

# **Ofcom Broadcast Bulletin**

**Issue number 251  
31 March 2014**

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## Introduction

Under the Communications Act 2003 (“the Act”), Ofcom has a duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives<sup>1</sup>. Ofcom must include these standards in a code or codes. These are listed below. Ofcom also has a duty to secure that every provider of a notifiable On Demand Programme Services (“ODPS”) complies with certain standards requirements as set out in the Act<sup>2</sup>.

The Broadcast Bulletin reports on the outcome of investigations into alleged breaches of those Ofcom codes below, as well as licence conditions with which broadcasters regulated by Ofcom are required to comply. We also report on the outcome of ODPS sanctions referrals made by ATVOD and the ASA on the basis of their rules and guidance for ODPS. These Codes, rules and guidance documents include:

- a) [Ofcom’s Broadcasting Code](#) (“the Code”).
- b) the [Code on the Scheduling of Television Advertising](#) (“COSTA”) which contains rules on how much advertising and teleshopping may be scheduled in programmes, how many breaks are allowed and when they may be taken.
- c) certain sections of the [BCAP Code: the UK Code of Broadcast Advertising](#), which relate to those areas of the BCAP Code for which Ofcom retains regulatory responsibility. These include:
  - the prohibition on ‘political’ advertising;
  - sponsorship and product placement on television (see Rules 9.13, 9.16 and 9.17 of the Code) and all commercial communications in radio programming (see Rules 10.6 to 10.8 of the Code);
  - ‘participation TV’ advertising. This includes long-form advertising predicated on premium rate telephone services – most notably chat (including ‘adult’ chat), ‘psychic’ readings and dedicated quiz TV (Call TV quiz services). Ofcom is also responsible for regulating gambling, dating and ‘message board’ material where these are broadcast as advertising<sup>3</sup>.
- d) other licence conditions which broadcasters must comply with, such as requirements to pay fees and submit information which enables Ofcom to carry out its statutory duties. Further information can be found on Ofcom’s website for [television](#) and [radio](#) licences.
- e) rules and guidance for both [editorial content and advertising content on ODPS](#). Ofcom considers sanctions in relation to ODPS on referral by the Authority for Television On-Demand (“ATVOD”) or the Advertising Standards Authority (“ASA”), co-regulators of ODPS for editorial content and advertising respectively, or may do so as a concurrent regulator.

[Other codes and requirements](#) may also apply to broadcasters and ODPS, depending on their circumstances. These include the Code on Television Access Services (which sets out how much subtitling, signing and audio description relevant

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<sup>1</sup> The relevant legislation is set out in detail in Annex 1 of the Code.

<sup>2</sup> The relevant legislation can be found at Part 4A of the Act.

<sup>3</sup> BCAP and ASA continue to regulate conventional teleshopping content and spot advertising for these types of services where it is permitted. Ofcom remains responsible for statutory sanctions in all advertising cases.

licensees must provide), the Code on Electronic Programme Guides, the Code on Listed Events, and the Cross Promotion Code.

**It is Ofcom's policy to describe fully the content in television, radio and on demand content. Some of the language and descriptions used in Ofcom's Broadcast Bulletin may therefore cause offence.**

## Note to Broadcasters

### Election programming

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On 22 May 2014, European Parliamentary elections will be held in the UK. In addition, local and mayoral elections will be held in a number of English local authority areas, and local elections will be held in Northern Ireland.

Ofcom reminds all broadcasters that great care needs to be taken when broadcasting election-related programming. In particular, broadcasters should ensure that they comply with Section Five (Due Impartiality)<sup>1</sup> and Section Six (Elections and Referendums)<sup>2</sup> of the Code, as well as the prohibition of political advertising contained in section 321 of the Communications Act 2003.

Ofcom will consider any breach arising from election-related programming to be potentially serious, and will consider taking regulatory action, as appropriate, in such cases, including considering the imposition of a statutory sanction.

Broadcasters should note that, following a public Consultation, Ofcom has recently published an updated version of the Ofcom list of major parties<sup>3</sup> ahead of the elections taking place on 22 May 2014. Broadcasters should consult the list of major parties to ensure that any election-related programming complies with Section Six of the Code.

For further information about the various elections being contested on 22 May 2014 (including information about “election periods” as defined by the Code), broadcasters should visit the Electoral Commission website at [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk).

Broadcasters are also reminded that if they would find it helpful to have informal guidance on Sections Five and Six of the Code, they can contact Ofcom directly ([adam.baxter@ofcom.org.uk](mailto:adam.baxter@ofcom.org.uk)).

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<sup>1</sup> See: <http://stakeholders.ofcom.org.uk/binaries/broadcast/831190/section5.pdf> Ofcom’s published Guidance to Section Five of the Code can be found at: <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section5.pdf>.

<sup>2</sup> See: <http://stakeholders.ofcom.org.uk/binaries/broadcast/831190/section6.pdf> Ofcom’s published Guidance to Section Six of the Code can be found at: <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section6.pdf>.

<sup>3</sup> See: <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/major-parties.pdf>.

## Standards cases

### In Breach

#### Iftar Amir Kay Saath

*Geo UK, 23 July 2013, 16:00 and 19:00*

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Geo UK is a general entertainment and news channel broadcast in Urdu on the Sky platform. The licence for Geo UK is held by Geo TV Limited (“Geo TV” or “the Licensee”).

A complainant alerted Ofcom to two editions of *Iftar Amir Kay Saath*, a light entertainment programme broadcast during the Islamic holy month of Ramadan which was presented by Dr Amir Liaquat. The two editions of the programme were recorded live in Pakistan and then shown later that same day in the UK.

Ofcom viewed both editions of *Iftar Amir Kay Saath* broadcast on 23 July 2013. We noted a number of commercial references during both programmes, as well as the presence of the product placement signal throughout. As the programmes were predominantly in Urdu with some English, we commissioned an independent translation of the material.

