Complaint by Mrs X

My Name Is Paul, BBC Northern Ireland, 6 October 2004

Ofcom received a complaint of unfair treatment in *My Name Is Paul*, a programme broadcast on 6 October 2004 on BBC Northern Ireland.

The programme followed the efforts of a family to get funding for special needs education for their autistic son. The programme included a shot of a letter from South Eastern Education and Library Board to the family, briefly showing the name and signature of an officer of the Board.

The BBC apologised for the inclusion of the shot, which was an oversight, and edited the programme so as to remove the name and signature from any future transmission. The complainant and Ofcom welcomed the broadcaster's action, which seemed fair and reasonable in the circumstances, and decided it would not be appropriate to proceed further with the complaint.

Not Upheld

Complainant	Programme	Date & Broadcaster	Type of complaint
Mr David Payne	X Ray	BBC1 (Wales) 17 March 2003	Unfair treatment and unwarranted infringement of privacy
Mr Garath Cross on behalf of Oceanarium Limited	UK's Worst....Days Out	BBC1 14 August 2003	Unfair treatment

Other programmes not in breach/out of remit 20 April– 3 May

Programme	Trans Date	Channel	Category	No of complaints
A Fish Called Wanda	26/04/2005	ITV1	Offence	1
Alfie film trailer	19/04/2005	Channel 4	Sexual Portrayal	1
All New Cosmetic Surgery Live	19/04/2005	Five	Offence	1
All New Cosmetic Surgery Live	20/04/2005	Five	Offence	3
All New Cosmetic Surgery Live	21/04/2005	Five	Offence	1
American Chopper	15/04/2005	Discovery	Scheduling	1
Ant and Dec's Saturday Night Takeaway	16/04/2005	ITV1	Offence	1
BBC News	22/04/2005	BBC1	Impartiality	1
BBC News	25/04/2005	BBC1	Offence	1
BBC News	26/04/2005	BBC1	Impartiality	1
BBC News	28/04/2005	BBC1	Impartiality	1
BBC News	29/04/2005	BBC1	Impartiality	1
BBC Radio Ulster	20/04/2005	BBC Radio Ulster	Religious Offence	1
Bikini Beach	20/04/2005	Hollywood TV	Scheduling	1
Bremner, Bird & Fortune	20/04/2005	Channel 4	Religious Offence	1
Bridge on the River Kwai	25/04/2005	Channel 4	Accuracy	1
Broadband UK	19/04/2005	Broadband UK	Misleading	1
Broadland 102	22/04/2005	Broadland 102	Language	1
Calon FM	29/03/2005	Calon FM	Language	1
Celebrity Wrestling	23/04/2005	ITV1	Advertising	1
Celebrity Wrestling	23/04/2005	ITV1	Offence	1
Channel 4 News	12/04/2005	Channel 4	Impartiality	2
Channel 4 News	14/04/2005	Channel 4	Impartiality	1
Channel 4 News	09/04/2005	Channel 4	Offence	1
Channel 4 News	17/04/2005	Channel 4	Offence	1
Channel 4 News	19/04/2005	Channel 4	Religious Offence	1
Chart Show	24/04/2005	BBC Radio 1	Misleading	1
Coach Trip	11/04/2005	Channel 4	Offence	1
Coronation Street	20/04/2005	ITV1	Offence	1
Coronation Street	28/04/2005	ITV1	Offence	1
CSI: Crime Scene	19/04/2005	Five	Offence	1
Daystar	22/04/2005	Daystar	Religious Offence	1
Death of a Porn Star	28/04/2005	Channel 4	Offence	1
Desperate Housewives	25/04/2005	Channel 4	Offence	1
Dr Who	09/04/2005	BBC1	Language	1
Dr Who	23/04/2005	BBC1	Offence	1
Election 2005	22/04/2005	BBC1	Accuracy	1
Election 2005	27/04/2005	ITV1	Impartiality	1
Election 2005	18/04/2005	ITV1	Impartiality	1
Election 2005	25/04/2005	BBC1	Impartiality	1

