

Ofcom Broadcast Bulletin

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Standards cases

In Breach

World's Most Amazing Videos

TV6, 28 June 2008, 20:00

Introduction

TV6 is a Swedish language channel operated by Viasat Broadcasting UK Limited ("Viasat"). Viasat holds licences for a number of channels which broadcast to various Scandinavian countries, including Sweden. The Viasat compliance department based in London manages compliance for all these licensees centrally.

World's Most Amazing Videos is a US series which describes itself as the ultimate 'caught-on-camera' reality show, depicting events like explosions, crashes, police chases and stunts. The episode complained of was called "*Wasted, Reckless and Out of Control*" and featured various clips of people under the influence of alcohol. These included groups of men involved in street fights and setting fire to cars, men smashing glass bottles over their heads and a party involving people drinking urine.

A viewer in Sweden was concerned that the scenes were both upsetting and disturbing, and complained to Ofcom that the programme was broadcast during the school summer holidays when young children were likely to be watching.

We asked Viasat for its comments in relation to the following Rules of the Code:

1.3 (children must be protected by appropriate scheduling from material that is unsuitable for them);

1.10 (the misuse of alcohol must generally be avoided and must not be condoned, encouraged or glamorised in programmes broadcast before the watershed, unless there is editorial justification);

1.11 (violence must be appropriately limited in programmes broadcast before the watershed); and

1.13 (dangerous behaviour that is likely to be easily imitable by children in a manner that is harmful must not be broadcast before the watershed unless there is editorial justification).

Response

Viasat responded that the series portrays "extraordinary events" in a serious manner and highlighted that the programme started with a warning to viewers. However, it acknowledged that the programme was broadcast at an inappropriate time and featured material unsuitable for transmission before the watershed. This was due to an error made by the TV6 programme scheduling team who failed to follow operational procedures, including checking the programme against the Viasat broadcast database provided by the compliance department.

In response to the complaint, the broadcaster said it had re-trained those at fault on the use of the broadcast database. It has also reminded them of the need to check restrictions on the broadcast of particular programmes and to inform Compliance before proceeding to schedule programmes. Viasat apologised for any distress the programme may have caused. It has now brought this matter to the attention of all its programming departments, and reviewed its internal communications on scheduling and programming matters to ensure that the correct compliance procedures are followed in future.

Decision

Ofcom noted Viasat's acknowledgement that the programme was broadcast at an inappropriate time and its explanation for this error. Ofcom also noted that the programme contained a number of sequences showing violence and anti-social behaviour under the influence of alcohol. There were several very violent fights, including a number of close-up shots of punches and a shot of a man getting his head smashed against a wall; men smashing various objects over their heads such as glass bottles and floor fans; people starting a large and potentially dangerous bonfire in a car park after a pop festival while under the influence of alcohol; and a drunk college student being pushed out to the middle of a lake on an inflatable float while asleep. In a number of cases extracts of the drunken violence were replayed in slow motion. The commentary did not put any of this dangerous or anti-social behaviour activity into context.

As regards Rule 1.10, the episode was entitled "*Wasted, Reckless and Out of Control*". It included numerous scenes showing the misuse of alcohol and its results in terms of violence and other dangerous and anti-social behaviour. Ofcom considered that these scenes were featured for the purposes of entertainment and in the context of presenting the behaviour as if it were acceptable and even amusing. In particular, the clips of violence were prolonged and replayed on a number of occasions to emphasise the more dramatic moments. There was no suggestion by the narrator or interviewees that the participants were engaged in anti-social or dangerous conduct, and only at one point did the commentary point out that the participants had, in one sequence, engaged in unlawful behaviour. In Ofcom's view, these sequences implicitly condoned or glamorised the misuse of alcohol, without editorial justification. The programme was therefore in breach of Rule 1.10.

Concerning Rule 1.11, given the length and frequency of the violent sequences featured in the programme, together with the use of replays and slow motion, Ofcom considered that these were not appropriately limited for broadcast before the watershed. In addition, the content of the programme was not in keeping with the general theme of the series, which generally included clips of accidents, disasters, police chases and other extraordinary events. Ofcom noted that a warning was given at the start of the programme stating "*The following programme contains dangerous stunts that should not be re-enacted and mature material. Viewer discretion is advised.*" We considered however that this information was inadequate, and that overall, in view of the amount and style of presentation of the scenes of violence, it was clearly not justified by the context. The programme was therefore in breach of Rule 1.11.

Regarding Rule 1.13, Ofcom was concerned by a number of scenes in the programme which we considered to show dangerous behaviour easily imitable by children. Ofcom was particularly concerned by scenes of men smashing objects such as glass bottles and floor fans over their heads voluntarily as acts of bravado, and a clip of a man being pushed out to the middle of a lake on an inflatable 'li-lo' while in a

drunken sleep. These acts involved accessible objects in regular use and were easily imitable by children in a way which is harmful. In Ofcom's view, the programme presented this behaviour as stunts which were both humorous and acceptable. The commentary did not identify the potentially very serious results and dangers of such activities. There was insufficient editorial justification for featuring these stunts in this manner. The programme was therefore also in breach of Rule 1.13.

Given these breaches of Rules 1.10, 1.11 and 1.13 relating to material shown before the watershed, Ofcom also considered the programme in breach of Rule 1.3 which requires that "children must...be protected by appropriate scheduling from material that is unsuitable for them".

Ofcom is very concerned that Viasat's compliance procedures allowed this programme to be shown before the watershed in breach of the Code. While we welcome the actions taken by Viasat in response to this complaint, Ofcom notes that several breaches of Rules 1.3 and 1.11 of the Code have now been recorded against services all owned and complied centrally in the UK by Viasat¹, despite Viasat giving Ofcom assurances in the past that compliance would improve.

Ofcom therefore formally records breaches of Rules 1.3, 1.10, 1.11 and 1.13 in this case. In light of the number of recent and repeated recorded breaches of Code relating to protection of the under-eighteens by Ofcom licensees all controlled and complied by Viasat, Ofcom puts Viasat on notice that it must take all necessary and appropriate measures to ensure its channels comply with the Code in the future. Should similar breaches occur on channels controlled by Viasat, Ofcom may consider the imposition of a statutory sanction.

Breach of Rules 1.3, 1.10, 1.11 and 1.13

¹ Ofcom Bulletin 54: *The World's Wildest Police Videos*, ZTV Sweden, 1 December 2005, 19:45; resolved: watershed issue.
Ofcom Bulletin 61: *Robin Hood - Prince of Thieves*, TV3 Sweden, 5 March 2006, 13:45; resolved: swearing before the watershed.
Ofcom Bulletin 86: *Prison Break*, TV3 Norway, various dates, 18:00 (19:00 local time); breach of Rules 1.3 and 1.11.
Ofcom Bulletin 102: *Smallville*, TV3 Sweden, 4 November 2007, 16:15; breach of Rules 1.3 and 1.11.
Unpublished: *Devil Dog Diaries*, TV8, 26 May 2008 at 15:00; resolved: complaint regarding Rules 1.3 and 1.11.

“Wake Up Your Brain” competition

James and Ali in the Morning, Invicta FM, 20 December 2007, 06:00

Introduction

Invicta FM is a local radio station for the Kent area which is owned by GCap Media (“GCap”). A listener contacted Ofcom in February 2008 saying that she had called the studio (off air) on the morning of Thursday 20 December 2007 to enter the “Wake Up Your Brain” competition. She alleged that she gave the correct answer “sunglasses” and received the response: “why is it now that everyone gets the right answer?” She was told that the answer had already been accepted and a winner had been found. However, the following day, the complainant was concerned that the competition was still being conducted and the presenters continued to urge listeners to call in with their answers including allegedly giving more clues to the answer.

Ofcom asked GCap about the conduct of the competition with regard to Rule 2.11 which states that “competitions should be conducted fairly”.

Response

GCap confirmed that the competition on Invicta FM was a weekly feature which normally took place in the early hours of its breakfast show. It was a simple trivia question feature which required the audience to telephone the radio station with their answers. If listeners failed to answer the question, the competition would be rolled over to the next day or until such time that the correct answer was given. GCap stated that entry to the competition was via a local Canterbury telephone number as opposed to a premium rate number. The prizes were generally small items such as CDs and DVDs.

GCap stated that on 20 December 2007 one of the two presenters on air took calls from listeners who phoned in with their answers to the competition question. These calls were recorded off air and some of the incorrect answers received were then transmitted later. It also said that the only correct answer had been received at 06:15 (on 20 December 2007) from a listener who was confirmed on air as the winner the next day.

GCap confirmed that the next day, on 21 December 2007, one of the presenters still solicited listeners, between 06:10 and 06:20, to call the station to take part in the competition but confirmed that no calls from listeners were answered during this time; anyone calling in would therefore have heard a continuous ringing tone. He then announced on air that a winner had been found and an audio recording of the winner made the previous day was transmitted. GCap said that it had spoken to the presenter but that he could not recall why he solicited further calls or whether he, as alleged by the complainant, also gave additional clues to the answer.

During the course of Ofcom’s investigation, GCap told us that, whilst the recording of the 20 December 2007 programme was available, a recording of the material broadcast on the 21 December 2007 was no longer available.