Both programmes were in a magazine format with a variety of different elements such as a cookery segment, a painting competition, a religious sermon, a quiz and a prize giveaway. We were concerned by the prominence given to commercial references during the programmes. In particular we noted that:

- Throughout the programmes, prominently placed brand references were shown on-screen. For example, a ‘Q MOBILE’ sign could be seen placed on a table in the centre of the set, on a shelf in the kitchen area of the set and on each of the tables that quiz contestants were shown standing behind.
- *At points in both programmes, the presenter discussed the merits of brands and branded goods.* For example: a cooking segment contained repeated visual and audio references to ‘Mezan’ cooking oil products, including a slide show of ‘Mezan’ products shown on television screens on the set. The same segment also included visual and audio references to ‘Dettol’ liquid soap, including an extended shot lasting approximately 20 seconds of the presenter washing his hands next to a prominently positioned bottle of ‘Dettol’.

Geo TV told us that the programmes had been acquired from the producer in Pakistan, Independent Media Corporation. The Licensee explained that it had not received any payment or other consideration for the inclusion of references to products, services or trade marks, but confirmed that “product placement [had appeared] in the broadcast”.

Given confirmation from the Licensee that the programmes contained product placement, Ofcom considered that the prominent commercial references during the programmes raised issues warranting investigation under the following rules of the Code:

Rule 9.9: “References to placed products, services and trade marks must not be promotional.”

Rule 9.10: “References to placed products, services and trade marks must not be unduly prominent.”

In addition, Ofcom noted the following on-screen banner appeared during both programmes:

*“Dress and Shoes by Amir Liaquat Aik Pehchan  
[Postal address given]  
[Email address given] ph: [Telephone number given]”*

*“Dr Liaquat’s famous publications: The Signs of the Last Day; Our Mother; Loud Speaker; Loud Speaker 2; available all over Pakistan (free home delivery)  
[Telephone number, Twitter handle and website given]  
www.harpalgeo.tv”*

Further, the 19:00 edition of the programme contained the following on-screen banner:

*“Caravan Islamic International – Few seats left to book for Hajj pilgrimage Book soon.”*

Ofcom considered that these elements of the programme raised issues warranting investigation under Rule 9.2 of the Code, which states:

“Broadcasters must ensure that editorial content is distinct from advertising.”

We asked Geo TV for its comments on how the material complied with Rules 9.2, 9.9 and 9.10.

## **Response**

### Prominence and promotional nature of product placement

The Licensee stated its view that the programming had complied with Rules 9.9 and 9.10 of the Code. Geo TV believed that the programme should be seen in context as “a light entertainment show designed to celebrate Ramadan... [and which] tries to reflect the principals [sic] of Ramadan such as giving and serving humanity”.

In relation to Rule 9.9, the Licensee stated that the products shown during the prize giving segment “were distributed as gifts during Ramadan; therefore there was NO intended positive reference to any product which was likely to be perceived to be promotional in intent”. The Licensee also considered that the programmes had contained “no favourable or positive language about the products”, encouragement to purchase or price information. Overall, it considered that “the appearance of various products in this programme was in context with the overall editorial of the show, where raising the feeling of giving gifts during Ramadan was the concept”.

In relation to Rule 9.10, the Licensee considered that “no undue prominence [had been] given to any single product or trademark”. Instead it argued that “the giving away of gifts was editorially justified as the programme centered around Ramadan which is the Muslim season of giving”, “the products were visible to show the items and who had donated it” and that “viewers would [be] likely to perceive the products as natural and in keeping with the programme’s style, content, [and] context given that it was Ramadan”.

Further, the Licensee argued that the references to 'Mezan' and 'Dettol' were justified. It considered that the amount of time that it took for the host to wash his hands while the Dettol product was visible was "not unreasonable." It also considered that the references to Mezan were visible only "in the background and not overtly lingered on".

#### Distinction of editorial content from advertising

The Licensee, which considered that the material in question contained no positive product references, advertising claims or price information, explained that it had not received "any payments in return or were given any consideration for carrying the mentioned three products scrolls/screen labels". As a result, it considered that "*advertising*" as defined in COSTA<sup>1</sup> did not take place". In addition, the Licensee highlighted that there was "no gain for the licensor or us in such product[s] appearing" as the products mentioned were "not available in the UK".

The Licensee informed us that as a result of an equipment upgrade by its content supplier, it would in future receive material for broadcast that was free from screen banners. Although it did not consider the material breached the Code, the Licensee said it would look to work with Ofcom to find a suitable solution to avoid investigations in future.

#### **Decision**

Under the Communications Act 2003 ("the Act"), Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure a number of standards objectives, one of which is "that the international obligations of the United Kingdom with respect to advertising included in television and radio services are complied with". These obligations include ensuring compliance with the Audiovisual Media Services ("AVMS") Directive.

The AVMS Directive contains a number of provisions designed to help maintain a distinction between advertising and editorial content, including a requirement that television advertising is kept visually and/or audibly distinct from programming in order to prevent programmes becoming vehicles for advertising. The AVMS Directive and the Act also prohibit product placement where, among other things, such placement:

- directly encourages the purchase or rental of goods or services, whether by making promotional reference to those goods or services or otherwise; and
- gives undue prominence to the products, services or trade marks concerned.

The requirements of the AVMS Directive and the Act are reflected in Section Nine of the Code, including Rules 9.2, 9.9 and 9.10 among others.

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<sup>1</sup> 'COSTA' is the Code on the Scheduling of Television Advertising which contains rules on how much advertising and teleshopping may be scheduled in programmes, how many breaks are allowed and when they may be taken.