Emmerdale	18/04/2005	ITV1	Accuracy	1
Emmerdale	11/04/2005	ITV1	Offence	1
Emmerdale	06/04/2005	BBC1	Offence	1
Emmerdale	25/04/2005	ITV1	Offence	1
Emmerdale	29/04/2005	ITV1	Offence	1
Five News	27/04/2005	Five	Offence	1
Friday Night With Jonathan Ross	22/04/2005	BBC1	Religious Offence	1
Friends	19/04/2005	Channel 4	Sexual Portrayal	1
Galaxy 102	25/04/2005	Galaxy 102	Language	1
Game Network	05/04/2005	Game Network	Language	1
GMTV	06/04/2005	ITV1	Offence	1
GMTV	18/04/2005	ITV1	Offence	1
GMTV	26/04/2005	ITV1	Offence	1
Hallam FM	11/04/2005	Hallam FM	Offence	1
Have I Got News For You	22/04/2005	BBC1	Religious Offence	1
Have I Got News For You	15/04/2005	BBC1	Offence	1
Hell's Kitchen	27/04/2005	ITV1	Language	1
Hell's Kitchen	03/06/2004	ITV1	Offence	1
Hell's Kitchen	19/04/2005	ITV1	Violence	1
Hell's Kitchen	20/04/2005	ITV1	Language	3
Hell's Kitchen	21/04/2005	ITV1	Language	1
Hell's Kitchen	25/04/2005	ITV1	Offence	1
ITV News	09/04/2005	ITV1	Offence	1
ITV News	14/04/2005	ITV1	Accuracy	1
ITV News	15/04/2005	ITV1	Offence	1
ITV News	25/04/2005	ITV1	Accuracy	1
ITV News	27/04/2005	ITV1	Impartiality	1
James Whale Show	19/04/2005	Talk Sport	Offence	1
Jonathan Dimbleby	11/04/2005	ITV	Scheduling	1
Labour PPB	19/04/2005	-	Accuracy	1
Labour PPB	20/04/2005	-	Offence	1
Labour PPB	25/04/2005	-	Accuracy	1
LBC Programme	28/04/2005	LBC97.3	Offence	1
Less Than Perfect	27/03/2005	ABC1	Language	1
Lib Dem PPB	17/04/2005	Channel 4	Offence	1
Life Isn't All Ha Ha	27/04/2005	BBC1	Scheduling	1
London Marathon	17/04/2005	BBC1	Offence	1
London Tonight	27/04/2005	ITV1	Religious Offence	1
Loose Women	20/04/2005	ITV1	Offence	1
Loose Women	19/04/2005	ITV1	Offence	2
Loose Women	18/04/2005	ITV1	Offence	1
Loose Women	21/04/2005	ITV1	Offence	1
Meridian News	15/04/2005	ITV1	Impartiality	1
Mike Mendoza	13/04/2005	Talksport	Impartiality	1
Mums on Strike	21/04/2005	ITV1	Offence	1
My Favourite Hymns	17/04/2005	ITV1	Scheduling	2
News (election coverage)	26/04/2005	Virgin Radio	Impartiality	1
Newsnight	27/04/2005	BBC2	Impartiality	1

Nick Ferrari	14/03/2005	LBC97.3	Offence	1
No Angels	12/04/2005	Channel 4	Language	1
Offside	07/02/2005	BBC1 Scotland	Offence	1
Panorama	17/05/2005	BBC1	Offence	1
Pete & Geoff Breakfast	28/04/2005	Virgin Radio	Language	1
Property Ladder	23/04/2005	Channel 4	Language	1
Question Time	14/04/2005	BBC1	Impartiality	1
BBC Radio 1	-	BBC Radio 1	Religious Offence	1
BBC Radio 2	19/04/2005	BBC Radio 2	Impartiality	1
Real Story	25/04/2005	BBC1	Scheduling	1
Richard and Judy	04/03/2005	Channel 4	Offence	1
Richard and Judy	20/04/2005	Channel 4	Violence	1
Richard and Judy	28/04/2005	Channel 4	Language	1
Shameless	08/03/2005	Channel 4	Offence	1
Shameless	22/12/2004	Channel 4	Sexual Portrayal	1
Shariah TV	20/04/2005	Channel 4	Impartiality	1
Star TV	16/04/2005	Star TV	Offence	1
T4	24/04/2005	Channel 4	Offence	1
Talksport	18/04/2005	Talksport	Offence	1
Teletext	12/04/2005	Teletext	Impartiality	1
The Chris Moyles Show	29/03/2005	BBC Radio 1	Offence	1
The Fugitives	14/04/2005	ITV1	Language	1
The God Channel	25/04/2005	God TV	Religious Offence	1
The Last Word	27/04/2005	ITV1	Offence	1
The National Lottery: Come and Have a Go	23/04/2005	BBC1	Offence	1
The New Ten Commandments	26/02/2005	Channel 4	Religious Offence	1
The Now Show	23/04/2005	BBC1	Religious Offence	1
The Paxman Interviews	18/04/2005	BBC1	Impartiality	2
The People's Court	21/04/2005	ITV1	Offence	1
The Sunday Programme	24/04/2005	ITV1	Impartiality	1
The Wave FM	15/04/2005	96.4 The Wave FM	Offence	1
The Wright Stuff	20/04/2005	Five	Offence	2
Thought for the Day	18/04/2005	BBC Radio 4	Offence	1
Today Programme	21/04/2005	BBC Radio 4	Offence	1
Tonight with Trevor McDonald	18/04/2005	ITV1	Accuracy	1
Tonight with Trevor McDonald	22/04/2005	ITV1	Offence	1
Trisha	12/11/2004	ITV1	Offence	1
Trisha Goddard	20/04/2005	Five	Sexual Portrayal	1
Trisha Goddard	21/04/2005	Five	Offence	1
Welcome to Fatland	19/04/2005	ITV1	Language	1
Who Would Hire You?	12/04/2005	BBC3	Language	1
Yesterday's Children	12/04/2005	Five	Scheduling	1
You're Fayed	31/03/2005	Channel 4	Offence	1