GCap acknowledged that as a winner had been selected on 20 December an announcement should have been made to inform listeners as soon as was practicable and that the presenter should not have encouraged listeners to still call in the following day. However, GCap reiterated that Invicta FM did not answer any

phone calls from listeners on the 21 December during the competition feature and, as a consequence, no potential contestants suffered any financial or other detriment. However, it said that notwithstanding this fact, it apologised unreservedly for the presenter's actions; the seriousness of which had been outlined to him along with the possible consequences of his actions.

Decision

We noted that the complainant contacted us on 14 February 2008 after she had made a number of attempts to discuss the matter with the broadcaster. At the end of March 2008, the broadcaster told Ofcom that it had no record of anyone being told that the answer had already been given as alleged by the complainant. However, it did ask for more information from the complainant to assist with its investigation.

The complainant subsequently provided emails to Ofcom which demonstrated the efforts she had undertaken to raise her concerns with the broadcaster. On 1 April 2008, GCap confirmed to Ofcom that the correct answer was submitted on 20 December 2007 and broadcast on 21 December 2007. Subsequently GCap wrote again to Ofcom on 17 April 2008 confirming that the presenter had in fact continued to solicit calls from listeners on the 21 December and it apologised unreservedly that this had been the case.

All broadcast competitions must comply with Rule 2.11 of the Code which states that "competitions should be conducted fairly". Listeners were solicited to call and enter a competition for which a winner had already been selected. Although Ofcom did not find any evidence to suggest that the unfair conduct in this case was intentional and no listeners suffered any financial harm, the broadcaster had nonetheless misled its audience as to the fair conduct of the competition. The competition was therefore conducted in breach of Rule 2.11 of the Code.

Ofcom was concerned that the unfair conduct of this competition was not identified at the time and the complainant had spent a month trying to discuss her concerns with the broadcaster. Having been contacted directly by the complainant in the first instance, GCap did retain (and latterly supply to Ofcom) the recording of the broadcast on 20 December 2007, but not that of the 21 December. Under the terms of their Ofcom licences, commercial radio broadcasters are required to retain recordings for a period of 42 days. We noted that by the time the complainant contacted Ofcom (19 February 2008), this period had passed. Nevertheless, it was a concern to Ofcom that all recordings relevant to this case had not been retained in the circumstances. It had also taken some time for the broadcaster to confirm the details of this case, suggesting that its internal investigation of the matter had not been entirely thorough.

Breach of Rule 2.11

“Worst Girlfriend” competition

Lloydie and Katie Show, Power FM, 14 March 2007, 16:00

Introduction

Power FM is local radio station for the South Hampshire area which is owned by GCap Media (“GCap”). During the week commencing 12 March 2007, Power FM ran a daily competition during its drive-time show to coincide with the release of an Avril Lavigne song called “Girlfriend”. Each day listeners were asked to call the station on a local-call rate telephone number to submit their “worst girlfriend” stories. The most entertaining entry was awarded a pair of tickets for an Avril Lavigne concert.

A listener contacted Ofcom claiming that the winner of the competition on 14 March 2007 was the sister of one of the show’s presenters. Ofcom asked GCap about the conduct of the competition with regard to Rule 2.11 which states that “competitions should be conducted fairly”.

Response

GCap confirmed that on the day of the competition in question, with approximately one minute of the song “Girlfriend” remaining, no listeners had called to enter the competition. GCap said that one of the presenters spontaneously decided to call her sister whom she knew had a good “worst girlfriend” story. GCap said that “the intention was not to deceive the audience but rather to ensure continuity of programming”. It added that “there was no deliberate attempt to ‘fake a winner’, rather, it was a naïve and ill-advised solution on the part of the presenter”.

GCap said that after the show the presenter told the Programme Controller what she had done. The Programme Controller reprimanded both presenters and held a meeting to remind all presenters of the need to conduct competitions fairly in accordance with Rule 2.11 of the Code.

It confirmed that to compensate for what had happened during the competition in question, two sets of tickets (which included the tickets “won” by the presenter’s sister) were awarded to listeners on the following day. No apology was given on air as “Power FM considered that the matter had been dealt with internally with considerable promptness and that no listener suffered financially or detrimentally as a result”.

GCap said that it had “resolved that it would be appropriate to issue guidelines to GCap stations to deal with the eventuality where no-one enters a competition and to reinforce the message that competitions must be run fairly”.

Decision

Broadcasters must at all times ensure that the audience is not misled as to the fair conduct of an audience competition. It is never acceptable for presenters to consider that the faking of a competition winner is the best and most appropriate way to conclude a competition in the event that no listeners choose to enter. Broadcasters must therefore ensure that staff responsible for conducting and concluding competitions are fully aware of the types of appropriate contingencies that should be put in place and those that should never be resorted to, such as faking a winner.

Ofcom's Guidance¹ on Rule 2.11 states: "two features have been found particularly likely to produce difficulties with the proper running of competitions: the technical complexity of telephony and other communication technology chains, and the pressures of production, particularly live production".

With regard to production pressures, the guidance continues that "it is evident that some competitions have been operated improperly because production and editorial values have been placed before obligations of fairness" and that broadcasters should "be prepared to abort a competition and if necessary make clear to the audience that this has been done".

Ofcom noted that on this occasion no consumer harm was caused because no calls from listeners were actually received. Further, the broadcaster took swift action to remedy the matter by disciplining those responsible and issuing guidelines to its staff on the fair conduct of competitions. The broadcaster also ensured that the prize was correctly given to a genuine winner the following day.

By concluding the competition with a fake winner who was not a genuine entrant, the competition was conducted unfairly, and was therefore in breach of Rule 2.11. Breaching the audience's trust in this way is unacceptable, regardless of the circumstances in which it has occurred. Ofcom considers that an on-air apology to listeners would have been an additional and appropriate means by which to remedy this breach of the audience's trust.

Breach of Rule 2.11

¹ <http://www.ofcom.org.uk/tv/ifi/guidance/bguidance/guidance2.pdf>

Full Pott

Kanal 5, 16 July 2008, 09:00

Introduction

Kanal 5 is a Swedish language channel operated by SBS Broadcasting Networks Limited ("SBS"). SBS holds licences for eight channels which are licensed by Ofcom. The SBS compliance department based in London manages compliance for all these licensees centrally.

Full Pott is a live Call TV quiz show running various competitions which viewers are invited to try to solve via a premium rate service ("PRS") telephone number. This episode included a competition called 'the cube'. Viewers were presented with a square grid containing nine letters in total. They were invited to call in with boy's names created by using adjacent letters featured in the grid. Prizes included 500 or 1000 kronor for each correct answer and a further jackpot prize of up to 100,000 kronor for guessing a pre-selected boy's name. The rules were provided to viewers throughout the programme. Further clues to guess the winning jackpot answer were introduced at different stages later in the programme. The first clue stated that the winning boy's name was "no more than three letters". The second clue said that the name included the letter 'L'. No viewers guessed the jackpot answer, which was 'AL'.

The complainant questioned the validity of the winning answer, believing that the jackpot-winning name should have been a boy's name containing three letters.

SBS was asked to comment in relation to Rule 2.11 of the Code which requires that "Competitions should be conducted fairly, prizes should be described accurately and rules should be clear and appropriately made known."

Response

SBS responded that the programme did comply with Rule 2.11 of the Code. It stated that the rules were clearly explained by the host during the programme and that the competition's methodology was very simple, producing answers that were both fair and reasonable. It also stated that the competition answers were not cryptic or ambiguous.

SBS acknowledged that the host's presentation of some aspects of the show could have been better. It also accepted that on one occasion the presenter mistakenly gave a wrong clue stating "*As you know the name I'm looking for contains three letters*". However, it highlighted that she immediately corrected this mistake in her next sentence by saying the name actually contained "*No more than three letters*". The broadcaster also emphasised that this correct clue was stated throughout the show, which it said indicated that the name could have consisted of two or three letters. SBS further stated that the two clues that were given for the winning jackpot prize were correct and not misleading.

In response to the complaint, SBS said it had scheduled further training for its staff to ensure that its competitions continue to comply with the Code. It also said that its compliance staff will schedule additional training for its broadcasting team and hosts in respect of the importance of Rule 2.11 and complying with the Code in general.

Decision

Ofcom recognised that the clue “*no more than three letters*” was reasonable to suggest the winning boy’s name contained either two or three letters. However, it was concerned that the host presented this clue incorrectly on two occasions. Firstly, she said at one point “*as you know the name I’m looking for contains three letters*” and then later “*the name contains at least three letters*”. While Ofcom acknowledges that the basic rules for the competition were clearly explained by the host during the programme, these two errors in presenting the clues resulted in viewers receiving incorrect information. Ofcom noted the attempts by the host to correct the errors. However, in Ofcom’s view, the presenter could have been clearer in correcting the mistakes to avoid any potential misunderstanding by viewers. This was particularly important given that *Full Pott* is a TV quiz show using PRS. Any misunderstanding in such circumstances carries the risk of potential material harm to the audience.

Ofcom was also concerned by the host’s presentation of the second clue; which was that the winning boy’s name contained the letter ‘L’. The presenter said on five occasions that the ‘L’ could be “*in the beginning, middle or end*” of the name. In Ofcom’s view, this clue could have implied that the winning jackpot answer had three letters. We considered that these references, together with the other identified errors, could have resulted in the viewers believing that the winning answer contained three letters.

Ofcom welcomes the actions taken by SBS in response to this complaint. However, given the use of PRS in this programme, and that viewers were relying on precise and accurate information at all times for them to decide on whether to pay a premium rate to enter the competition, the broadcaster had a clear responsibility to give accurate information to the audience throughout the competition.