### Prominence and promotional nature of product placement

Ofcom's guidance accompanying Section Nine of the Code<sup>2</sup> makes clear that a breach of the product placement rules is likely to occur not only when clear promotional statements are made but also "where repeated implicit promotional content is broadcast (e.g. multiple references to a product that cannot be justified by the editorial requirements of the programme)". The guidance also states that the level of prominence given to a product, service or trade mark will be judged against the editorial context in which it appears. Consequently, while a product that is integral to a scene may justify a greater degree of product exposure, "where a product is used as a set prop, care should be taken to avoid close-up or lingering shots".

In this case, Ofcom noted the Licensee's view that the programmes contained no favourable or positive language about the products, encouragement to purchase or price information. Ofcom disagreed. Ofcom acknowledges that brief references to items being given away in a programme may be editorially justified in order to explain to audiences the nature of the gifts offered as prizes. However, it is likely that prominent, extended and repeated references to placed products are likely to serve the interests of the placed brand rather than the editorial narrative of the programme. Accordingly, references of this kind are likely to breach the Code.

In this case, we noted that signs had been placed throughout the set. For example, in addition to a reference for a 'Q Mobile' Quad-core phone "worth 35,000 rupees" given away as a prize, the set was filled with 'Q Mobile signs', including some placed on quiz contestants tables, on a shelf behind the presenter and on a table at the centre of the set. Two cars with prominent branding were visible in the background throughout both programmes: one featured a large sticker with a 'Total' logo on the bonnet while the other featured a 'Mezan' sticker in the shape of a ribbon wrapped around the length and width of the car. Posters for a soft-drink stating "*Jaam-a-Sheerim is a natural partner to Ramadan*" could also be seen in the background at various points. In our view, the fact that these items were presented as prizes during the programmes did not justify either the prominent branding or the references to placed products throughout.

In addition, we noted that the cooking segment of the programme began with the presenter standing in front of a sink using 'Dettol' liquid soap and stating "*First wash your hands with Dettol*" while a branded bottle was prominently positioned at the front of the shot for over 20 seconds. The presenter also referred repeatedly to the 'Mezan' oil used for cooking during the show, stating that:

*"Mezan provides daily meals for our guests which are very delicious, good and hygienic meals. Mezan provides it to you every day. The clay pot should be placed on the fire earlier because it takes time to heat up. We pour Mezan oil in it. Yesterday we fired it in Mezan Canola Oil. This is the special Mezan Canola Oil which we have used today as well".*

Prominent product branding was visible throughout this sequence including: two large 'Mezan' stickers on the front of the kitchen counter; a large banner with the 'Mezan' logo next to the presenter; two television screens with a rolling slideshow showing 'Mezan' products and the 'Mezan' logo; stacked boxes showing the 'Mezan' logo; as well as two large bottles of 'Mezan' oil and five large cans of 'Mezan' products. Although we noted the Licensee's view that the Mezan branding was

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<sup>2</sup> Ofcom's Guidance to Section Nine of the Code can be found at:  
<http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section9.pdf>.

editorially justified and appeared only in the background, in our view both the amount and nature of placement during the programme served a promotional rather than editorial purpose.

Finally, we also noted the Licensee's argument that the appearance of various products should be viewed within the context of a programme based on Ramadan as a traditional time for gift giving. Although Ofcom acknowledged that Ramadan provided a context for the overall theme of the programme, the Licensee remained under an obligation to ensure that commercial references did not serve to promote the products themselves, rather than contributing to the narrative of the programme. We considered that the amount and detail of the explicit and implicit references to placed products were both promotional and unduly prominent and that the programmes were therefore in breach of Rule 9.9 and Rule 9.10 of the Code.

#### Distinction of editorial content from advertising

Rule 9.2 states that editorial content must be distinct from advertising.

Ofcom's Guidance Notes on Section Nine make clear that, the purpose of the rule "... is to prevent editorial content being distorted for advertising purposes, so ensuring that editorial control is reserved to the licensee and that programming is understood by viewers as not being subject to the control of advertisers."

In this case, Ofcom noted that several statements, both for products and services offered by the presenter independently of the programme as well as third parties (e.g. shoe suppliers) appeared on-screen during the programme. Although we took account of the Licensee's argument that it had not received any payment or valuable consideration in return for carrying this material, we noted that the scrolling text included calls to action, contact details and advertising messages. For example, the statement "*Few seats left... Book soon*" appeared in connection with a pilgrimage service offered by a tour operator, while other messages promoted "*Dr Liaquat's* [i.e. the presenter's] *famous publications*". We considered the content of these messages was akin to advertising. We concluded, therefore, that editorial material in this case had not been kept distinct from advertising, and that accordingly the programmes were in breach of Rule 9.2 of the Code.

Although we noted the Licensee's intention to comply with the Code, we remind Geo TV that it is an obligation of its licence to ensure that it has sufficient resources and expertise in place to do so.

#### **Breaches of Rules 9.2, 9.9 and 9.10**

## In Breach

### Sponsorship of Street Show Haat Bazar

CHSTV, 18 December 2013, 19:11

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#### Introduction

CHSTV is a general entertainment channel aimed at the Bangladeshi community in the UK and Europe. The licence for CHSTV is held by CHS.TV Limited (“the Licensee”).

A viewer alerted Ofcom to the broadcast of a sponsorship credit for *Street Show Haat Bazar* – a documentary about food markets in Bangladesh.

The sponsorship credit in question was for the food retailer Haat Bazar in East London. The credit, which was shown against a moving graphic background containing the words “SPONSORED BY”, included a number of rapidly changing images of the sponsor’s premises. It featured details of the company’s website, street address, telephone number displayed on-screen. These details, along with the words “FREE CUSTOMER PARKING” were then repeated against a background of images of fruit and vegetables.

Ofcom considered the sponsorship credit raises issues warranting investigation under Rule 9.22(a) of the Code.

Rule 9.22: “Sponsorship credits must be distinct from advertising. In particular:

- (a) Sponsorship credits broadcast **around sponsored programmes** must not contain advertising messages or calls to action. Credits must not encourage the purchase or rental of the products or services of the sponsor or a third party. The focus of the credit must be the sponsorship arrangement itself. Such credits may include explicit reference to the sponsor’s products, services or trade marks for the sole purpose of helping to identify the sponsor and/or the sponsorship arrangement.”

We therefore asked the Licensee for its comments about how the material complied with this rule.

#### Response

The Licensee explained that there were two retailers in East London with the name Haat Bazar. It therefore considered the inclusion of the address, telephone number and free parking facility served to identify which retailer was the sponsor of the programme. The Licensee added that it did not consider this information constituted an advertising message or a call to action.

The Licensee said that prior to being contacted by Ofcom about the material, it became aware that the other retailer had changed its name and as such, it was no longer necessary to identify the sponsor in this way. Consequently, the Licensee removed information regarding the sponsor’s address, website, telephone number and free parking facility from the sponsorship credit.

## **Decision**

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, one of which is that “the international obligations of the United Kingdom with respect to advertising included in television and radio services are complied with”. These obligations include ensuring compliance with the Audiovisual Media Service (“AVMS” Directive).

The AVMS Directive limits the amount of advertising a broadcaster can transmit and requires that advertising is kept distinct from other parts of the programme service. Sponsorship credits are treated as part of the sponsored content and do not count towards the amount of airtime a broadcaster is allowed to use for advertising. To prevent credits effectively becoming advertisements, and therefore increasing the amount of advertising transmitted, broadcasters are required to ensure that sponsorship credits do not contain advertising messages.

Rule 9.22(a) of the Code reflects this requirement. Among other things, Rule 9.22(a) requires that sponsorship credits broadcast around sponsored programmes must not contain advertising messages or calls to action. The focus of the credit must be the sponsorship arrangement itself and references to the sponsor’s products, services or trade marks should be for the sole purpose of helping identify the sponsor and/or the sponsorship arrangement.

In this case, the sponsorship credit displayed the street address, website and telephone number of the company on two occasions, as well as the phrase “FREE CUSTOMER PARKING”.

Ofcom noted the Licensee’s view that the details in the credit served only to identify the retailer which sponsored the programme and that the credit did not contain advertising messages.

In our view, however, although the frame in which the credit appeared did identify the existence of a sponsorship arrangement, the focus throughout the credit was on the products and services offered by the sponsor at its store. We also considered that the reference to “FREE CUSTOMER PARKING” was an advertising claim outlining a service offered by the sponsor.

Although we welcomed the steps subsequently taken by the Licensee, we concluded that the sponsorship credit was in breach of 9.22(a) of the Code.

### **Breach of 9.22(a)**

## Advertising Scheduling Cases

### In Breach

#### Resolved findings table

*Code on the Scheduling of Television Advertising compliance reports*

Rule 4 of the Code on the Scheduling of Television Advertising (“COSTA”) states:

“... time devoted to television advertising and teleshopping spots on any channel must not exceed 12 minutes.”

Channel	Transmission date and time	Code and rule / licence condition	Summary finding
Samaa	Various dates and times, December 2013 and January 2014.	COSTA Rule 4	<p>Ofcom noted during monitoring, that Samaa had exceeded the permitted advertising allowance on nine occasions, ranging from overruns of between two and 120 seconds. Samaa explained that six of these incidents involving overruns of between two and 33 seconds, resulted from the cumulative effect of individual adverts being microseconds over their specified time. Taken across a whole hour this could amount to many extra seconds. Samaa said that to avoid a recurrence it would reduce its allowance by 30 seconds each hour.</p> <p>The other three incidents involved overruns of between 58 seconds and 120 seconds, which Samaa said were the result of an upgrade to its systems which resulted in a small number of adverts being repeated in error. Samaa apologised for this situation and said that this problem had now been rectified.</p> <p><b>Finding: Resolved</b></p>

## Broadcast Licence Condition Cases

### Broadcasting licensees' late and non- payment of licence fees

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Ofcom is partly funded by the licence fees it charges television and radio licensees. Ofcom is under a statutory obligation to ensure that the aggregate amount of fees that are required to be paid by licensees is sufficient to meet the cost of Ofcom's functions relating to the regulation of broadcasting. The principles which Ofcom applies when determining what fees should be paid by licensees are set out in the Statement of Charging Principles<sup>1</sup>. The detailed fees and charges which are payable by broadcasting licenses are set out in Ofcom's Tariff Tables<sup>2</sup>.

The payment of a fee is a licence requirement<sup>3</sup>. Failure by a licensee to pay its licence fee when required represents a serious and fundamental breach of a broadcast licence, as it means that Ofcom is unable properly to carry out its regulatory duties.

#### In Breach

The following licensees have failed to pay their annual licence fee in accordance with the original deadline, despite repeated requests to do so. These licensees have therefore been found **in breach** of their licences. As a consequence of this serious and continuing licence breach, Ofcom is putting these licensees on notice that their present contravention of their licences is being considered for the imposition of a statutory sanction, including licence revocation.

Television Licensees		
Licensee	Licence Number	Service Name
Passion Broadcasting Television Service	TLCS 885	Passion TV

#### Resolved

The following licensees failed to pay their annual licence fee in accordance with the original deadline, but have subsequently submitted a late payment. For these licensees, we therefore consider the matter **resolved**.