Due to the errors made by the presenter and the nature of the other clues to this competition, Ofcom judged that the rules of the competition were not made clear or appropriately known. The programme was therefore in breach of Rule 2.11.

Ofcom expects all broadcasters to exercise extreme caution in the use of PRS in programmes.

Further guidance on Rule 2.11 can be found at:

<http://www.ofcom.org.uk/tv/ifi/guidance/bguidance/guidance2.pdf>

Breach of Rule 2.11

Breakfast

Kiss 105, 10 April 2008, 08:00

Introduction

To promote the bi-annual event 'Dance Party Weekender', Kiss radio stations invited listeners to obtain information about the schedule by sending a text message to a five digit shortcode. During this edition, the presenter advised that this service was free of charge. However, a listener contacted Ofcom and complained that sending the text message had in fact cost 25 pence.

Rule 2.2 of the Code states that "factual matters must not materially mislead the audience". Ofcom asked the station for its comments under this Rule.

Response

Bauer Radio, which owns the Kiss radio stations, explained that prior to March 2008 messages were indeed free but owing to a contract renegotiation with its text provider, this had recently changed. Presenters were therefore instructed to inform listeners that they would now incur a 25 pence charge.

The broadcaster regretted that while it had introduced regular announcements about the new charges, on this occasion the presenter had wrongly advised listeners that text messages were free of charge. Upon being made aware of the error, it contacted its service provider who identified that a total of 610 messages had been received. Bauer Radio immediately arranged for all users to be fully reimbursed. It also reminded presenters that text messages requesting such information were no longer free and should not be described in this way.

Decision

Ofcom recognises that the error was unintentional and welcomes the remedial action taken by the broadcaster to ensure listeners were not materially disadvantaged.

Whilst acknowledging that this was an oversight on the part the presenter who had been accustomed to promoting the service as free, Ofcom is concerned that such a significant change in cost was not sufficiently communicated to staff. Although described as being free, the cost of the text messages was in fact 25 pence. As such, Ofcom considers that the pricing information given to listeners on air by the presenter was materially misleading.

Breach of Rule 2.2

Peter Popoff Ministries

Ben TV, 29 February 2008, 16:30

Paul Lewis Ministry

Ben TV, 20 March 2008, 16:00

Peter Popoff Ministries

Red TV, 24 March 2008, 17:30

Introduction

Ben TV and Red TV are both general entertainment channels.

The 'televangelist', Peter Popoff, had appeared on both channels in a programme called *Peter Popoff Ministries*. The programme suggested that through Mr Popoff's ministry people are "healed" of various illnesses or can receive financial benefits. This, Peter Popoff suggested, could be achieved by the use of "Miracle Manna"¹. This was offered to viewers 'free' throughout the broadcast.

Dr Paul Lewis is a 'televangelist' who supplied and presented *Paul Lewis Ministry* on BenTV. In this programme, he suggested that his "Miracle Olive Oil Soap" had beneficial properties which would improve people's health and wealth.

Ofcom received two complaints that the claims in the Paul Lewis and Peter Popoff programmes were, in summary, unjustified and exploitative.

On 9 May 2007, the Advertising Standards Authority ("ASA") published a finding in respect of advertisements for Peter Popoff's "Miracle Spring Water" and Dr Paul Lewis' "Miracle Olive Oil Soap" broadcast on Deal TV². The ASA found the advertisements in breach of the Broadcast Committee for Advertising Practice ("BCAP") Television Advertising Standards Code ("the TV Advertising Code") on eleven separate counts³. Among other things, the ASA found that the broadcaster had not sought independent medical advice on the safety and efficacy of the products and that the advertisements exploited vulnerable viewers.

We asked Ben TV to comment on the references to both Dr Lewis' "Miracle Olive Oil Soap" and Mr Popoff's "Miracle Manna" in the light of the following Code Rules:

- 4.6 (religious programmes must not exploit the susceptibilities of the audience); and
- 10.3 (products and services must not be promoted within programmes).

We asked Red TV to comment on the references to Mr Popoff's "Miracle Manna" in the light of the following Code Rules:

- Rule 4.6 (religious programmes must not exploit the susceptibilities of the audience); and
- Rule 10.3 (products and services must not be promoted within programmes)⁴.

¹ according to the Bible, manna was the substance miraculously supplied to the Israelites during their progress through the wilderness.

² see http://www.asa.org.uk/asa/adjudications/Public/TF_ADJ_42553.htm.

³ The TV Advertising Code is maintained and administered by BCAP and the ASA under the terms of a co-regulatory agreement between them and Ofcom.

⁴ On 7 July 2008, Ofcom published a finding with respect to programmes featuring 'televangelists' Peter Popoff and Paul Lewis on Passion TV which were seriously in breach of the Code (Bulletin 113: http://www.ofcom.org.uk/tv/obb/prog_cb/obb113/). During the course of its investigation, but before that

Responses

Ben TV told Ofcom that once it had been alerted to the issues, it had immediately removed the Paul Lewis and Peter Popoff programmes from its schedules, and had not broadcast these programmes since. Further, Ben TV informed us that it had “reviewed and improved” its editorial screening and checking of content with its staff and tightened its in-house compliance procedures.

Red TV said that when it received our first notification on this matter it reviewed the material and subsequently withdrew it from transmission. It recognised that the material had been inappropriate for broadcast: a member of staff had failed to consider the claims made in the programme carefully before broadcast. The broadcaster said that the member of staff had been reprimanded. Red TV told Ofcom that its compliance procedures have been revised and all similar material will now be viewed by three people before being approved for broadcast. It pointed out that this was an isolated issue and that it had been broadcasting for over two years without any significant problems.

Decision

On Ben TV and Red TV, the presenters talked directly to viewers and made claims about their products. For example, Peter Popoff as regards “Miracle Manna” told the audience that:

“If you’ve been eating the bread of adversity and hardship, struggling just to make ends meet, then it’s time for you to begin feasting on “Miracle Manna”; the symbol of God’s supernatural supply; the same, fresh Manna from heaven, that God sent to his people in the desert during Biblical times can be yours when you call the number on your screen.” [Caption: “Miracle Manna”. Call Now (followed by phone numbers)]

During the course of the programme, Peter Popoff linked to scenes from ‘deliverance services’, in which people claimed they had experienced healing or been the recipients of a financial reward. These sequences were occasionally overlaid with text which told viewers how much people had benefited financially after receiving the “manna” and acting on Peter Popoff’s “instructions”. The figures mentioned included, for example, “\$15,000”, “\$28,000”, and “\$50,000”.

Similarly, Paul Lewis promoted his “Miracle Olive Oil Soap” in his programme on Ben TV, speaking directly to viewers, saying:

“...I want you to call that number on the screen [caption with phone numbers and the words: “call now for your free miracle olive oil soap”]...let me rush to you my free Miracle Olive Oil Soap...your worry days are over, your struggle is over, from borrowing from Peter to pay Paul is over; today’s your day for a miracle...”

The products promoted on Ben TV and Red TV were, in the case of the Peter Popoff programme (“Miracle Manna”) similar to, and in the case of the Paul Lewis programme (“Miracle Olive Oil Soap”), the same as, those that featured in the

finding had been published, further instances of the broadcast of programmes presented by Peter Popoff and Paul Lewis were brought to Ofcom’s attention, which form the basis of this finding.

advertisements on Deal TV which previously had breached the TV Advertising Code. The programmes on Ben TV clearly said that healing could and, indeed, would take place should viewers obtain the soap or “manna” on offer. There were also claims that users’ financial circumstances would improve. There was no scientific or medical evidence to support the health claims made in the programmes. Further, one of the presenters, Paul Lewis, was referred to as “Doctor” on Ben TV. In the view of the ASA, in its 2007 decision on Deal TV, this incorrectly implied that Mr Lewis was qualified to give medical advice. Ofcom agrees with this interpretation as regards the use of the word “Doctor” on Ben TV. Therefore overall, we consider this was an attempt to exploit the susceptibilities of the audience and in breach of Rule 4.6.

During the course of this investigation, Ofcom rang the number promoted on screen by Mr Popoff and was sent a number of mail-shots containing Peter Popoff’s “instructions”, “prophecies” and “revelations from God”. These often contained requests for money. For example, one letter said:

“After you eat the Miracle Manna and follow the instructions, take the small bag and write your name on it. When I get it back I’ll know that you have acted in faith and followed the instructions of the man of God [i.e. Peter Popoff]. I am asking you to plant a HOLY CONSECRATED SEED [the letter’s emphasis] for a Great Harvest Offering of £20.00. No, I don’t want you to send £37 or £77... NO, SEND EXACTLY £20.00. Send it back to me along with the empty Miracle Manna Packet. When you return the page inside the sealed envelope to me...I will send you some more “SECRET PROPHETIC EVENTS””.

The programme heavily promoted the “Miracle Manna” by showing it and providing a series of testimonies of its effectiveness from both the presenters and interviewees. The promotion of these products within programme time was therefore in breach of Rule 10.3.

Ofcom regards the breaches of the Code, in these cases, as very serious. These products were promoted in such a way as to target potential susceptible and vulnerable viewers. The advertising regulator, the ASA, had made it extremely clear in its published 2007 finding how seriously it considered the inappropriate promotion of these products as miracle cures and associated claims. The compliance arrangements of both licensees were clearly inadequate to permit such products, in such a manner, to be promoted in their programmes.