Television Licensees		
Licensee	Licence Number	Service Name
Thema Television UK Limited	TLCS 1695	Nollywood TV

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[http://stakeholders.ofcom.org.uk/binaries/consultations/socp/statement/charging\\_principles.pdf](http://stakeholders.ofcom.org.uk/binaries/consultations/socp/statement/charging_principles.pdf)

2 [http://stakeholders.ofcom.org.uk/binaries/research/Tariff\\_Tables\\_2001112.pdf](http://stakeholders.ofcom.org.uk/binaries/research/Tariff_Tables_2001112.pdf)

3 Contained in Licence Condition 3 for radio licensees and Licence Condition 4 for television licensees

## In Breach

### Provision of recordings

*1920 Evil Returns (trailer), Sony Max, 26 December 2013, 20:35*

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#### Introduction

Sony Max is an entertainment channel primarily aimed at an Asian audience in the UK. The licence is held by MSM Asia Limited (“MSM” or “the Licensee”).

A complainant alerted Ofcom to scenes of violence and horror in a trailer for the Bollywood horror film *1920 Evil Returns* broadcast around 20:35 on 26 December 2013.

Ofcom asked the Licensee to provide a recording of the programme. It did not do so by the deadline specified. Following a reminder by Ofcom, MSM said the recording had not been provided because its main compliance contact had been away for the period concerned and the contact details of the second person were out of date. MSM provided a recording shortly afterwards.

Ofcom considered the case raised issues warranting investigation under the following Licence Condition:

“11(2) In particular the Licensee shall:...

(b) at the request of Ofcom forthwith produce to Ofcom any...recording for examination or reproduction;...”

Ofcom therefore asked the Licensee for its comments under this Licence Condition.

#### Response

The Licensee apologised that it had not provided the recording in a timely fashion due to a combination of staff absence and out of date contact details. It said there was no intent to delay proceedings by Ofcom, and that it had since updated Ofcom with the relevant contact details to avoid a similar delay in the future.

#### Decision

Under the Communications Act 2003, Ofcom has a duty to ensure that in each broadcaster’s licence there are conditions requiring that the licensee retain recordings of each programme broadcast, in a specified form and for a specific period after broadcast, and to comply with any request to produce such recordings issued by Ofcom. TLCs licences enshrine these obligations in Licence Condition 11.

Licence Condition 11(2)(b) requires licensees to produce such recordings to Ofcom forthwith on request.

Breaches of Licence Condition 11(2)(b) are serious because they impede Ofcom’s ability to assess in a timely way whether a particular broadcast raises potential issues under the relevant codes. This can therefore affect Ofcom’s ability to carry out its statutory duties in regulating broadcast content.

In this case, MSM did provide the recording to Ofcom as soon as it said it became aware of the request. However, due to a combination of staff absence and out of date contact details MSM had provided to Ofcom, the Licensee clearly failed to do so “forthwith” within the deadlines set by Ofcom. MSM therefore breached Condition 11(2)(b) of its TLCS licence.

**Breach of TLCS Licence Condition 11(2)(b)**



## Other Programmes Not in Breach

Up to 17 March 2014

<b>Programme</b>	<b>Broadcaster</b>	<b>Transmission date</b>	<b>Categories</b>
Ben Fogle: New Lives in the Wild	Channel 5	02/02/2014	Sexual material
Celebrity Big Brother	Channel 5	07/01/2014	Offensive language
Emmerdale	ITV	28/01/2014	Violence and dangerous behaviour
My Super Ex-Girlfriend	Channel 5	12/01/2014	Scheduling
You've Been Framed!	ITV	16/02/2014	Violence and dangerous behaviour

## Complaints Assessed, not Investigated

### Between 4 and 17 March 2014

This is a list of complaints that, after careful assessment, Ofcom has decided not to pursue because they did not raise issues warranting investigation.

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
World's Greatest No.1s of The 21st Century: Top 50	4 Music	01/03/2014	Race discrimination/offence	1
Biggest Selling Power Ballads	4Music	09/03/2014	Scheduling	1
Police Interceptors	5*	14/03/2014	Offensive language	1
Geoff Lloyd	Absolute Radio	11/03/2014	Generally accepted standards	1
Geoff Lloyd's Hometown Show	Absolute Radio	28/02/2014	Scheduling	1
Programming	All	Various	Outside of remit / other	1
Programming	Apni Awaaz 87.7 FM	11/12/2013	Due impartiality/bias	1
Khara Sach	ARY News	18/12/2013	Generally accepted standards	1
Khara Sach	ARY News	30/12/2013	Religious/Beliefs discrimination/offence	1
Khara Sach	ARY News	13/01/2014	Promotion of products/services	1
Khara Sach	ARY News	Various	Fairness & Privacy	1
Sawal Ye Hai	ARY News	11/08/2013	Crime	4
Sawal Ye Hai	ARY News	11/08/2013	Religious/Beliefs discrimination/offence	1
Sawal Ye Hai	ARY News	11/08/2013	Violence and dangerous behaviour	1
Sawal Ye Hai (trailer)	ARY News	05/12/2013	Crime	3
Khara Sach	ARY World	29/10/2013	Generally accepted standards	1
Khara Sach	ARY World	05/11/2013	Generally accepted standards	1
BBC News at One	BBC 1	20/02/2014	Violence and dangerous behaviour	1
BBC News at Six	BBC 1	03/03/2014	Outside of remit / other	1
BBC News at Six	BBC 1	11/03/2014	Generally accepted standards	1
BBC News at Six	BBC 1	11/03/2014	Outside of remit / other	2
BBC News at Six	BBC 1	11/03/2014	Scheduling	1
Countryfile	BBC 1	09/03/2014	Scheduling	6
EastEnders	BBC 1	11/03/2014	Outside of remit / other	1
EastEnders	BBC 1	13/03/2014	Drugs, smoking, solvents or alcohol	1
EastEnders	BBC 1	13/03/2014	Generally accepted standards	2