Ofcom considered whether to refer these breaches for the consideration of a statutory sanction. However, on balance it decided not to do so, taking account of all the circumstances (but principally both Licensees’ previous compliance history, improvements to their compliance procedures, and the fact that each ‘televangelist’ was featured in only one programme, albeit repeated on a number of occasions).

In addition, Ofcom noted that these breaches had occurred before Ofcom had published its finding on 7 July 2008 with respect to the same or similar programmes on Passion TV. Nevertheless, as with Ofcom’s previous finding against Passion TV, there should be no doubt that Ofcom will consider further regulatory action if any further Code breaches of this nature occur again on either service.

Breaches of Rule 4.6 and 10.3

The Soup

E! Entertainment, 19 July 2008, 23:00

Introduction

The Soup is an American light entertainment programme in which the presenter Joe McHale satirises popular culture and well known celebrities. Ofcom received a complaint that during this programme, an on-screen caption detailed the companies which had provided the host's clothes. Ofcom asked the broadcaster for comments in relation to the following Rules of the Code:

- Rule 10.4 (no undue prominence may be given in any programme to a product or service); and
- Rule 10.5 (product placement is prohibited).

Response

The broadcaster acknowledged that "the caption for the brands of clothing worn by the presenter should not have appeared on screen". It explained that this had occurred because the programme "does not have standard rolling credits and so a credit was not possible in the usual manner". The broadcaster added that the providers of the clothing had not asked the broadcaster to credit the products and that as the broadcaster had not received any payment or other valuable consideration, no product placement had occurred.

The broadcaster stated that the new compliance procedures that it had recently introduced will mean that this type of compliance failure will be "less likely to occur in future".

Decision

One of the fundamental principles of European broadcasting regulation is that advertising and programming must be kept separate. This is set out in Article 10 of the Television Without Frontiers Directive which is in turn reflected in the rules in Section Ten of the Code.

With regard to Rule 10.4, undue prominence may arise where a product or service is referred to without editorial justification. Ofcom noted that the caption referring to the clothing brands appeared during a section of the programme that featured an unrelated subject and, as such, there was no editorial justification for the display of this caption. Therefore the broadcast of the caption gave undue prominence to the clothing brands in breach of Rule 10.4.

Ofcom noted the broadcaster's assurances that it had received no payment or other valuable consideration for featuring any of the brands in the programme and therefore found no evidence that the broadcast was in breach of Rule 10.5 of the Code.

Breach of Rule 10.4

Stripped

The Style Network, 2 July 2008, 11:00

Introduction

Stripped is a documentary series featuring iconic brands. Each programme explores the history of a range of brands and the reasons why they are considered to be iconic. This particular episode featured Revlon (make-up), Wrangler (jeans), Keds (athletic shoes), Ray-Ban (sunglasses), Crest (toothpaste) and Suave (shampoo).

Ofcom received a complaint from a viewer who was concerned that the brands were “featured heavily” in the programme and that product placement may have occurred.

Ofcom noted that the programme contained pricing information on some of the products and detailed specific features of the products and, in some cases, their benefits. We therefore asked E! Entertainment, which owns The Style Network, for comments in relation to the following Rules of the Code:

- Rule 10.3 (products and services must not be promoted in programmes);
- Rule 10.4 (no undue prominence may be given in any programme to a product or service); and
- Rule 10.5 (product placement is prohibited).

Response

The broadcaster confirmed that “no payment of any sort was made by any of the brands featured in the programme either directly to the production company, the original broadcaster or any other party”.

It said that “a wide range of products are featured in the series and their features explored”. However, it added that “whilst initially having felt comfortable that taken across the series as a whole a wide range of products were featured so as to give no particular brand undue prominence and that the reference to pricing and where to buy the products was editorially justified, having taken [into account] Ofcom’s observations in relation to the episode...further compliance checks have now taken place in relation to this particular series and clear instructions have been given that the series will not be aired without substantial edits”.

Decision

One of the fundamental principles of European broadcasting regulation is that advertising and programming (that is editorial content) must be kept separate. This is set out in Article 10 of the Television Without Frontiers Directive which is in turn reflected in the rules in Section Ten (Commercial References in Programmes) of the Code.

We noted the broadcaster’s assurances that it had received no payment or other valuable consideration for featuring any of the brands in the programme and therefore concluded that it was not in breach of Rule 10.5 of the Code.

Ofcom recognises that, depending on the individual circumstances, there may be editorial justification to include information in a programme about brands and products. However, the more commercial the product or service and the more

prominent the references to it within a programme, the greater the risk that such references may appear to be, in effect, promotional selling messages in breach of Rule 10.3, or unduly prominent in breach of Rule 10.4, or both.

Ofcom judged that some of the references to the products and brands in this case were both promotional and unduly prominent. Specific attributes of some of the products and details of how to use them were described in a way that was overly promotional, for example:

Crest

Crest Principal Engineer: *"You wear it for 30 minutes twice a day and it gives you remarkable results, results that even your friends will notice"...*

Narrator: *"The strip looks a bit like a clear band-aid but it has a thin layer of peroxide on it that's activated when you tape it to your teeth"...*

Crest Principal Engineer: *"What Whitestrips does is hold the peroxide on the surface of your teeth long enough that the peroxide can penetrate through the enamel and get to the stains beneath the surface"...*

Narrator: *"Recently Crest updated its formula so it should be even easier to use".*

Suave

On-screen text: *"Just about ask any consumer and they'll say 'Yep, Suave's a brand that works as well as the more expensive brands for less"*

Further, Ofcom also noted that price information of products from the Wrangler, Ray-Ban, Crest and Suave brands was provided within the programme, and in some cases, references to where the products could be purchased.

We accepted that, in principle, there may have been editorial justification for referring to the products within this programme to demonstrate how they had assisted in the construction of iconic brands. However, Ofcom considered that the manner in which the products were featured in the programme was promotional and unduly prominent.

Ofcom welcomed E! Entertainment's assurances that to ensure that it complies with the Code, the series would not be broadcast again without substantial edits.

Breach of Rules 10.3 and 10.4

Biggles

Movies4Men+1, 21 June 2008; 16:20

Introduction

Ofcom received a complaint regarding a broadcast of the film *Biggles*. The film featured a combat scene involving a helicopter and a large satellite dish referred to as a 'sound weapon'. During this scene the 'sound weapon' released a sequence of flashing lights. A viewer was concerned about these flashing images, which the complainant said caused him nausea.

Certain types of flashing images may trigger seizures in viewers who are susceptible to photosensitive epilepsy ("PSE"). Rule 2.13 of the Code therefore states that: "Broadcasters must take precautions to maintain a low level of risk to viewers who have PSE. Where it is not reasonably practicable to follow the Ofcom guidance...and where broadcasters can demonstrate that the broadcasting of flashing lights and/or patterns is editorially justified, viewers should be given an adequate verbal and also, if appropriate, text warning at the start of the programme or programme item".

The Movies4men channel is operated and complied by Dolphin Broadcast Services Limited ("Dolphin"). We asked Dolphin for its comments on the compliance of this broadcast with Rule 2.13.

Response

Dolphin accepted that its compliance review failed to note the significance of the flashing lights sequence, in terms of its potential infringement of the Code. It therefore apologised for this error.

The broadcaster stated that the film was scheduled to be shown again on the Movies4Men channel. However, before the next transmission it would insert a warning at the start of the film and also at the end of the advertisement break immediately preceding the sequence in question. It added that it would ensure its compliance processes are tightened regarding Rule 2.13 going forward.

Decision

Ofcom has drawn up guidelines to reduce the risk to viewers who are susceptible to PSE. In view of the potential harm which can be caused, broadcasters must exercise care when broadcasting sequences which contain flashing images.

Ofcom tested the relevant excerpt of the film. We found that during a section of the 'sound weapon' scene there were five distinct sequences (lasting around 20 seconds in total) where the rate, intensity and screen area occupied by flashing images breached the technical criteria outlined in Ofcom's Guidance Note on Flashing Images ('the Guidance'⁵). Ofcom noted the broadcaster's assurance that it would insert warnings prior to future transmissions. However, we do not consider that due to the severity and length of the flashing images in this case, broadcast of a warning would necessarily permit these images to be broadcast again in their current

⁵ Guidance is available at <http://www.ofcom.org.uk/tv/ifi/guidance/bguidance/guidance2.pdf>

form. We remind television broadcasters that, irrespective of the source of content, it is their responsibility to ensure that material they transmit complies with Rule 2.13 of the Code. This responsibility is particularly important where there is potential for harm to viewers.

The broadcast of this material was therefore in breach of Rule 2.13.

Breach of Rule 2.13

Eid Messages

Aapna Channel, 24 December 2007, 17:00

Introduction

The Aapna Channel is a general entertainment channel aimed at a UK Pakistani audience.

Between 17:00 and 18:00, numerous advertisements for small businesses were broadcast, in which each advertiser wished viewers, "Eid Mubarak" (i.e. "Happy Eid")¹. A viewer told Ofcom that Aapna Channel had broadcast this selection of advertisements "since before Eid ... for many hours each day" and asked Ofcom whether the broadcaster should have done this.

Rule 1.2 (Maximum amount [of advertising] in any one hour) of the Rules on the Amount and Distribution of Advertising ("RADA") states:

"In any one clock hour there must be no more than 12 minutes of advertising spots and/or teleshopping spots."

We therefore asked Aapna Channel to provide comments under this Rule.