Freedom (trailer)	BBC 1	07/03/2014	Generally accepted standards	1
Holby City	BBC 1	25/02/2014	Race discrimination/offence	1
Inside Out North West	BBC 1	03/03/2014	Generally accepted standards	1
Jonathan Creek	BBC 1	07/03/2014	Materially misleading	1
Jonathan Creek	BBC 1	14/03/2014	Gender discrimination/offence	1
Outnumbered	BBC 1	19/02/2014	Religious/Beliefs discrimination/offence	1
Outnumbered	BBC 1	05/03/2014	Disability discrimination/offence	1
Question Time	BBC 1	06/03/2014	Generally accepted standards	1
Regional News and Weather	BBC 1	13/03/2014	Outside of remit / other	1
Shetland	BBC 1	11/03/2014	Outside of remit / other	1
Six Nations Rugby Union	BBC 1	09/03/2014	Generally accepted standards	1
Six Nations Rugby Union	BBC 1	15/03/2014	Race discrimination/offence	1
The Andrew Marr Show	BBC 1	16/03/2014	Outside of remit / other	3
The One Show	BBC 1	04/03/2014	Sexual orientation discrimination/offence	1
The Voice UK	BBC 1	15/03/2014	Generally accepted standards	1
Two Doors Down	BBC 1	31/12/2013	Generally accepted standards	1
An Hour to Save Your Life	BBC 2	11/03/2014	Generally accepted standards	1
Fast and Fearless: Britain's Banger Racers	BBC 2	09/03/2014	Outside of remit / other	1
Line of Duty	BBC 2	26/02/2014	Religious/Beliefs discrimination/offence	1
Line of Duty	BBC 2	12/03/2014	Violence and dangerous behaviour	1
Mary Berry Cooks	BBC 2	10/03/2014	Gender discrimination/offence	1
Mind the Gap: London v The Rest	BBC 2	10/03/2014	Race discrimination/offence	1
Newsnight	BBC 2	11/03/2014	Generally accepted standards	1
Party Political Broadcast by the Conservative Party	BBC 2	12/03/2014	Outside of remit / other	1
Top Gear	BBC 2	02/03/2014	Gender discrimination/offence	1
Top Gear	BBC 2	02/03/2014	Generally accepted standards	18
Top Gear	BBC 2	02/03/2014	Religious/Beliefs discrimination/offence	2
Top Gear	BBC 2	03/03/2014	Religious/Beliefs discrimination/offence	1
Top Gear	BBC 2	09/03/2014	Disability discrimination/offence	1

Top Gear	BBC 2	09/03/2014	Generally accepted standards	1
Top Gear	BBC 2	09/03/2014	Offensive language	1
EDL Girls: Don't Call Me Racist	BBC 3	10/03/2014	Race discrimination/offence	6
Nihal	BBC Asian Network	05/03/2014	Race discrimination/offence	1
The Papers	BBC News Channel	12/03/2014	Race discrimination/offence	1
Programming	BBC Parliament	02/03/2014	Outside of remit / other	1
Dermot O'Leary	BBC Radio 2	15/03/2014	Offensive language	1
Ken Bruce	BBC Radio 2	17/03/2014	Race discrimination/offence	1
Gardener's Question Time	BBC Radio 4	09/03/2014	Outside of remit / other	1
Hair of the Dog	BBC Radio 4	01/01/2014	Generally accepted standards	1
The News Quiz	BBC Radio 4	08/03/2014	Generally accepted standards	1
Today	BBC Radio 4	05/03/2014	Generally accepted standards	1
Today	BBC Radio 4	13/03/2014	Outside of remit / other	1
You and Yours	BBC Radio 4	06/03/2014	Outside of remit / other	1
5 Live Drive	BBC Radio 5 Live	04/03/2014	Generally accepted standards	1
Geoff Twentyman's Drive Show	BBC Radio Bristol	26/02/2014	Race discrimination/offence	2
Capital Breakfast with Matt, Polly and Geraint	Capital FM (South Wales)	10/03/2014	Generally accepted standards	1
8 Out of 10 Cats	Channel 4	10/03/2014	Generally accepted standards	2
8 Out of 10 Cats	Channel 4	10/03/2014	Transgender discrimination/offence	1
8 Out of 10 Cats Does Countdown	Channel 4	28/02/2014	Offensive language	1
Blackout	Channel 4	09/03/2014	Materially misleading	1
Channel 4 News	Channel 4	17/02/2014	Due impartiality/bias	1
Channel 4 News	Channel 4	18/02/2014	Due impartiality/bias	1
Channel 4 News	Channel 4	24/02/2014	Due accuracy	1
Channel 4 News	Channel 4	28/02/2014	Due impartiality/bias	2
Channel 4 News	Channel 4	28/02/2014	Generally accepted standards	1
Channel 4 News	Channel 4	11/03/2014	Due impartiality/bias	1
Dispatches	Channel 4	03/03/2014	Materially misleading	6
Dispatches	Channel 4	03/03/2014	Offensive language	2
Finding Mum and Dad	Channel 4	15/01/2014	Under 18s in programmes	1
Gogglebox	Channel 4	07/03/2014	Crime	1
Gogglebox	Channel 4	07/03/2014	Due impartiality/bias	1
Gogglebox	Channel 4	07/03/2014	Offensive language	1

Gogglebox	Channel 4	07/03/2014	Race discrimination/offence	1
Gogglebox	Channel 4	14/03/2014	Generally accepted standards	1
Hollyoaks	Channel 4	Various	Outside of remit / other	1
Marvel's Agents of S.H.I.E.L.D. (trailer)	Channel 4	10/03/2014	Scheduling	1
Paralympic Winter Games	Channel 4	13/03/2014	Outside of remit / other	1
The Hoarder Next Door	Channel 4	06/03/2014	Generally accepted standards	1
The Paralympic Winter Games (trailer)	Channel 4	03/03/2014	Offensive language	1
The Simpsons	Channel 4	03/03/2014	Scheduling	1
The Simpsons	Channel 4	13/03/2014	Animal welfare	1
Undercover Doctor: Cure Me, I'm Gay	Channel 4	18/03/2014	Outside of remit / other	1
Blue Streak	Channel 5	01/02/2014	Scheduling	1
Born to Kill?	Channel 5	26/02/2014	Scheduling	2
Born to Kill?	Channel 5	12/03/2014	Scheduling	1
Can't Pay? We'll Take it Away!	Channel 5	10/03/2014	Harm	1
Ice Road Truckers	Channel 5	14/02/2014	Scheduling	1
Ice Road Truckers	Channel 5	28/02/2014	Scheduling	2
It Takes a Thief to Catch a Thief	Channel 5	06/03/2014	Crime	1
Left for Dead by the Yorkshire Ripper	Channel 5	05/03/2014	Scheduling	2
The Big British Immigration Row: Live	Channel 5	17/02/2014	Generally accepted standards	1
The Fifth Element	Channel 5	08/03/2014	Offensive language	1
The Plane That Vanished: Live	Channel 5	14/03/2014	Religious/Beliefs discrimination/offence	1
The Wright Stuff	Channel 5	07/03/2014	Offensive language	1
The Wright Stuff	Channel 5	12/03/2014	Disability discrimination/offence	2
Politics and Beyond	Channel I	14/02/2014	Due impartiality/bias	3
Programming	Classic FM	19/12/2013	Generally accepted standards	1
Halfords' sponsorship of Happy Motoring on Dave	Dave	27/02/2014	Generally accepted standards	1
Halfords' sponsorship of Happy Motoring on Dave	Dave	10/03/2014	Generally accepted standards	1
QI XL	Dave	05/03/2014	Scheduling	1
Top Gear	Dave	18/02/2014	Scheduling	1
Top Gear	Dave	07/03/2014	Scheduling	1

Citroen Van's sponsorship of documentaries on Discovery	Discovery	Various	Generally accepted standards	1
Live From the Red Carpet: The 2014 British Academy Film Awards	E! Entertainment	16/02/2014	Race discrimination/offence	1
The Paralympic Winter Games (trailer)	E4	06/03/2014	Offensive language	1
Too Pretty to Work	FilmOn.tv	12/02/2014	Offensive language	1
The Walking Dead	Fox	10/02/2014	Generally accepted standards	1
Drivetime with Olivia Tostevin	Heart FM	07/03/2014	Offensive language	1
Programming	Ipswich Community Radio 105.7FM	07/03/2014	Offensive language	1
"March for ITV4" promotion	ITV	02/03/2014	Generally accepted standards	1
"March for ITV4" promotion	ITV	Various	Generally accepted standards	1
Ant and Dec's Saturday Night Takeaway	ITV	15/03/2014	Animal welfare	1
Aunt Bessie's sponsorship of The Chase	ITV	27/02/2014	Gender discrimination/offence	1
Aunt Bessie's sponsorship of The Chase	ITV	04/03/2014	Age discrimination/offence	1
Celebrity Juice (trailer)	ITV	Various	Scheduling	1
CheekyBingo.com's sponsorship of The Jeremy Kyle Show	ITV	12/03/2014	Generally accepted standards	1
Coronation Street	ITV	21/02/2014	Scheduling	4
Coronation Street	ITV	26/02/2014	Violence and dangerous behaviour	1
Coronation Street	ITV	28/02/2014	Generally accepted standards	2
Coronation Street	ITV	05/03/2014	Generally accepted standards	1
Coronation Street	ITV	05/03/2014	Under 18s in programmes	1
Coronation Street	ITV	14/03/2014	Generally accepted standards	1
Coronation Street	ITV	14/03/2014	Scheduling	1
Coronation Street	ITV	17/03/2014	Scheduling	72
Coronation Street	ITV	Various	Outside of remit / other	1
Dancing on Ice	ITV	2010	Voting	1
Dancing on Ice	ITV	09/03/2014	Voting	4
Dickinson's Real Deal	ITV	10/03/2014	Competitions	1
Emmerdale	ITV	27/02/2014	Generally accepted standards	1

Emmerdale	ITV	27/02/2014	Race discrimination/offence	17
Emmerdale	ITV	10/03/2014	Generally accepted standards	1
Emmerdale	ITV	11/03/2014	Scheduling	1
F.A. Cup Live	ITV	08/03/2014	Offensive language	1
I Never Knew That About Britain	ITV	10/03/2014	Offensive language	7
International Football: England v Denmark	ITV	05/03/2014	Race discrimination/offence	1
ITV News and Weather	ITV	27/01/2014	Due impartiality/bias	1
ITV News and Weather	ITV	03/03/2014	Due impartiality/bias	1
ITV4 trailers	ITV	02/03/2014	Generally accepted standards	1
Loose Women	ITV	05/03/2014	Generally accepted standards	1
Lorraine	ITV	04/03/2014	Gender discrimination/offence	1
Sooty	ITV	08/03/2014	Scheduling	1
The Brit Awards 2014	ITV	19/02/2014	Drugs, smoking, solvents or alcohol	1
The Brit Awards 2014	ITV	19/02/2014	Offensive language	1
The Chase	ITV	21/02/2014	Materially misleading	1
The Chase	ITV	04/03/2014	Gender discrimination/offence	1
The Jeremy Kyle Show	ITV	03/03/2014	Generally accepted standards	1
The Jeremy Kyle Show	ITV	04/03/2014	Generally accepted standards	1
The Jeremy Kyle Show	ITV	Various	Generally accepted standards	1
The Only Way is Essex (trailer)	ITV	23/02/2014	Scheduling	1
This Morning	ITV	28/01/2014	Violence and dangerous behaviour	1
This Morning	ITV	19/02/2014	Due impartiality/bias	1
This Morning	ITV	26/02/2014	Generally accepted standards	6
UEFA Champions League	ITV	11/03/2014	Gender discrimination/offence	1
UEFA Europa League	ITV	20/02/2014	Race discrimination/offence	1
You've Been Framed!	ITV	08/03/2014	Violence and dangerous behaviour	1
ITV News Granada Reports	ITV Granada	05/03/2014	Animal welfare	6
ITV News London	ITV London	16/12/2013	Due accuracy	1
ITV News London	ITV London	05/03/2014	Scheduling	1
ITV News Meridian	ITV Meridian	27/02/2014	Violence and dangerous behaviour	1
118118.com's sponsorship of movies on ITV	ITV2	08/03/2014	Generally accepted standards	1