Response

Aapna Channel did not respond to Ofcom.

Decision

In determining whether a breach of the Code has occurred, Ofcom will seek representations from the broadcaster before adjudicating. Where a broadcaster chooses not to make representations, Ofcom will reach a decision on the basis of the information it holds at the time.

Rule 1.2 of RADA limits advertising in any one clock hour to a maximum of 12 minutes. Ofcom was able to conclude from the material viewed (i.e. an hour of content broadcast from 17:00), that the Aapna Channel transmitted 52 minutes of advertising material during this hour. Therefore the material broadcast during this period on 24 December 2007 was in breach of RADA Rule 1.2.

This is a serious breach of the RADA Code and will be held on record.

Breach of Rule 1.2 of RADA

NOTE: Intellivision UK Ltd has failed to pay its annual fee for licence TLCS 1072 (Aapna Channel). On 9 September 2008, Ofcom therefore revoked this licence to broadcast.

¹ Eid al-Adha is a religious festival celebrated by Muslims at the end of Hajj.

Deepam TV

Non-retention of off-air recordings and sponsored news bulletins up to July 2008

Introduction

Routine monitoring of Deepam TV by Ofcom in July 2008 indicated that Deepam TV News Bulletins were sponsored by a brand of tinned fish called Ceylon Fish. In order to investigate further Ofcom requested off-air recordings of a number of days' programme output from Deepam TV.

Section 11 (2) of the Deepam TV's TLCS Licence (Retention and production of recordings) states that in particular the Licensee shall: "(a) make and retain or arrange for the retention of a recording in sound and vision of every programme included in the Licensed Service for a period of 60 days from the date of its inclusion therein; and (b) at the request of Ofcom forthwith produce to Ofcom any such recording for examination or reproduction".

Section 17 (2)(a) of the TLCS Licence states that "the Licensee shall ensure that there are sufficient persons involved in providing the Licensed Service who are adequately versed in the requirements of the Licence...and all relevant codes and guidance and that such persons are able to ensure compliance with such requirements on a day to day basis".

In addition, Rule 9.1 of the Code states that news and current affairs programmes may not be sponsored.

Response

Deepam TV was not able to supply the recordings requested. It explained that it records off-air and keeps copies of its news and current affairs, but as regards all other programmes it only keeps master copies (ie those actually used for broadcast) for a period of up to one year. However, it advised that since the matter had been raised by Ofcom it had taken immediate measures to record and keep off-air recordings as required by its Licence of *all* its output from August 2008.

The broadcaster also confirmed that it had accepted advertising and sponsorship for its main news bulletins. It referred to Rule 3.2 (viii) the ITC's Rules on the Amount and Scheduling of Advertising (1998) to justify this practice. However, it said that after Ofcom had raised the issue with them, its media department had stopped the sponsorship of its news bulletins immediately.

Decision

It is a condition of all TLCS licences, including Deepam TV's, that recordings of *all* output are retained for 60 days after transmission, and the Licensee provides Ofcom with any recordings "forthwith" on request. The failure to make and retain recordings of all its output, and to supply particular recordings to Ofcom on request, is a serious and significant breach of Deepam TV's licence. This will be held on record. It is also a condition of Deepam TV's licence that it has sufficiently qualified and experienced personnel in place who are adequately versed in the requirements of the Ofcom Broadcasting Code. Ofcom finds it completely unacceptable that the broadcaster in this case attempted to justify the commercial sponsorship of its news

bulletins by referring to outdated and irrelevant ITC rules. Section Nine of the Ofcom Broadcasting Code which can be found on Ofcom's website at: <http://www.ofcom.org.uk/tv/ifi/codes/bcode/> contains the current rules relating to sponsorship and clearly prohibits such sponsorship. This prohibition comes from Article 17 of the Television Without Frontiers Directive which states that news and current affairs programmes may not be sponsored. This requirement is incorporated into Section 9.1 of the Code. The sponsorship of Deepam TV's news bulletins by Ceylon Fish was therefore a significant breach of the Code.

Ofcom is extremely concerned at this substantial lapse in compliance and the breaches of its licence and of Rule 9.1 by Deepam TV. Any recurrence of these or similar failures may lead to the consideration of the imposition of statutory sanctions.

Breach of Conditions 11 and 17 of the Licence and Rule 9.1 of the Code.

Karl Davies Breakfast Show

Tudno FM, 7 August 2008, 7:45 & 8 August 2008, 8:20am

Introduction

A listener complained to Ofcom about a discussion on “dogging” (a slang term for having sex with strangers in a public place) on 7 August 2008, which he considered inappropriate for broadcast in the early morning. He also believed comments aired the next day made an indirect derogatory reference to his complaint to the station itself about the initial broadcast. Ofcom asked Tudno FM for a recording of the programmes to assess the content.

Response

Tudno FM explained that when it attempted to retrieve the recording from its computer logging system it discovered there had been a technical error with the soundcard on 2 August which affected recordings from that date until 9 August when the recording failure was discovered. While the problem was immediately rectified on discovery, the station was unable to provide a recording of the programmes.

Decision

In the absence of a recording we were unable to consider the complaint. We welcome the steps that the broadcaster took to rectify the technical problem. It is however a condition of all radio broadcasters’ licences that recordings of all their output are retained for 42 days after transmission, and that they provide Ofcom with any material on request. This failure of the station to meet these requirements in its licence is a serious and significant breach. This will be held on record.

Breach of Licence Condition 8

Note to Broadcasters – Recordings

All Licensees are reminded of the requirements contained in their Licences to make and retain recordings of *all* output, and supply recordings “forthwith” on request. For the avoidance of doubt, these obligations are non-negotiable and compulsory. Ofcom is very concerned about Licensees who are not complying with these duties. Failure fully to adhere to these requirements may result in Ofcom considering the imposition of statutory sanctions.

Resolved

BBC News

BBC1, 2 July 2008, 22:00

Introduction

31 viewers complained about footage included in a report about an incident in Jerusalem in which a Palestinian man rammed buses and cars with a bulldozer, killing three people. The footage also showed the bulldozer being pursued and stopped and the man driving the bulldozer being shot dead in the cab of the vehicle by an off-duty Israeli soldier. The complainants said that the images of the shooting were very graphic and unnecessary and had been shown without any or with very little warning.

Ofcom asked the BBC to respond to the complaints with regard to Rule 2.3 (material which may cause offence must be justified by the context).

Response

The BBC said that the decision to broadcast images of the man being shot dead was not taken lightly and that they were prefaced by a clear warning by the presenter. However, with hindsight, the BBC accepted that the use of the footage was not editorially justified. The BBC said that it had placed a statement on its website which acknowledges that the images featured in this edition of *BBC News* did not “strike the right editorial balance between the demands of accuracy and the potential impact on the programme’s audience”.

Decision

Rule 2.3 of the Code states that in “applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context”. Broadcasting images of ‘the moment of death’ – whether by execution or other means - understandably causes offence to many people and normally requires exceptional justification.

Ofcom recognises that decisions to broadcast material of this nature require extremely fine editorial judgement and are often made at times of intense pressure in a newsroom. Ofcom considers it important that news programmes are not sanitised and that, in line with freedom of expression, journalists are able to fully inform the audience of events around the world. Further, this report was clearly a matter of significant public interest.

Ofcom notes that this material was broadcast over an hour after the 21:00 watershed in an extended news programme and was preceded by explicit information to viewers. The material was introduced by the reporter who witnessed the incident. He said:

“...I should tell viewers in the report you are about to see, we did film the moment when the attacker was shot dead.”

The pictures themselves were not clear, however the impact of an image of a man holding a gun to someone’s head and pulling the trigger is extremely powerful.

Ofcom notes the BBC's public acknowledgement on its website that broadcast of this footage of the moment of death was not justified editorially. In light of these factors Ofcom considers the matter resolved.

Resolved

Not in Breach

The F Word

Channel 4, 29 July 2008, 21:00

Introduction

The F Word is a food and cookery programme presented by the chef Gordon Ramsay. The programme comprises cookery segments and a regular strand in which Gordon Ramsay travels the world looking for new or unusual food ingredients.

During the broadcast on 29 July 2008 an item was transmitted which showed Gordon Ramsay in Iceland 'sky fishing' for puffins and then eating them, which included the local tradition of eating the bird's heart when it has been freshly killed. Ofcom received 42 complaints that the practice of killing puffins was cruel, the eating of their fresh hearts was offensive, and that, whilst not protected, puffins were a species under threat.

Ofcom considered the programme with regard to Rule 2.3 of the Code which requires that "in applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context".

Decision

In this edition of the programme, Gordon Ramsay visited Iceland where puffins are commonly eaten. He was taught how to hunt puffins in a traditional Icelandic manner using a large net to 'fish' the birds out of the sky. He caught six puffins in total. After releasing two, his companion swiftly broke the necks of the remaining four puffins and skinned them, taking out the puffins' hearts to eat as a special Icelandic delicacy.

In considering Rule 2.3, Ofcom noted that *The F Word* has historically contained programme items featuring the rearing, hunting and/or killing of a variety of animals for food. These items have at times included animals which are not usually eaten in the UK and for which there can be a particular affection amongst some members of the audience. Viewers should therefore have been prepared to some extent for an item similar to the one complained of. Ofcom also noted that the programme began at 21:00, and that a verbal warning about the killing and gutting of birds was broadcast around 21:45 ("Coming up, the puffin hunt continues with scenes of killing and gutting birds") immediately before the section showing these images.

Ofcom acknowledges that in this country some members of the public may consider that the capture of puffins for human consumption is unacceptable and consequently distressing. However, the sequence featuring Gordon Ramsay occurred in Iceland where it is not a protected species, where it comprises a popular part of the national diet and, as the programme informed viewers, is "...a traditional food that has been hunted for centuries...". In addition, Ofcom noted that the birds were caught and killed in what appeared to be a fast and humane way with minimal suffering.

Ofcom appreciates the concerns of viewers who were unhappy that puffins should be caught and eaten in this way. It does not, however, consider that this item went beyond the general expectations of the audience for this post-watershed food and cookery programme, which has consistently challenged conventions in the UK about

the acceptability of various foods and ingredients from around the world. Ofcom therefore concluded that Rule 2.3 was not breached.

Not in breach

Fairness & Privacy

Not Upheld

Complaint by Ms Jenny Thoresson made on her behalf by Ms Ann-Kristin Thoresson

Lyxfällan (Luxury Trap), TV3 Sweden, 12 April 2007 (and repeated 23 July 2007)

Summary: Ofcom has not upheld this complaint of unfair treatment made on behalf of Ms Jenny Thoresson by Ms Ann-Kristin Thoresson.

Ms Thoresson participated in an episode of the reality programme “Lyxfällan” (Luxury Trap), broadcast on TV3 Sweden. In the series, a financial adviser and a coach helped people in financial difficulty to improve their situation. Ms Thoresson, who ran an IT company and a riding school, had got into financial difficulties and agreed to participate in the programme. The programme followed her as she worked with the programme’s advisers to resolve her problems.

In summary Ofcom found that the programme’s portrayal of Ms Thoresson did not result in unfairness because:

- ***the portrayal of Ms Thoresson as being naïve about her finances was fair, and she was not portrayed as an “economic idiot” as she complained; and***
- ***Ms Thoresson was also not portrayed as having stolen money from the Swedish tax authorities.***

Introduction

On 12 April 2007 TV3 Sweden (“TV3”), a Swedish satellite channel licensed in the UK, broadcast an episode of the reality programme *Lyxfällan* (Luxury Trap). The programme was repeated on 23 July 2007. In the programme, two advisers, Mr Charlie Söderberg (a coach, lecturer and author) and Mr Mathias Andersson (a financial consultant), helped people in financial difficulty to improve their situation. This programme featured Ms Jenny Thoresson, who ran an IT company and a riding school and was experiencing financial problems. The programme included footage of Ms Thoresson and followed her as she met with advisers and they went through her financial paperwork, discussed her financial circumstances and drew up a new budget for her to follow in an attempt to resolve the problems.

Ms Thoresson complained to Ofcom that she was treated unfairly in the programme as broadcast.

The Complaint

Ms Thoresson’s case

In summary, Ms Thoresson complained that she was unfairly treated in the programme in that:

- a) She was portrayed in the programme as being naïve and as an economic idiot. Ms Thoresson said that she had bought a small farm to keep her horses. She earned her living by giving lessons to show jumpers and through her small IT

company. Contrary to what she had planned, she found herself living alone at the farm and she lost control of her paperwork and her budget. She had applied to take part in the programme in a moment of despair, believing that she would get some help.

- b) The programme alleged that Ms Thoresson had stolen tax money from the government, which was untrue.

By way of background, Ms Thoresson said that the auditor to whom her 2006 financial papers were referred (by the programme-makers) was negligent in preparing the accounts. The auditor had not done the book-keeping correctly, and had sent incorrectly prepared accounts to the government, which resulted in an extremely high tax bill for her. Furthermore, the government refused to allow correction of the accounts due to the allegation in the programme that she had stolen tax money from the government.

TV3's case

TV3 said that *Lyxfällan* was a reality programme about households in financial difficulties. The programme looked not at ordinary people with problems but at people in financial difficulty due to overspending, especially on luxury items (hence the title of the programme). The format of the programme was that Mr Söderberg and Mr Andersson would pinpoint the trouble spots and present the household concerned with a customised solution that would improve the financial situation. The solutions were often not easy to implement but required the household to make both small and large sacrifices in order to get their finances back on track. The people featured in the programme were encouraged by Mr Söderberg and Mr Andersson to take an active part in the process to become debt free. The advisors focused mainly on changing behaviour patterns and modifying attitudes, but also took charge of the finances of households involved in the programme. This was possible because the household signed a power of attorney which let the advisors take control of the situation.

In summary, TV3 responded to the complaint of unfair treatment as follows:

- a) In response to the complaint that Ms Thoresson was portrayed as being naïve and as an economic idiot, TV3 said that Ms Thoresson had asked to participate in the programme because her finances were in a bad state due to, amongst other things, her overspending. TV3 said that Ms Thoresson was not portrayed as naïve or as an economic idiot. Her situation was accurately presented in the programme and viewers would have drawn their own conclusions. She was portrayed as a person who owned five horses when her income was far from enough to pay for the required costs for their upkeep and as a person whose book-keeping was not in order. She had substantial outgoings in relation to the horses, which had taken up a significant part of her income, and she kept leaving her bills unopened. Ms Thoresson was aware that, if she participated in the programme, her financial situation would be shown on television.

TV3 said that Mr Söderberg and Mr Andersson were very supportive of Ms Thoresson, and with helping her deal with her financial situation. They did show their dismay over Ms Thoresson's financial position but their comments about her were fair and reasonable when they were faced with her book-keeping.

TV3 said that as the programme was part of the second series of *Lyxfällan*, Ms Thoresson must have been aware of the nature of the programme. All participants in the two series had been shown in a similar way.

- b) In response to the complaint that the programme suggested that Ms Thoresson had stolen tax money from the government, TV3 said that the programme did not make such an allegation. TV3 said that Ms Thoresson had an “enskild firma”, the simplest form of company in Sweden. If the turnover of the company did not exceed 1 million Swedish kronor a year the normal procedure was for her to submit her tax returns once a year and make any payments due at that time. Payments could also be made on a monthly basis. Each individual and company had an account with the tax authority to which all money owed should be paid. This account was controlled by the tax authorities and therefore once the money had been paid into this account the only way to take it out again would be with the tax authority’s authorisation.

When commenting on Ms Thoresson’s tax situation, TV3 said that Mr Söderberg had said in the programme:

”Du har ju lyckats överleva fram till nu. Och det är ingen hemlighet hur det har gått till. Det beror på att du har tagit pengar från skattemyndigheten och levvt på dom.”

TV3 translated this as:

”You’ve managed to survive up until this point. And it’s no secret how – it’s all because you’ve used the money you were supposed to pay the tax authority with, and lived off those.”

TV3 said that Mr Söderberg was saying that Ms Thoresson had *used* money that should have been paid to the tax authority at the end of each tax year not that she had stolen the money. Within the context of the programme, Mr Söderberg was explaining that the reason Ms Thoresson had not yet become bankrupt was because she was using money owed to the tax authority (for example to pay for her horses).

By way of background TV3 said that during filming of the programme, the programme makers had asked an auditor to look into Ms Thoresson’s financial situation, in order to assess it. The auditor helped Ms Thoresson to fill in parts of her tax return forms, and Ms Thoresson signed these to verify that they were correct. TV3 said that the programme makers had a power of attorney in relation to Ms Thoresson during the period when they were filming and that after that, Ms Thoresson had directly instructed the auditors to work on her accounts.

TV3 said that Ms Thoresson’s claim that the government had refused to allow correction of her accounts due to the programme alleging that she had stolen tax money from the government, could not be substantiated. TV3 said that it was unlikely that the Swedish tax authority would base its decisions on the contents of a television programme. In any event, if they had done so, this would not have led them to make a wrong decision as all facts were accurately portrayed in the programme. The tax authority would not have concluded that Ms Thoresson had taken or stolen any money from the tax authority, as the tax authority had records of who owed money and it was clear in the programme that Ms Thoresson had not taken or stolen any money from the tax authorities, but that she owed some

money. TV3 did not see how the “correction” of someone’s accounts would not have been allowed if the accounts were legitimate.

Ms Thoresson’s comments in response to the broadcaster’s statement

In summary, Ms Thoresson responded to TV3’s statement as follows.

- a) As regards the complaint that she was portrayed as naïve and as an economic idiot, Ms Thoresson said that she had sorted out her papers and she knew what her bills were about since she had opened the first copy of each. She accepted that her book-keeping was not perfect, but she maintained that it was not as bad as the programme had suggested. It was often stated in the programme that Ms Thoresson was not interested in the help that was being offered. This was not true, as she did want help and that was why she sent her request to participate in the programme. However, she was scared of the techniques used by the programme makers, such as asking questions from more than one camera angle and coming to pick up her horses to be sold early in the morning without warning her. Ms Thoresson said that the way she looked and acted in the programme was to protect herself from a break down and it was unfair for the programme to say that she was not interested in being helped.

Ms Thoresson said that when she had applied to take part in the programme only two of the earlier programmes had been broadcast.

Ms Thoresson said that some of the papers shown in the programme were actually copies of the originals, which exaggerated the extent of the problem.

- b) In relation to the complaint that the programme suggested that Ms Thoresson had stolen tax money, Ms Thoresson said that she did not accept TV3’s translation of Mr Söderberg’s words. She believed that ordinary viewers would have understood him to mean that she had stolen money from the government.