Celebrity Juice	ITV2	20/02/2014	Generally accepted standards	2
Celebrity Juice	ITV2	25/02/2014	Under 18s in programmes	1
Educating Joey Essex	ITV2	16/03/2014	Generally accepted standards	1
Emmerdale Omnibus	ITV2	01/03/2014	Race discrimination/offence	1
The Only Way is Essex	ITV2	12/03/2014	Generally accepted standards	1
The Only Way is Essex (trailer)	ITV2	20/02/2014	Scheduling	1
You've Been Framed!	ITV2	04/03/2014	Religious/Beliefs discrimination/offence	2
You've Been Framed!	ITV2	11/03/2014	Gender discrimination/offence	1
118118.com's sponsorship of movies on ITV	ITV2, ITV3, ITV4	Various	Generally accepted standards	1
It'll be Alright on the Night	ITV3	09/03/2014	Generally accepted standards	1
Jack FM's Morning Glory	Jack FM (Berkshire)	11/03/2014	Scheduling	1
Station ident	Jack FM (Southampton)	28/02/2014	Generally accepted standards	1
Station ident	Jack FM 107.7FM	05/03/2014	Generally accepted standards	1
Ballar av stål (Balls of Steel)	Kanal 5	23/02/2014	Crime	1
Nick Ferrari	LBC 97.3FM	10/03/2014	Generally accepted standards	2
Steve Allen	LBC 97.3FM	04/03/2014	Disability discrimination/offence	1
Dance Moms	Lifetime HD	23/02/2014	Under 18s in programmes	1
J Legal Time	NTV	14/01/2014	Product placement	1
Manhil and Khalil	Prime TV	Various	Outside of remit / other	1
News	RT	Various	Due accuracy	1
News	RT	Various	Due impartiality/bias	1
Fleming	Sky Atlantic	19/02/2014	Generally accepted standards	1
True Detective	Sky Atlantic	22/02/2014	Generally accepted standards	1
Pistorious Trial coverage	Sky News	Various	Outside of remit / other	1
Sky News	Sky News	27/02/2014	Generally accepted standards	1
Sunrise	Sky News	02/03/2014	Religious/Beliefs discrimination/offence	1
Scottish Football	Sky Sports 2	22/02/2014	Religious/Beliefs discrimination/offence	1
Duck Quacks Don't Echo	Sky1	16/03/2014	Sexual orientation discrimination/offence	1
Soccer A.M.	Sky1	08/03/2014	Generally accepted standards	1
The Simpsons	Sky1	09/03/2014	Offensive language	1



Coronation Street	STV	19/02/2014	Scheduling	1
STV News at Six	STV	24/02/2014	Offensive language	1
This Morning	STV	10/03/2014	Competitions	1
Alan Brazil Sports Breakfast	Talksport	21/02/2014	Race discrimination/offence	1
Morning Glory	Tower FM	Various	Scheduling	1
Morykin in the Morning	Tower FM	10/03/2014	Drugs, smoking, solvents or alcohol	1
Programming	Tudno FM	15/02/2014	Offensive language	1
Voice of Salvation	Venus TV	27/02/2014	Violence and dangerous behaviour	1
Programming	Venus TV, XL Radio Bradford and Noor TV	Various	Generally accepted standards	1
Believe (trailer)	Watch	14/03/2014	Scheduling	1
Madagascar	Watch	11/03/2014	Materially misleading	1

## Investigations List

If Ofcom considers that a broadcaster may have breached its codes, a condition of its licence or other regulatory requirements, it will start an investigation.

**It is important to note that an investigation by Ofcom does not necessarily mean the broadcaster has done anything wrong. Not all investigations result in breaches of the licence or other regulatory requirements being recorded.**

Here are alphabetical lists of new investigations launched between 6 and 19 March 2014.

### Investigations launched under the Procedures for investigating breaches of content standards for television and radio

Programme	Broadcaster	Transmission date
Advertising minutage	Aaj Tak	6 January 2014
Advertising minutage	ABS-CBN News Channel	19 February 2014
Advertising minutage	BT Sport 2	9 March 2014
Drivetime	Jack FM (Berkshire)	3 March 2014
Jabbar	Fever FM	14 February 2014
Various programmes	NTV	Various
Your Life in the UK	Channel i	23 January 2014

For more information about how Ofcom assesses complaints and conducts investigations about content standards, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/standards/>.

### Investigations launched under the Procedures for the consideration and adjudication of Fairness and Privacy complaints

Programme	Broadcaster	Transmission date
Police Interceptors	Channel 5	17 February 2014
This Morning	ITV	31 January 2014

For more information about how Ofcom considers and adjudicates upon Fairness and Privacy complaints, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/fairness/>.

### Investigations launched under the General Procedures for investigating breaches of broadcast licences

<b>Licensee</b>	<b>Licensed Service</b>
Meridian FM	Meridian FM Radio

For more information about how Ofcom assesses complaints and conducts investigations about broadcast licences, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/general-procedures/>.