TV3’s second statement in response to the complaint

In summary, TV3’s responded to Ms Thoresson’s comments as follows:

- a) TV3 said that the programme included a discussion of Ms Thoresson’s attitudes to her current financial situation. It did not say that she was not interested in the help being offered, but that she did not realise the full implications of her situation. She had applied to the programme because she believed that she needed help with her finances. TV3 said that the portrayal of Ms Thoresson was no different from that of other participants in the series. Four episodes had in fact been broadcast when Ms Thoresson applied to participate in the programme but the whole first series (six episodes) had been broadcast before the programme featuring her was produced. The contract between Ms Thoresson and the programme makers was not signed until 10 January 2007, nearly a month after the last episode of the first series had been broadcast. Ms Thoresson was therefore fully aware of the way the series dealt with people with similar problems.

TV3 said that the programme makers had made copies of Ms Thoresson’s papers but that this was done for the auditors so that they would have copies to work with. The only parts of the programme that showed her papers were when she brought them to the table at Mr Andersson’s request, and later on, when the papers went to the auditor. The amount of papers in the pile was the amount

given to them by Ms Thoresson. No additional copies had been added to exaggerate the size of the pile.

- b) With reference to the translation of Mr Söderberg's statement, TV3 reiterated that viewers' understanding of the conversation would be that she had "used" the money, not that she had stolen money.

Decision

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unfair treatment and unwarranted infringement of privacy in, or in the making of, programmes included in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

Ms Thoresson's complaint was considered by Ofcom's Executive Fairness Group. In reaching its decision, Ofcom carefully considered all the relevant material provided by both parties. This included a recording of the programme as broadcast, a transcript and translation and both parties' written submissions.

- (a) Ofcom first considered the complaint that Ms Thoresson was portrayed as being naïve and an "economic idiot".

In considering this part of the complaint Ofcom took account of Practice 7.9, which states that before broadcasting a factual programme, broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation.

Ofcom noted that it was clear from the programme itself, as well as from the information provided by Ms Thoresson with her complaint, that she was in financial difficulties and had approached the programme makers because she wanted help to try to resolve her problems.

Ofcom also noted that the following extracts from the programme. On first meeting Ms Thoresson, Mr Andersson said:

"Looking through her papers is a complete disaster. She had around 70 unopened letters; from the Inland Revenue, bills and invoices. She simply hasn't bothered with certain things. She knows she doesn't have the money, so she just won't open them, and it's as if the problems disappear. That will... That just won't do. This simply cannot happen".

Later Mr Andersson said of Ms Thoresson's book-keeping:

"This is among the worst I've ever seen. Nothing has been entered in a year and a half. Nothing is accounted for. It's a pile of almost 0.5 metres with nothing but unopened mail and papers".

Mr Andersson then commented:

“There is no order whatsoever. Just look here. This is book-keeping for a year and a half, mixed with private papers, bills, receipts... This isn't just aversion, it's negligence. It sucks.”

TV3 later informed Ofcom that a more accurate translation was:

“..This isn't just not wanting to do anything about it, this is not taking responsibility for it. This is really sad”.

It was clear from these, and other similar comments during the programme, that the two advisers were critical of Ms Thoresson and her handling of her finances. Ms Thoresson herself accepted a number of times in the programme that she had not dealt properly with her financial situation and that she needed help. For example, at the beginning of the programme when she summarised her situation, Ms Thoresson said:

“Today I have no control. None whatsoever, I think. I know when I get money and I know that I'm behind by quite a bit with the bills”.

Later, when asked by Mr Andersson whether she had ever kept books for her company, she said:

“No, not really”.

When Ms Thoresson was going through her expenses with the advisers, she said:

“It's tough to see all the money that disappears each month. I mean, I'm the one spending it. And that's not what I had planned, for them to disappear into nothingness. It was more money than I thought. I think... I've thought about it now and I have to do something.”

Furthermore, Ofcom noted that the advisers did recognise that Ms Thoresson's problems were not the result of her not making an effort with her businesses. Early on in the programme Mr Söderberg said:

“She must be at it 24-7 just to make things work around here”.

In Ofcom's view, and taking the programme as a whole, Ms Thoresson was portrayed as a young person who was trying to run her own businesses. She was portrayed as having got into serious financial difficulties and as not having, until her participation in the programme, taken steps to address her problems. While viewers may have formed the impression that she was somewhat financially naïve, in Ofcom's view the programme's portrayal of her was, on the basis of what she herself said in the programme and what the advisers told her, fair and accurate. She was shown taking the advice given and working to resolve her problems. At the end of the programme, Ms Thoresson said:

“Since Charlie and Mathias were here, it feels more like I have a plan for the future and that I can see various goals, such as being debt free in November...Life actually feels easier now”.

Mr Andersson also recognised the efforts and progress Ms Thoresson had made, when he said:

“You’ve actually succeeded in managing this. We know that you will, which means that you’ll be debt free as soon as November of 2007”.

In these circumstances, Ofcom considered that the portrayal of Ms Thoresson was sympathetic. The advisers were tough with her but understanding of her problems and she was shown as acknowledging what she need to do to resolve her problems and taking Mr Söderberg and Mr Andersson’s advice. Ofcom did not take the view that she was portrayed as an idiot and did not consider that viewers would have gained that impression of her from the programme.

The programme was not unfair to Ms Thoresson in this respect.

- b) Ofcom next considered Ms Thoresson’s complaint that the programme suggested that she had stolen tax money from the Swedish government.

In considering this complaint, Ofcom took into account Practice 7.9 as set out above under head a) of the decision.

Ofcom noted the translation provided by TV3 of Mr Söderberg’s comment in relation to tax:

*“You’ve managed to survive up until this point. And it’s no secret how – it’s all because you’ve **used** the money you were supposed to pay the tax authority with, and lived off those.”* [Ofcom’s emphasis]

Ofcom also noted that Ms Thoresson did not accept that this was an accurate translation of what Mr Söderberg said; rather she said the translation could equally have said:

*“You’ve managed to survive up until this point. And it’s no secret how – it’s all because you’ve **taken** money from the tax government and lived off those.”* [Ofcom’s emphasis]

However, Ofcom considered the programme overall and did not rely solely on the translation of these particular words. Looking at the programme as a whole, Ofcom did not consider that the impression was given at any stage that Ms Thoresson had deliberately set out to defraud the tax authorities. She was portrayed, as agreed by both parties, as having serious financial problems. It was clear from the programme that she had failed to address the question of tax and that she was spending money she could have used to pay her tax bills to live off. Ofcom noted that when Mr Söderberg suggested to her that she had survived so far because she had *“taken money from the tax authority and lived off those”*, Ms Thoresson’s response was:

“Sometimes”.

In Ofcom’s view, this appeared to be a response to a suggestion that she had used the money to live off, rather than a response to an accusation of stealing from the authorities.

Taking the programme as a whole as well as the discussion of tax in particular, Ofcom did not consider that viewers would have gained the impression that Ms Thoresson had stolen money from the tax authorities.

In this respect, Ofcom found no unfairness to Ms Thoresson.

Accordingly Ofcom has not upheld Ms Thoresson's complaint of unfair treatment in the programme.

The Executive Fairness Group

10 September 2008

Other Programmes Not in Breach/Resolved

28 August 2008 – 11 September 2008

Programme	Trans Date	Channel	Category	No of Complaints
"I Hate...." promo	01/09/2008	Channel 4	Generally Accepted Standards	1
3TR FM Breakfast Show	18/08/2008	3TR FM	Generally Accepted Standards	1
4Music promo	n/a	Channel 4	Violence	25
Adil Ray	13/08/2008	BBC Asian Network	Generally Accepted Standards	1
Airline USA	01/08/2008	ITV2	Offensive Language	1
Any Questions	15/08/2008	BBC Radio 4	Offensive Language	1
Armando Iannucci's Charm Offensive	22/08/2008	BBC Radio 4	Generally Accepted Standards	1
BBC News	15/08/2008	BBC1	Generally Accepted Standards	1
BBC News	01/09/2008	BBC1	Offensive Language	1
Big Brother 9	08/08/2008	Channel 4	Animal Welfare	26
Big Brother Live	20/08/2008	E4	Generally Accepted Standards	1
Big Brother Live	09/08/2008	Channel 4	Generally Accepted Standards	1
Big Brother's Big Mouth	04/09/2008	E4	Due Impartiality/Bias	1
Big Brother's Big Mouth	05/08/2008	E4	Generally Accepted Standards	1
Britain From Above	24/08/2008	BBC1	Generally Accepted Standards	1
CCTV Cities	20/08/2008	Five	Inaccuracy/Misleading	1
Carphone Warehouse sponsorship./ The X Factor	16/08/2008	ITV1	Flashing images	1
Channel 4 News	12/08/2008	Channel 4	Generally Accepted Standards	7
Channel 4 News	18/08/2008	Channel 4	Generally Accepted Standards	1
Channel 4 News	11/08/2008	Channel 4	Crime (incite/encourage)	1
Channel 4 News	14/08/2008	Channel 4	Due Impartiality/Bias	1
Comedy Lab: Kids School of Comedy	21/08/2008	Channel 4	Generally Accepted Standards	6
Commercial Breakdown with Jimmy Carr	13/07/2008	BBC1	Animal Welfare	1
Coronation Street	25/08/2008	ITV1	Generally Accepted Standards	1
Coronation Street	25/08/2008	ITV1	Information/Warnings	3
Cradle Snatcher and Proud (trailer)	21/08/2008	Virgin 1	Scheduling	1
Dickenson's Real Deal	21/08/2008	ITV1	Competitions	1
Dickinson's Real Deal	21/08/2008	ITV1	Use of Premium Rate Numbers	1
Dickinson's Real Deal	18/08/2008	ITV1	Use of Premium Rate Numbers	1

Dickinson's Real Deal	29/08/2008	ITV1	Use of Premium Rate Numbers	1
Dino and Pete	04/07/2008	Ram FM 102.8	Sex/Nudity	1
Don't Blame the Builder	19/08/2008	Channel 4	Offensive Language	10
E News	14/06/2008	E! Entertainment	Offensive Language	2
Eastenders	15/08/2008	BBC1	Generally Accepted Standards	4
Eastenders	21/08/2008	BBC1	Generally Accepted Standards	1
Embarrassing Illnesses	20/08/2008	Channel 4	Sex/Nudity	1
Extraordinary People (Trailer)	20/08/2008	Five	Generally Accepted Standards	1
Fiddles, Cheats & Scams	26/08/2008	ITV1	Inaccuracy/Misleading	1
Fifth Gear	18/08/2008	Five	Competitions	1
Fifth Gear	18/08/2008	Five	Generally Accepted Standards	2
Five News	21/08/2008	Five	Generally Accepted Standards	1
Funniest Ever You've Been Framed	23/08/2008	ITV1	Crime (incite/encourage)	1
GMTV	28/07/2008	ITV1	Animal Welfare	1
GMTV	25/08/2008	ITV1	Generally Accepted Standards	1
GMTV	11/08/2008	ITV1	Generally Accepted Standards	1
George Galloway	16/08/2008	Talksport	Generally Accepted Standards	1
George Galloway	08/08/2008	Talksport	Generally Accepted Standards	1
Golden Balls	20/08/2008	ITV1	Crime (incite/encourage)	2
Good Morning Vietnam	24/08/2008	BBC1	Generally Accepted Standards	1
Heart FM	n/a	Heart FM	Format	1
Hollyoaks	01/09/2008	Channel 4	Sex/Nudity	1
How to Look Good Naked	28/08/2008	Channel 4	Sex/Nudity	1
ITV Bingo sponsorship /Golden Balls	n/a	ITV1	Sponsorship	1
ITV News	22/08/2008	ITV1	Crime (incite/encourage)	1
ITV News	19/08/2008	ITV1	Generally Accepted Standards	1
Immigration Insight	27/08/2008	Legal TV National	Offensive Language	1
Inside 9/11	04/08/2008	Geographic	Due Impartiality/Bias	1
Inspector Morse	28/08/2008	ITV1	Offensive Language	1
Jon Gaunt	18/08/2008	Talksport	Generally Accepted Standards	1
Julius Caesar and the Druids: Revealed	19/08/2008	Five	Due Impartiality/Bias	1
Jyotish Shastra	18/07/2008	MATV	Crime (incite/encourage)	1
Katy Brand's Big Ass Show	20/08/2008	ITV1	Animal Welfare	1
Kids Choice Awards interactive vote	21/08/2008	Nickelodeon	Use of Premium Rate Numbers	1
Live Athletics: British Grand Prix	31/08/2008	BBC2	Animal Welfare	1
London I Test	06/06/2008	Capital 95.8	Competitions	1
Loose Women	17/06/2008	ITV1	Offensive Language	1
Loose Women	01/09/2008	ITV1	Generally Accepted Standards	1
Make Me a Christian	17/08/2008	Channel 4	Religious Offence	2
Make Me a Christian	10/08/2008	Channel 4	Religious Offence	3

Make Me a Christian	10/08/2008	Channel 4	Inaccuracy/Misleading	1
Make Me a Christian	n/a	Channel 4	Generally Accepted Standards	1
Mock the Week	28/08/2008	BBC2	Generally Accepted Standards	1
Most Haunted Live	29/08/2008	Living	Inaccuracy/Misleading	1
Music video	16/08/2008	Scuzz	Offensive Language	1
My Games	09/08/2008	BBC World	Generally Accepted Standards	1
My Super Sweet 16	19/08/2008	TMF	Offensive Language	1
News	13/08/2008	ITV1	Due Impartiality/Bias	1
News	18/07/2008	Red Dragon	Inaccuracy/Misleading	1
Newsnight	12/08/2008	BBC2	Generally Accepted Standards	1
Newsnight	01/09/2008	BBC2	Offensive Language	1
Nihal	12/08/2008	BBC Asian Network	Generally Accepted Standards	1
Olympics	22/08/2008	BBC1	Generally Accepted Standards	1
Olympics 2008	23/08/2008	BBC1	Generally Accepted Standards	1
Predators at War	09/08/2008	Nat Geo Wild	Violence	1
Real Football Phone-In	14/08/2008	Real Radio Scotland	Offensive Language	1
Real Football Phone-In	28/07/2008	Real Radio Scotland	Generally Accepted Standards	1
Richard & Judy	22/08/2008	Channel 4	Sex/Nudity	2
Richard & Judy	13/08/2008	Channel 4	Inaccuracy/Misleading	1
Road Wars	27/08/2008	Sky Three	Crime (incite/encourage)	1
Rogue Restaurants	14/08/2008	BBC1	Generally Accepted Standards	1
Rory and Paddy's Great British Adventure	20/08/2008	Five	Offensive Language	1
STV News	23/07/2008	STV	Due Impartiality/Bias	1
Sky Bet Sponsorship Credit	25/08/2008	Sky Sports	Generally Accepted Standards	1
Sky Bet Sponsorship Credit	31/08/2008	Sky Sports	Generally Accepted Standards	1
Spooks: Code 9	17/08/2008	BBC Three	Offensive Language	1
Star Trek Voyager (trailer)	08/08/2008	Virgin1	Generally Accepted Standards	1
Tarrant on TV	24/08/2008	ITV1	Animal Welfare	1
The Alan Brazil Sports Breakfast	05/08/2008	Talksport	Generally Accepted Standards	5
The Alan Brazil Sports Breakfast	06/08/2008	Talksport	Generally Accepted Standards	1
The Charlotte Church Show	07/08/2008	Channel 4	Generally Accepted Standards	1
The Christian O'Connell Breakfast Show	15/08/2008	Virgin Radio	Generally Accepted Standards	1
The Genius of Charles Darwin	18/08/2008	Channel 4	Due Impartiality/Bias	12
The Kevin Bishop Show	22/08/2008	Channel 4	Religious Offence	1
The Kevin Bishop Show	15/08/2008	Channel 4	Generally Accepted Standards	33
The Kevin Bishop Show	22/08/2008	Channel 4	Generally Accepted Standards	2
The Mummy	09/08/2008	ITV1	Violence	1

The Mummy Returns	16/08/2008	ITV1	Generally Accepted Standards	1
The Murder of Billie-Jo: Sion Jenkins' Story	15/08/2008	Channel 4	Due Impartiality/Bias	1
The Perfect Vagina	17/08/2008	Channel 4	Sex/Nudity	5
The Remix with Eddy Temple Morris	22/08/2008	XFM London	Offensive Language	1
The Secret Millionaire	19/08/2008	Channel 4	Inaccuracy/Misleading	1
The WI Guide to Brothels	03/08/2008	Channel 4	Exorcism/Occult/Paranormal	1
The Weakest Link	13/08/2008	BBC1	Offensive Language	1
The Wright Stuff	25/08/2008	Five	Generally Accepted Standards	5
The Wright Stuff	n/a	Five	Use of Premium Rate Numbers	1
The Wright Stuff	19/08/2008	Five	Generally Accepted Standards	1
The Wright Stuff	28/08/2008	Five	Generally Accepted Standards	1
The X Factor	16/08/2008	ITV1	Generally Accepted Standards	2
The X Factor	23/08/2008	ITV1	Generally Accepted Standards	1
The X Factor	16/08/2008	ITV1	Generally Accepted Standards	3
The X Factor	16/08/2008	ITV1	Dangerous Behaviour	1
The Xtra Factor	16/08/2008	ITV2	Generally Accepted Standards	1
Thought For The Day	30/06/2008	BBC Radio 4	Generally Accepted Standards	3
To Catch a Predator (trailer)	17/08/2008	FX	Generally Accepted Standards	1
Today at Wimbledon	30/06/2008	BBC2	Generally Accepted Standards	1
Tonightly	19/08/2008	Channel 4	Generally Accepted Standards	2
Toughest Villages in Britain	31/08/2008	Sky Three	Animal Welfare	1
Trinny and Susannah: Undress the Nation	12/08/2008	ITV1	Generally Accepted Standards	7
UTV Life	12/08/2008	UTV	Due Impartiality/Bias	1
Victoria Derbyshire	02/09/2008	BBC Radio 5 Live	Generally Accepted Standards	1
Victoria Derbyshire	02/09/2008	BBC Radio 5 Live	Religious Offence	1
Virgin sponsorship / Big Brother	n/a	Channel 4	Generally Accepted Standards	3
Weight Watchers sponsorship / Neighbours	n/a	Five	Dangerous Behaviour	3
Whistleblower	05/03/2008	BBC1	U18's in Programmes	2
Wife Swap	31/08/2008	Channel 4	Offensive Language	2
Xtra Factor: Best and Worst	16/08/2008	ITV2	Offensive Language	1
Yoyo and Peanut Show	18/08/2008	Baby First TV	Offensive Language	1